



**WYOMING VALLEY
SANITARY AUTHORITY**

Together, we put water in its place.

WYOMING VALLEY SANITARY AUTHORITY SANITARY and STORMWATER DIVISION RULES AND REGULATIONS

AS AMENDED

1000 Wilkes-Barre Street

Wilkes-Barre, Pennsylvania 18706

Adopted: January 31, 2019

Effective Date: January 31, 2019

INDEX

Chapter I

WVSA Sanitary and Stormwater Rules and Regulations

Article 1: General Provisions

- 1.01 Adoption of Rules and Regulations
- 1.02 WVSA Formation Under Municipality Authorities Act
- 1.03 WVSA Legal Authority
- 1.04 Applicable to each person/ legal entity receiving sanitary and/or stormwater services
- 1.05 Action by WVSA Board required to waive these rules
- 1.06 Amendments to Rules and Regulations
- 1.07 Effective date
- 1.08 Validity of Rules and Regulations
- 1.09 Rules and Regulations Supersede any prior Rules

Chapter II

Sanitary Division Rules and Regulations

Article 2: Definitions

- 2.01 Authority
- 2.02 Biochemical Oxygen Demand (BOD)
- 2.03 Building Sewer
- 2.04 Combined Sewer
- 2.05 Commercial Service
- 2.06 Department of Environmental Protection
- 2.07 Discontinued EDU
- 2.08 EDU
- 2.09 Facilities
- 2.10 Garbage
- 2.11 High Strength Industrial Waste
- 2.12 Industrial Establishment
- 2.13 Industrial Service
- 2.14 Industrial Waste
- 2.15 Metered Rate
- 2.16 Municipal Sanitary Sewerage System
- 2.17 Municipality

- 2.18 Oil & Grease (O&G)
- 2.19 Owner
- 2.20 Person
- 2.21 pH
- 2.22 Properly Shredded Garbage
- 2.23 Residential Service
- 2.24 Sanitary Sewage
- 2.25 Sanitary Sewer
- 2.26 Sewage
- 2.27 Sewer
- 2.28 Sewer Extensions
- 2.29 Stopped EDU
- 2.30 Storm Sewer
- 2.31 Storm Water Runoff
- 2.32 Suspended Solids (TSS)
- 2.33 Temporary Service
- 2.34 Tenant
- 2.35 Total Solids
- 2.36 Vacant EDU

Article 3: Condition of Service

- 3.01 Rates, Rules and Regulations
- 3.02 Service May be Refused
- 3.03 Maintenance of sewerage service lines responsibility of user
- 3.04 Customer to notify if waste quantity or quality changes

Article 4: Sewer Extensions within Municipalities

- 4.01 No extension without notification of the Authority
- 4.02 Mandatory connection ordinance of the municipality
- 4.03 Authority to review plans for construction of extensions
- 4.04 Actual construction of extension subject to inspection by Authority
- 4.05 Incorporation of applicable Rules and Regulations

Article 5: Admission of Industrial Waste

- 5.01 Economy and Desirability of Industrial Wastewater Treatment
- 5.02 Acceptance of Wastewater
- 5.03 Prior Approval by Authority
- 5.04 Report on Existing Industrial Connections
- 5.05 Provisions of Municipal Ordinances

5.06 Authority Reserves right to Refuse Industrial Discharge

Article 6: Prohibited Wastes

- 6.01 Wastewater Characteristics
- 6.02 Discharge of Garbage Prohibition

Article 7: Surcharge for Certain Industrial Wastes

- 7.01 User to submit information re: nature of discharge
- 7.02 Authority may require pre-treatment
- 7.03 Authority may impose additional service charge
- 7.04 Surcharges to be in addition to regular sewer rent
- 7.05 Method of determining surcharge
- 7.06 Use of Total Suspended Solids determination
- 7.07 Analysis and sampling
- 7.08 Excessive concentration of prohibited waste
- 7.09 Pretreatment facilities

Article 8: Remedies and Penalties

- 8.01 Owned Treatment Works Penalty Law
- 8.02 Administrative Penalties
- 8.03 Civil Action
- 8.04 Cooperation by Municipalities
- 8.05 Notice and Administrative Remedies
- 8.06 Right of Appeal
- 8.07 Public Notice of Significant Compliance
- 8.08 Enforcement Response Plan

Chapter III

WVSA Stormwater Division Rules and Regulations

Article 9: Definitions

- 9.01 Word and Terms
- 9.02 Acronyms
- 9.03 Definitions
 - 9.03.1 Authority
 - 9.03.2 Best Management Practices (BMP)
 - 9.03.3 Combined Sewer
 - 9.03.4 Credit
 - 9.03.5 Developed Parcel
 - 9.03.6 Intergovernmental Cooperation Agreement (ICA)
 - 9.03.7 Impervious Area (IA)
 - 9.03.8 Impervious Area Estimate
 - 9.03.9 Appeal Form
 - 9.03.10 Operations and Maintenance
 - 9.03.11 Owner
 - 9.03.12 Replacement Cost
 - 9.03.13 Stormwater Management Program (SMP)
 - 9.03.14 Stormwater Management Program (SMP) Fee
 - 9.03.15 Stormwater System
 - 9.03.16 Stormwater
 - 9.03.17 Undeveloped Parcel
 - 9.03.17 User

Article 10: Stormwater Fee

- 10.01 Stormwater Fee Tiers

Article 11: Exemptions and Credits Applicable to Stormwater Charges

- 11.01 Credit Policy
- 11.02 Eligibility for Credits

Article 12:
Stormwater Fee Inquiry Appeals Procedures

- 12.01 Tier 1 and 3 Properties
- 12.02 Tier 3 Properties

Chapter IV
WVSA Sanitary and Stormwater Division Billing, Collection
and Enforcement

Article 13:
Service Charges and Billing Practices
A. Sanitary Division Specific Rules and Regulations

- 13.01.1 Annual Sewer Rent
- 13.01.2 Sanitary Charges
- 13.01.3 No Free Service
- 13.01.4 Classification
- 13.01.5 Mixed Used Properties
- 13.01.6 Bill of Non-residential Sanitary Accounts
- 13.01.7 Meters
- 13.01.8 Revision of Schedule of Services

Article 13: Service Charges and Billing Practices
B. Stormwater Division Specific Rules and Regulations

- 13.02.1 Annual Stormwater Fee
- 13.02.2 New Impervious Surface
- 13.02.3 No Free Service
- 13.02.4 Rate Tiers

Article 13: Service Charges and Billing Practices
C. Sanitary and Stormwater Division Combined
Rules and Regulations

- 13.03.1 Property Owner of Record
- 13.03.2 Address of Record
- 13.03.3 Change of address or alterations to Impervious Area

- 13.03.4 Failure to Receive Bill
- 13.03.5 Rate Schedule
- 13.03.6 Payment in Full/ Discounts
- 13.03.7 Paying in Person
- 13.03.8 Bill Disputes
- 13.03.9 Accuracy of Bills

Article 14: Liens and Monetary Penalties

- 14.01 Imposition of Municipal Liens
- 14.02 Penalty Calculations
- 14.03 Mailing Payments, Postmarks
- 14.04 Timely payments
- 14.05 Owner Billed
- 14.06 Application of Payments
- 14.07 Change of Ownership
- 14.08 Unpaid fees
- 14.09 Water Shut Off
- 14.10 Method of Payment

Chapter I

WVSA Sanitary and Stormwater Division

Rules and Regulations

Article 1: General Provisions

- 1.01 The Wyoming Valley Sanitary Authority (sometimes referred to hereinafter as "WVSA"), through its Board, hereby adopts the following Rules and Regulations (sometimes referred to as "Rules") governing the furnishing of sanitary sewage treatment and stormwater services.
- 1.02 The Wyoming Valley Sanitary Authority, a body corporate and politic, existing under the laws of the Commonwealth of Pennsylvania pursuant to the Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended, was duly organized by the Municipalities of Pittston City, West Pittston Borough, Exeter Borough, Swoyersville Borough, Borough of Edwardsville, Plymouth Borough, the City of Wilkes-Barre, Hanover Township, City of Nanticoke, Municipality of Kingston, Borough of Forty Fort, Wyoming Borough, Plains Township and Jenkins Townships.
- 1.03 The WVSA is authorized by law and existing contracts to inter alia, acquire, hold, construct, improve, maintain, operate and promulgate Rules and Regulations relative to its sanitary sewerage treatment system and facilities in accordance with the Municipality Authorities Act and are further authorized to engage in stormwater management related services.
- 1.04 These Rules and Regulations, as amended, shall be applicable to each person and each legal entity who receives, or is capable of receiving, sanitary sewer treatment services or stormwater services from the WVSA, and every such person or legal entity shall be bound by these Rules and Regulations.
- 1.05 No officer or employee of the WVSA can waive these rules without action of the WVSA Board, and no agent or employee of the Board can bind it by any agreements or representations except when authorized in writing by action of the WVSA Board.
- 1.06 The WVSA reserves the right to make such changes to these Rules and Regulations, from time to time, as in its opinion may be desirable or beneficial for the more efficient operation and control of the sanitary or stormwater programs, and to amend or to change the fees or charges in such manner and at times as in its opinion may be advisable. Such actions shall be taken via Resolution of the Board.
- 1.07 These Rules and Regulations, as amended, shall become effective upon adoption by the WVSA Board via Resolution.
- 1.08 If any section or subsection of these Rules and Regulations, or the application of any provision hereof, shall be held to be invalid, such invalidity shall not affect or impair the remainder of these Rules and Regulations, it being the intention of the Board of the Authority that such remainder shall continue in full force and effect.

- 1.09 These Rules and Regulations supersede any prior Rules and Regulations adopted by the Board.

Chapter II WVSA Sanitary Division Rules and Regulations

Article 2: Definitions

- 2.01 AUTHORITY shall mean the Wyoming Valley Sanitary Authority, a body corporate and politic, organized and existing under the laws of the Commonwealth of Pennsylvania. As used in this Chapter, the Authority may sometimes be referred to as WVSA.
- 2.02 Biochemical Oxygen Demand (BODS). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, as specified, in five days at 20 degrees Celsius expressed in terms of weight and concentration in milligrams per liter (mg/L).
- 2.03 BUILDING SEWER shall mean the sewer line or lines connecting an EDU with the Sanitary Sewers owned by the Authority, if any, or by any Municipality connected to the Authority's sewer system and lying wholly or in part on the property of the Owner.
- 2.04 COMBINED SEWER shall mean a sewer designed to receive both sanitary sewage and storm water runoff.
- 2.05 COMMERCIAL SERVICE shall mean the provision of sanitary sewage service for EDUs where the customer is solely engaged in trade and/or commerce.
- 2.06 Department of Environmental Protection or DEP means the Pennsylvania Department of Environmental Protection.
- 2.07 DISCONTINUED EDU shall be defined as an EDU which is determined to be unlivable at the sole discretion of the WVSA.
- 2.08 EDU - Equivalent Dwelling Unit (EDU) is the basic minimum standard by which all customers of WVSA are billed for sanitary services furnished by the WVSA. EDUs are generally broken down into two classifications:

Residential EDU- is defined as an EDU which is primarily used as a residence by one person or group of people or a small unmetered business located within a residential structure.

Non-residential EDU - is defined as all remaining EDUs not classified as a residential EDU, including but not limited to commercial, industrial, or any combination of residential and non-residential.

In order for the WVSA to provide sewage treatment services to all its customers in a fair and economical manner, the owner of each residential and non-residential EDU is required to pay a minimum yearly amount for sewage treatment service actually used or capable of being used by a WVSA customer for each EDU. Non-residential customers are required to pay the then existing minimum yearly fee per EDU as is paid by all residential customers and once the non-residential customer exceeds an average of 12000 gallons per quarter for all EDUs, they are billed on the then existing WVSA meter schedule. By billing in this fashion, all customers share a minimum burden for enjoying the benefits of yearly sewage treatment service for each EDU and non-residential customers contribute more due to their increased usage of the WVSA facilities. An EDU takes many forms but typically has its own toilet, sink, and/or related facilities (hereinafter "Facilities"). Although not an exhaustive list, and recognizing that the WVSA reserves the right to classify EDUs in such a manner as to be equitable for all customers to the most reasonable extent practicable, the following are common examples of EDUs which currently exist in the WVSA service area:

- A. A building under one roof, owned or leased by one customer, and occupied as one residence or one place of business.
- B. One side of a building commonly referred to as a double block.
- C. Each apartment, office, and/or place of business located in a building or a group of buildings.
- D. Each dwelling unit in a building.
- E. Each room in a hotel or motel.
- F. Each room or separate area served by facilities in a hospital or medical facility.
- G. Each individual and separate place of business and/or occupancy located in one building or group of buildings commonly designed as shopping centers or supermarkets.
- H. A portion of a manufacturing or industrial Facility or other similar establishment which generates a sewage flow of approximately 12000 gallons per quarter. A single Facility may be assigned multiple EDUs based on the average quarterly sewage flow from the Facility.
- I. A public building including but limited to schools, churches, municipal or state buildings with the number of EDU' s being calculated by the number and character of Facilities serving the building.
- J. Each dwelling unit in a public housing development owned and operated by the United States of America, a municipal (political) subdivision of the Commonwealth of Pennsylvania, an agency or instrumentality of the United States or the Commonwealth of Pennsylvania, a philanthropic foundation or organization, or some such similar body or organization operated under private ownership.

- K. Any combination of any of the above in one or more buildings.
 - L. Any other areas within a building or group of buildings not specifically identified above which the WWSA in its sole discretion may decide from time to time to ensure that services provided by the WWSA are being paid for on a substantially similar basis as that paid by other rate payers for each EDU.
- 2.09 FACILITIES shall have the meaning ascribed in the definition of EDU.
- 2.10 GARBAGE shall mean solid wastes, including byproducts, from the preparation, cooking, and dispensing of food and from the handling, storage and sale of produce.
- 2.11 HIGH STRENGTH INDUSTRIAL WASTE shall mean any industrial waste having suspended solids (TSS), Biochemical Oxygen Demand (BODS), or Oil and Grease (O&G) in excess of that normally found in municipal sewage and/or prohibited wastes as defined in Article 6. For the purposes of this regulation, any industrial waste containing more than 350 ppm of TSS, or having a BODS in excess of 300 ppm, or O&G in excess of 100 ppm shall be considered a High Strength waste regardless of whether or not it contains other substances in concentrations differing appreciably from those normally found in municipal sewage.
- 2.12 INDUSTRIAL ESTABLISHMENT shall mean any structure used wholly, or in part, for the manufacturing, fabricating, processing, cleaning, laundering, bottling, or assembling of any product, commodity or article.
- 2.13 INDUSTRIAL SERVICE shall mean the provision of sewage service for EDUs where the customer is engaged in manufacturing or process industries.
- 2.14 INDUSTRIAL WASTE shall mean any solid, liquid, gaseous, or water-borne substance or form of energy rejected or escaping from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources, as distinct from sanitary sewage.
- 2.15 METERED RATE shall mean the basis of the sewer rent for all non-residential properties which exceed the minimum average usage of 12000 gallons per EDU per quarter. All EDUs which exceed this amount shall be billed on the then existing meter rate schedule.
- 2.16 MUNICIPAL SANITARY SEWERAGE SYSTEM shall mean all separate sanitary sewers, all combined sewers, and other facilities provided for the collection, transportation of sanitary and industrial wastes with their appurtenances, and any additions, extensions or improvements thereto that may be made by the Municipality. It does not include separate storm sewers or culverts which have been constructed for the sole purpose of carrying storm and surface runoff.
- 2.17 MUNICIPALITY shall mean a City, Borough, Township or other equivalent municipal entity.

- 2.18 OIL AND GREASE (O&G). O & G shall mean the result of the Hexane Extractible Materials (HEM) Test, EPA Method 1664, or an equivalent method approved by EPA.
- 2.19 OWNER shall mean the person, firm, corporation, association or other legal entity having an interest as owner, or a person, firm, corporation, association or other legal entity representing itself to be the owner, whether legal or equitable, sole or only partial, in any EDUs which is, or is capable of being furnished sanitary sewage service by the WVSA.
- 2.20 PERSON shall mean natural persons, partnerships, organizations, corporations or any other duly formed legal entity.
- 2.21 pH shall mean the logarithm to the base 10 of the reciprocal of the hydrogen ion concentration expressed in moles per liter. It shall be determined by one of the acceptable methods described in the latest edition of Standard Methods for Examination of Water and Wastewater or other applicable EPA approved methods.
- 2.22 PROPERLY SHREDDED GARBAGE shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1/2") in any dimension.
- 2.23 RESIDENTIAL SERVICE shall mean the provision of sewage service for residential EDUs.
- 2.24 SANITARY SEWAGE shall mean household waste, liquids, human or animal excretion and all substances commonly known as sewage, but shall not include roof or surface waters, exhaust, steam, oils, tar, grease, gasoline, benzene, 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 collection system or any part thereof in any manner whatsoever, or the functioning of the processes of sewage treatment, exclusive of storm water runoff, surface water, or ground water.
- 2.25 SANITARY SEWER shall mean a sewer which carries sanitary sewage and to which storm, surface and ground waters are not intentionally admitted.
- 2.26 SEWAGE shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface or storm water as may be present.
- 2.27 SEWER shall mean a pipe or conduit for carrying sewage or other waste liquids.
- 2.28 SEWER EXTENSIONS shall mean extensions of sewer lines, beyond existing facilities.
- 2.29 STOPPED EDU shall mean any EDU which has no capability of future habitation or occupancy.

- 2.30 STORM SEWER shall mean a sewer which is intended to carry storm water runoff, surface waters, ground water drainage, etc., but which is not intended to carry any sanitary sewage or polluted industrial waste.
- 2.31 STORM WATER RUNOFF shall mean that portion of precipitation or snow melt water which reaches a drain.
- 2.32 SUSPENDED SOLIDS (TSS) shall mean the total suspended matter that floats on the surface of, or is suspended in, water and which is removable by filtration.
- 2.33 TEMPORARY SERVICE shall mean a service for circuses, bazaars, fairs, construction work, trailer camps, and similar uses that, because of their nature, will not be used continuously or permanently.
- 2.34 TENANT shall mean anyone occupying EDUs under lease from a lessor, which EDUs are furnished sewage treatment service.
- 2.35 TOTAL SOLIDS shall mean the total of all suspended, settleable, and dissolved solids in a sample of sewage determined using standard laboratory practices.
- 2.36 VACANT EDU shall mean any unoccupied EDU which is capable of habitation or occupancy and from which sewage may be discharged.

Article 3: Conditions of Service

- 3.01 The WVSA will furnish wastewater treatment service in accordance with the Rules, and Regulations of the Authority, which are made a part of every application, agreement, license or other legal relationship between the EDU owner or customer and the municipality wherein the EDU owner or customer is located.
- 3.02 The furnishing of wastewater treatment services to an EDU by a municipality, even though located on properties included under Service Agreements with the WVSA, may be refused if sewage flow therefrom is found or estimated to be excessive, and/or the character of the wastes being discharged or projected to be discharged is determined to be unacceptable for the usual method of transmission and treatment in a conventional Wastewater Treatment Plant, as determined by the WVSA.
- 3.03 Maintenance of Building Sewers and other sewer lines will be the responsibility of the user, property Owner, and/or the municipality, as applicable, and shall in no way affect the payment of sewer rents due the WVSA.
- 3.04 Any customer making any material change in the size, character, or equipment which may impact operations utilizing wastewater treatment services, or whose change in operations results in a substantial increase in the flow of sewage or industrial waste, or which proposes to change the character of the Sewage or Industrial Waste to add new pollutants or substantially change the amount of pollutants or the volume of Sewage of Industrial Waste to be discharged

shall give the WWSA written notice of the change within five days if it was not planned, or, in the case of a planned change, at least 60 days prior to making the change.

Article 4: Sewer Extensions Within Municipalities

- 4.01 No extension from or to the existing or future municipal sanitary sewer systems shall be installed or constructed without prior notification to the WWSA. All notifications for such extensions must be accompanied by plans prepared by a Registered Professional Engineer. Said plans must be submitted to the WWSA for its review and comment.
- 4.02 The Mandatory Connection Ordinance of the municipality wherein such extensions are located shall be in force for all sewer users in that municipality after the date of execution of the Service Agreement between the Municipality and the WWSA.
- 4.03 The WWSA will review plans for the construction of any extensions to a municipal sewer system, reserving the right to impose such additional requirements as to arrangement, location, design, selection of materials, or methods of construction as it deems necessary to protect its interests.
- 4.04 The actual construction of the extension shall be subject to inspection by the WWSA or the WWSA's representative and use of said extension shall not be permitted until said construction has been approved by the WWSA or its authorized representative in order to protect its interests.
- 4.05 Applicable Rules and Regulations of the DEP under the Pennsylvania Sewage Facilities Act (35 P.S. § 750.1 et seq., Act 537), and any future amendments thereto, and any other duly enacted laws and/or regulations applicable to sanitary sewage which are applicable to sanitary sewage services contemplated by these Rules are hereby incorporated by reference and made a part of the WWSA regulations to the extent that they are not in conflict herewith.

Article 5: Admission of Industrial Wastes

- 5.01 The economy and desirability of the combined treatment of industrial Wastes and Sanitary Sewage is recognized. However, not all types and quantities of Industrial Wastes can be so treated. Hence, it shall be the established policy of the WWSA to admit only those types and quantities of Industrial Wastes that are not harmful or damaging to the structures, processes, or operation of the Waste Water Treatment Plant and which are not specifically prohibited by these Rules and Regulations.
- 5.02 The Service Agreement between Wyoming Valley Sanitary Authority and Municipalities discharging their wastewater to the Authority's collection system for treatment prescribe that the Authority will accept the waste on the condition that it conforms with rules and regulations promulgated from time to time by the WWSA.
- 5.03 The discharge into the municipal sewerage collection system and thence to the WWSA's system of any waters or wastes shall require prior approval by the WWSA if:

- A. The discharge is a High Strength Industrial Waste, or
 - B. The discharge is generated by a Facility which the WVSA classifies as a Significant Industrial User, or
 - C. The discharge has the potential to cause or contribute to pass through or interference (as those terms are defined at 40 CFR § 403.3) of WVSA's wastewater treatment system, or
 - D. The average daily flow is greater than 25,000 gallons per day, or
 - E. The waste exhibits any of the characteristics listed in Article 6 of these Rules and Regulations, or
 - F. The waste(s) is/are considered by the WVSA's technical staff to offer the possibilities of harm to structures, processes, or operation of the plant.
- 5.04 Existing industrial establishments which are now connected to any municipal sewer system discharging to the Wyoming Valley Sanitary Authority collection and treatment system may continue to discharge subject to their existing authorizations. However, all such establishments shall conform to the requirements of these Rules and Regulations upon notice from the WVSA that the discharge is in violation and providing a reasonable time to comply.
- 5.05 The provisions of each Ordinance adopted by a Municipality subject to an agreement with WVSA pertaining to Pretreatment Requirements for Industrial Users shall be administered and enforced by WVSA as provided in such Ordinance. The provisions of each Municipal Ordinance regulating the acceptance of industrial waste, including but not limited to the permitting, monitoring, and reporting provisions, are hereby incorporated into these Rules and Regulations as if fully set forth herein, and upon any revision, modification, or enactment of such rules by a municipality the revised, modified, or enacted requirements shall become part of these Rules and Regulations without action by the WVSA.
- 5.06 The WVSA reserves the right to refuse any Industrial Waste discharge or to compel discontinuance of use of the Authority's facilities for the treatment of Industrial Waste. Should the Authority determine to accept Industrial Wastes, the same will be accepted only upon full compliance with the applicable provisions of the Ordinance of the Municipality in which the Industrial User is located or where the connection to the Sanitary Sewers is located and in full compliance with the Rules and Regulations of the WVSA.

Article 6: Prohibited Wastes

- 6.01 Except as hereinafter provided, no person shall discharge or cause to be discharged wastes or waters having any of the following characteristics:

- A. Any substance which causes a hazard to human life or creates a public nuisance. When a Local Limit has been developed to implement any of the Prohibited Waste standards, compliance with the Local Limit shall be deemed in compliance with the Prohibited Waste standard unless the User has reason to know that the Discharge, notwithstanding the Local Limit, has a reasonable potential to cause Interference or Pass Through.
- B. Any wastewater containing any radioactive wastes or isotopes by such half-life or concentration as may exceed limits established by the Executive Director, or his or her designee, in compliance with applicable State or Federal regulations.
- C. Any wastewater with color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions such as would cause or contribute to Pass Through or Interference.
- D. Any wastewater having a temperature which will inhibit biological activity in the WWSA treatment plant resulting in Interference, but in no case Wastewater with a temperature at the introduction into the WWSA Facilities which exceeds 40 degrees Celsius (104 degrees Fahrenheit).
- E. Any water or waste containing petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through. In no case may the concentration of non-polar Oil and Grease exceed 100 mg/L.
- F. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with any other substance to cause fire or explosion or be injurious in any other way to the WWSA or to the operation of the WWSA's treatment plant. Discharges prohibited under this section shall include, but not be limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in 40 CFR 261.21. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or any point in the system) be more than five (5%) percent, nor any single reading over ten (10%) percent of the Lower Explosive Limit (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 cause or contribute to a fire hazard or a hazard to the Sewer System in the quantities or concentrations discharged.
- G. Any waste containing noxious or malodorous gas or substance, which, either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or preventing entry to the sewers for maintenance and repair.
- H. Any stormwater including surface water, ground water, roof run-off, or subsurface drainage except when discharged to a combined sewer or storm sewer.

- I. Any wastewater containing solid or viscous substances which may cause obstruction to the flow in a sewer or causes other interference with the operation of the wastewater treatment facilities such as, but not limited to: garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, 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, wood, plastic, gas, tar, asphalt residues, mud, glass grinding or polishing wastes, shop rags, paper towels, bathroom wipes, and any other non-flushable products.
- J. Any wastewater containing cooling water that will raise the temperature of the receiving stream by over 5° F.
- K. Any water or wastes containing a pH lower than 6.0 or higher than 11.5 or having any corrosive property capable of causing damage or hazards to structures, equipment, or personnel of the Wastewater Treatment Plant or affecting the biological treatment of the waste.
- L. Any toxic substances that will pass through the wastewater treatment plant such as to cause and exceed state or interstate requirements for the receiving stream.
- M. Any waste in violation of any more stringent provision of an applicable Municipal Ordinance.
- N. Any water or waste containing toxic substances in quantities in excess of the Local Limits set forth below and measured at the point of discharge into the Sanitary Sewer.
- O. Current Local Limits:

Total Arsenic	0.19 mg/1
Total Beryllium	0.01 mg/1
Total Cadmium	0.16 mg/1
Total Chromium	1.23 mg/1
Total Copper	3.83 mg/1
Total Cyanide	1.77 mg/1
Total Lead	0.72 mg/1
Total Mercury	0.022 mg/1
Total Molybdenum	1.26 mg/1
Total Nickel	5.20 mg/1
Total Selenium	0.78 mg/1
Total Silver	4.10 mg/1
Total Zinc	4.94 mg/1
pH	6.0-11.5 SU
BODS	300 mg/1
TSS	350 mg/1
O&G	100 mg/1

- P. Compliance with the Local Limits listed above shall be deemed compliance with the applicable Prohibited Waste Standard unless the discharger has reasons to know that the Discharge has a reasonable potential to cause Pass Through or Interference.
- 6.02 The discharge of Garbage into the WVSA's Sewer System is expressly prohibited except under the following conditions:
- A. The use of mechanical garbage grinders producing a finely divided mass, properly flushed with an ample amount of water, shall be permitted.
 - B. One such mechanical garbage grinder shall service only one single family dwelling unit.
 - C. No mechanical garbage grinder shall be installed to serve EDUs used for commercial purposes.

Article 7: Surcharge for Certain High Strength Industrial Wastes

- 7.01 The WVSA may require any person, or commercial or industrial establishment discharging wastes into any Municipal sewage collection system and thence into the WVSA's system to submit information relating to the nature or character thereof including without limitation, a detailed engineering report in respect thereof prepared by a Registered Engineer or engineering firm.
- 7.02 Based upon said report, the WVSA may, in accordance with its Industrial Pretreatment Program, require pre-treatment of such industrial wastes, or prohibit the same from discharge into the WVSA Facilities.
- 7.03 If the nature of the sewage or industrial waste received from any industrial or commercial establishment imposes a burden on the WVSA's facilities in excess of ordinary sewage, the WVSA may also impose an additional service charge upon the user in accordance with the advice of its Engineers, to recover the cost of treatment or any increase in the cost of operating and maintaining the Sewer system on account of the acceptance of such waste.
- 7.04 Such surcharges shall be in addition to the regular sewer rent set forth in these Rules, and shall be payable as herein provided and in the amount herein provided, and shall further be subject to the penalties as set forth in these Rules.
- 7.05 Surcharges for High Strength Industrial Waste shall be computed and applied as follows:
- A. CALCULATION OF SURCHARGES – FORMULAS
- In the event any Industrial Waste is found by the WVSA to have an average suspended solid (TSS), BOD, or O&G concentration in excess of the criteria set forth in the Definition of High Strength Industrial Waste, the discharge shall be subject to a surcharge based on the following formulas:

TSS surcharge = (Ave. TSS -350 mg/l) (total gallons of discharge/
1,000,000)(8.34 lbs./gal)(cost per pound of TSS)

BODs Surcharge = (Ave. BODs-300mg/l) (total gallons of
discharge/1,000,000) (8.34 lbs./gal) (cost per pound of BOD)

O&G Surcharge = (Ave O&G - 100 mg/l)(total gallons of
discharge/1,000,000)(8.34 lbs/gal)(cost per pound of O&G)

Average TSS, BOD and O&G shall be the average concentration of
each parameter measured during the billing quarter.

The total gallons of discharge shall be the total gallons of sewage
discharged during the billing quarter.

The figures 350 mg/L, 300 mg/L and 100 mg/L as used in the formulas
represent the maximum allowable TSS, BOD and O&G discharges
respectively at which an Industrial Waste becomes a High Strength
Industrial Waste. (See Definition of High Strength Industrial Waste) No
discount in billing shall be given for strength of waste less than these
values.

The "cost per pound" values in each of the formulas above shall be
determined by the WVSA or its Engineer based on the cost of
operation of the Treatment Plant to remove the substance. The "cost per
pound" may be revised from time to time as the WVSA deems
appropriate.

B. APPLICATION OF HIGH STRENGTH WASTE SURCHARGES

The discharge shall be subject to a separate surcharge for each parameter found to be in excess of the applicable criterion. The Surcharge(s) shall be included in the quarter's billing as an addition to the rental rate.

On volumes of 100,000 gallons per quarter or less, the WVSA may waive the surcharge.

- 7.06 In cases where the Total Suspended Solids (TSS), in the opinion of the WVSA, does not accurately represent the characteristics of the solids loading to the Authority's sewerage facilities, the WVSA reserves the right to use Total Solids instead of Total Suspended Solids in the computation of surcharges. The WVSA may use such additional analyses or characteristics considered necessary to evaluate the nature of the Industrial Wastes.
- 7.07 Analysis and sampling of wastes shall be in conformance with accepted standards for measurement of sewage, including the use of composite samples where approved. For the purpose of calculating surcharge rates, WVSA Personnel will sample at least one time per month from each surcharged facility.
- 7.08 In the case where the concentration of TSS, BOD or O&G in an Industrial Waste is so great as to cause or contribute to Interference or Pass through or otherwise constitute a Prohibited Waste as set forth in these Rules, such concentrations shall be prohibited and subject to the remedies and penalties as set forth by the applicable Rules and Regulations of the WVSA. In addition to such remedies and penalties, a Surcharge shall be imposed as set forth above; however, the assessment of a Surcharge in such a case shall not be deemed to be approval or acceptance of the Prohibited Discharge by the WVSA, but only a recovery of the cost of treatment, and such other penalties and remedies as the WVSA may determine shall be applicable for the violation of these Rules and Regulations.
- 7.09 Surcharges shall not be applied to wastes that are deemed High Strength Industrial Wastes solely because of the presence of Prohibited Wastes (other than BOD, TSS and O&G) as set forth in these Rules. Industrial Users shall not discharge Prohibited Wastes and instead shall install Pretreatment facilities or discontinue the discharge of such wastes as necessary to ensure that the limitations in these Rules and Regulations are attained.

Article 8: Remedies and Penalties

- 8.01 Intent to assert the powers granted by the Publicly Owned Treatment Works Penalty Law. The WVSA shall adopt such procedures and requirements as it is required to do to assert the powers and authority granted by the Publicly Owned Treatment Works Penalty Law, 35 P.S. § 752.1 et seq. The WVSA is empowered to enforce these Rules and Regulations and has been delegated the power to enforce the provisions of each of the municipal ordinances related to the discharge of Sewage and Industrial Wastes to the Sewer System.

- 8.02 ADMINISTRATIVE PENALTIES. The WVSA may assess an administrative penalty of up to \$10,000 per violation of any provision of these Rules and Regulations by an Industrial User, of any Permit issued to an Industrial User, or of any applicable provision of a municipal Ordinance related to the discharge of Industrial Waste to the Sewer System. Each day that a violation exists shall constitute a separate violation and can form the basis for a separate penalty.
- 8.03 CIVIL ACTION. The WVSA may bring a civil action at law or in equity with regard to any violation of any provision of these Rules and Regulations, of any Permit issued to an Industrial User, or of any applicable provision of a municipal Ordinance related to the discharge of sewage or industrial waste to the Sewer System.
- 8.04 COOPERATION BY MUNICIPALITIES. The WVSA may notify a Municipality of a violation of the Municipal Ordinance and request that the Municipality take appropriate legal action, as set forth in its Ordinance, against the violator, such action to be either civil or criminal as the nature of the violation may justify.
- 8.05 NOTICES AND ADMINISTRATIVE REMEDIES. The WVSA may provide any customer with one or more of the following notices:
- A. A Notice of Violation, describing the nature of the violation and the action to be taken by the customer to avoid the imposition of additional enforcement action or penalties.
 - B. A Notice of Show Cause Hearing, describing the nature of the violation and affording the customer an opportunity to show cause before the designated WVSA representatives why a proposed enforcement action should not be taken.
 - C. A Notice of Suspension or Revocation of an Industrial Discharge Permit, describing the nature of the violation and notifying the customer that the right to discharge Industrial Waste has been rescinded, stating the nature of the remedial action necessary to attain reinstatement. Upon receipt of such a notice, an Industrial User shall cease discharging Industrial Waste to the Sewer System, and any such discharge shall be a violation of these Rules and Regulations and of the applicable municipal ordinance. Should a discharge of Industrial Waste continue after receipt of a Notice of Suspension or Revocation, the WVSA reserves the right to block, plug, or disconnect the customer's sewer lateral from the Sewer System. The cost of disconnection and any subsequent reconnection shall be paid by the customer prior to any reconnection to the Sewer System.
- 8.06 Right of Appeal relative to Sanitary Division matters.
- A. Upon receipt of notice of an intent to assess an administrative penalty, revocation or suspension of a Permit, issuance of a Permit, denial of an Application for a Permit, or other action of the WVSA which affects the rights, duties, or obligations of the customer, the customer shall have the right to request a hearing under the provisions of the Local Agency Law, 2 Pa. CS.A. § 551 et seq., and any amendments thereto, to contest the proposed action. A hearing must be requested in writing within ten (10) days of receipt of the notice. The penalty or other action of the WVSA shall become final on the eleventh (11th) day

unless a request for hearing is received by that day. The request for hearing will act to stay the proposed WVSA action until a hearing can be held and a decision rendered. An action of the WVSA for which a hearing had been available under this section shall not be directly reviewable by a court.

In cases where the action of the WVSA is in the nature of an emergency, such as suspension of a Permit when the discharge constitutes, in the sole opinion of the WVSA, an immediate threat to public health and safety, the action shall be effective on receipt by the customer and a request for a hearing shall not stay the effectiveness of the action. A customer subject to such an action shall be notified of this at the time of notice.

- B. A customer shall be afforded all of the rights of a party under the Local Agency Law, 2 Pa. C.S.A. § 551 et seq, and any amendments thereto, with regard to any adjudication or proposed action of the Authority. The hearing panel shall render a written decision within ten (10) days, or such later time period as may be prescribed by law, or agreed to by the parties, of the conclusion of the hearing which shall be the final decision of the WVSA in the matter.

Hearing Procedure: Upon the request of a party for a hearing, the WVSA Board Chairperson shall designate a minimum of three Board members to act as a hearing panel in the evaluation of the subject matter in the dispute. This hearing panel shall be established within thirty (30) days of written request for hearing. The designated hearing panel shall schedule a hearing within an additional fifteen (15) days. The hearing panel shall prepare a written decision within 10 days of the conclusion of the hearing. This decision shall be the final decision of the WVSA on the matter. An appeal to this decision may be taken to the Court of Common Pleas as provided by law.

- 8.07 Public Notice of Significant Noncompliance. The WVSA will publish, at least annually in a newspaper of local distribution, the names of all Industrial Users found to be in significant Noncompliance during the year. Significant Noncompliance shall be defined as set forth at 40 CFR Part 403 and the applicable municipal Ordinance, if more stringent than the federal definition.
- 8.08 The WVSA will develop and adopt an Enforcement Response Plan that sets forth the various types of noncompliance and the remedies available to the WVSA for such violations. The WVSA shall use the Enforcement Response Plan as a guide for the administration and enforcement of its Industrial Pretreatment Program, reserving the right to take any and all actions that it deems necessary and desirable for any violation, regardless of any provision of the Enforcement Response Plan.

CHAPTER III

WVSA STORMWATER RULES AND REGULATIONS

Article 9: Definitions

9.01 Words and terms used in this Chapter and not given specific definition shall be defined as set forth in applicable statutes of the Commonwealth of Pennsylvania or applicable Resolutions of the WVSA, if any, and shall otherwise be given their ordinary and common meaning.

9.02 For purposes of this Chapter, the following acronyms shall apply:

BMP – Best Management Practices

IA – Impervious Area

ICA – Intergovernmental Cooperation Agreement

SMP – Stormwater Management Program

9.03 For purposes of this Chapter, the following words and terms shall be defined as set forth below:

9.03.1 **Authority** shall mean the Wyoming Valley Sanitary Authority, a body corporate and politic, organized and existing under the laws of the Commonwealth of Pennsylvania. As used in this Chapter the Authority may sometimes be referred to as WVSA.

9.03.2 **Best Management Practices (BMPs)** - Activities, facilities, designs, measures or procedures used to manage stormwater impacts from regulated activities, to meet state water quality requirements, to promote groundwater recharge, and to otherwise meet the purposes of the Stormwater Management Program. Stormwater BMPs are commonly grouped into one of two broad categories or measures: "nonstructural" or "structural" as further defined in WVSA's Credit Policy.

9.03.3 **Combined Sewer** - A sewer designed to receive both sanitary septage and stormwater runoff.

9.03.4 **Credit** - a SMP Fee reduction usually in the form of an account credit or rebate that a property owner receives for implementing and complying with the established practices and policies.

9.03.5 **Developed Parcel** – A parcel altered from a natural state that contains impervious area equal to or greater than 100 square feet. Land under initial development will typically be billed following receipt of the certificate of occupancy. However, a parcel undergoing initial development that does not receive a certificate of occupancy within one year from the issuance of the building permit will be considered a developed parcel.

9.03.6 **Intergovernmental Cooperation Agreement (ICA)** – The Intergovernmental Cooperation Agreement, and all amendments thereto, between the WVSA and any municipality participating in the WVSA Regional Stormwater Program.

- 9.03.7 **Impervious Area (IA)** – An area that does not allow, or allows only with great difficulty, the movement of water into the ground. Impervious areas include, but are not limited to roofs, additional outdoor living spaces, patios, garages, storage sheds and similar structures, compacted dirt, gravel or other substances, parking or driveway areas, and any private streets and sidewalks. Any travel areas initially proposed to be gravel or crushed stone shall be assumed to be impervious areas. The determination of whether or not an area is determined to be impervious shall be in the sole discretion of the WVSA which may be clarified through the establishment of further policies which, if adopted, will be incorporated herein.
- 9.03.8 **Impervious Area Estimate** - Approximate square footage of total Impervious Area (IA) per property. The estimate is developed through the use of aerial imagery and related remote sensing processes to identify Impervious Area cover. Luzerne County GIS information, showing parcel boundaries, are overlaid with the IA dataset to determine the total amount of IA per property. WVSA may establish policies to clarify adjustment of the location of parcel boundaries and/or impervious area boundaries which, if adopted, will be incorporated herein.
- 9.03.9 **Appeal Form** — The appeal form is a document that a property owner must file in order to file an appeal as provided for hereinafter.
- 9.03.10 **Operation and Maintenance** - The effort and associated costs of equipment and facilities, energy, manpower, materials, transportation, and services required to collect, convey, detain, pump and transport stormwater, keep equipment, infrastructure, and facilities functioning satisfactorily and economically, administer the Stormwater Management Program, including the installation, operation and maintenance of BMP's, administration of MCM functions, and shall include sums paid to defray costs of the Authority's improvements to the Stormwater Systems, as applicable.
- 9.03.11 **Owner** - Any person, firm, corporation, individual, partnership, trust, company, association, government agency, society, group or other legal entity owning real property in the area covered by participating municipalities pursuant to the ICA.
- 9.03.12 **Replacement Cost**- The associated costs of obtaining and installing equipment, infrastructure, accessories, or appurtenances which are necessary during the service life of the Stormwater Program so as to maintain the capacity and performance levels required by the Program.
- 9.03.13 **Stormwater Management Program (SMP)** - The comprehensive program developed and implemented by the WVSA to address stormwater issues, including, but not limited to, reductions in storm runoff rate and volume, improvements to water quality, compliance with state/federal regulatory permit requirements and overall management of the Stormwater Systems.
- 9.03.14 **Stormwater Management Program (SMP) Fee** - Sums assessed, imposed, and to be collected from each Owner of a developed lot, parcel, building or portion thereof which

uses, benefits from or is serviced by the Stormwater Management Program or Systems or which discharges stormwater, directly or indirectly, into the Stormwater System or waters covered by the Pollution Reduction Plan, for the use of and the service rendered and improvement of such system and additionally for the administration and Operation and Maintenance and Replacement Cost associated with the Stormwater Management Program.

- 9.03.15 **Stormwater System** - The public system of collection and conveyance facilities, including underground pipes, conduits, mains, inlets, culverts, catch basins, gutters, ditches, manholes, outfalls, dams, flood control structures, stormwater best management practices, channels, detention ponds, public streets, curbs, drains and all devices, appliances, appurtenances and facilities appurtenant thereto used for collecting, conducting, pumping, conveying, detaining, discharging and/or treating stormwater.
- 9.03.16 **Stormwater** - Stormwater is water from a precipitation event that flows across the land and eventually into rivers, creeks, lakes, ditches, and canals resulting in debris, sediment, pollutants, bacteria and nutrients from sidewalks, streets, parking lots, and other impervious areas washing into gutters, through storm drains, and eventually flowing into the creeks and rivers.
- 9.03.17 **Undeveloped Parcel** – A parcel that does not meet the definition of “developed parcel.”
- 9.03.18 **User** - Any person, firm, corporation, individual, partnership, company, association, government agency, society, group or other legal entity using, benefiting from or being served by the Stormwater System.

Article 10: Stormwater Fee

10.01 The WVSA shall, by separate Resolution, adopt a Fee Resolution necessary in order to operate the Stormwater Division, and these fees may be changed by subsequent action of the WVSA Board via Resolution. Stormwater fees shall be calculated based on the total amount of impervious area (IA) on a parcel of property. The following are the established Tiers:

Tier 0:	0 to 99	Square Feet of IA
Tier 1:	100 to 499	Square Feet of IA
Tier 2:	500 to 6999	Square Feet of IA
Tier 3:	7000 and Greater	Square Feet of IA

Article 11: Exemptions and Credits Applicable to Stormwater Charges

11.01 The Authority has established a Credit Policy relative to the Stormwater Program. Credits against SMP Fees are an appropriate means of adjusting SMP Fees, to account for applicable mitigation measures and the level of service provided to the parcel. The WVSA credit policy is attached to these Rules and Regulations as Appendix 2 and are hereby adopted and are incorporated into and made part of these Rules. The credits can be applied for beginning April 1, 2019 and, where qualified, shall be applied retroactively to the commencement of billing in

January 2019. A property owner can only apply for a retroactive application of credits until September 30, 2019.

- 11.02 Eligibility for Credits – To be eligible for a Credit the property must be Tier 2 or Tier 3 property and there must not be any outstanding or unpaid SMP Fees or sanitary sewer fees against the property.

Article 12: Stormwater Fee Inquiries and Appeal Procedures

Tier 1 to Tier 2 Properties

- 12.01 Any property owner who has billing questions or believes that the bill is incorrect may contact the Business Office at 570-820-9872 or visit our website at www.WVSA.org for clarification on the impervious surface rates and calculations. Owners that require additional clarification or believe that the calculation of the stormwater bill is incorrect should follow the procedure in Appendix 1A and, if necessary, Appendix 1C. The steps in Appendix 1A must be completed prior to initiating the steps in Appendix 1C in order for the property to be considered for a stormwater account adjustment. If it is determined that a billing error has been made an account adjustment upward or downward will be made to the account. If the property owner would like a cash refund they must put their request in writing.

Tier 3 Properties

- 12.02 Any property owner who has billing questions or believes that the bill is incorrect may contact the Business Office at 570-820-9872 or visit our website at www.WVSA.org for clarification on the impervious surface rates and calculations. Owners that require additional clarification or believe that the calculation of the stormwater bill is incorrect should follow the procedure in Appendix 1B and, if necessary, Appendix 1C. The steps in Appendix 1B must be completed prior to initiating the steps in Appendix 1C in order for the property to be considered for a stormwater account adjustment. If it is determined that a billing error has been made an account adjustment will be made to the account. If the property owner would like a cash refund, they must put their request in writing.

CHAPTER IV
WVSA SANITARY AND STORMWATER DIVISION BILLING,
COLLECTION AND ENFORCEMENT
RULES AND REGULATIONS

Article 13: Service Charges and Billing Practices

A. Sanitary Division Specific Rules and Regulations

- 13.01.1 As provided for in the Service Agreements with each Municipality, there is hereby imposed upon the owners and upon each property in each Municipality served by the facilities of the WVSA, for the use thereof, an annual sewer rent, to be effective on and after the effective date of these Rules and Regulations, as they may be amended from time to time, and payable quarterly, in advance, in accordance with these Rules and Regulations. Such rents as were due and payable prior to adoption of these Rules under the prior Rules and Regulations shall remain due and are not discharged by the adoption of these Amended Rules and Regulations. The current Fee Resolution relative to sanitary shall remain in effect until such time as it might be amended by further action of the Board.
- 13.01.2 Sanitary charges for the quarter in which a new connection is made or property is transferred shall be prorated and shall be billed in conjunction with the next regular quarterly billing or by special billing as the official responsible for billing may elect.
- 13.01.3 No free service shall be offered to any user of the sanitary system. A Vacant EDU shall continue to be billed at the minimum rate as set forth below until such time as the Owner informs the WVSA and the WVSA confirms, by an onsite inspection, that the Vacant EDU is unlivable, at which point the EDU shall become discontinued or stopped. An EDU that has become discontinued or stopped based on the WVSA 's inspection shall not be billed for future charges as long as the property continues to be incapable of habitation in the sole discretion of the WVSA.
- 13.01.4 Any owner who believes that a building is not properly classified for billing purposes may request an inspection of the property to determine the proper status (e.g., correct number of EDUs, unlivable, etc.). If the property is determined to be discontinued, current charges will be stopped until such time as the property becomes livable. If the property continues to deteriorate or is destroyed or razed, the EDU will be stopped with no further billing. Any previous sewer rent due at the time of discontinuance/stopping along with any penalty, interest or lien charges will remain with the property due and owing to the WVSA.
- 13.01.5 Buildings or properties used for commercial, industrial, public or mixed (i.e., residential and commercial, or residential and industrial) purposes will be charged the minimum rate for all WVSA EDUs except as follows:

- A. In the event that a commercial meter is installed by the Local Water Company, quarterly consumption readings will determine if the account will be billed by the number of EDUs or consumption. If the consumption falls below the minimum gallonage per EDU on average (12,000 gallons per quarter per EDU), the account will be billed the minimum charge for each EDU. With consumption greater than 12,000 gallons per quarter on average, charges will be based on an established current WVSA meter rate schedule. In the latter case, each EDU will still be billed the minimum charge per quarter for each EDU and usage which exceeds the 12,000 gallon average per EDU will be billed on the metered schedule.
 - B. In event the WVSA finds that a commercial or industrial business concern excludes much of its spent water from the municipal sewerage system, but also discharges certain Industrial Wastes to that system, and wishes to be billed on the basis of the actual discharge instead of based on water usage, the industry must submit for approval by the WVSA a schematic layout of piping with its function and anticipated point of metering water usage not discharged to sewerage system. The WVSA may require or permit the installation of additional meters; location of meters must be approved by WVSA staff. Once the average volume of sewage and waste entering the Municipal Sewerage system has been established, charges will be made in accordance with the Meter Rate Schedule, using the corrected discharge rate. Net meter readings will be used to calculate average volume of sewage and waste entering the municipal sewerage system. The cost of meter installation shall be borne totally by the owner. In the event of inaccuracy or meter failure, the owner may be billed on current main meter consumptions.
- 13.01.6 Non-residential sanitary accounts will be billed in advance based on the preceding quarter's gallonage as determined by the local water company's (or owner's) water meter readings. If current meter readings are not available at the time of billing, an estimated amount may be computed based on previous usage, which estimate shall be corrected on the next billing in which meter readings are available.
- 13.01.7 All meters or measuring devices permitted by the WVSA under the provisions of this Article shall be furnished and installed by the property Owner, and shall be available to be tested, inspected, or viewed by WVSA employees or its representatives whenever the WVSA deems necessary.
- 13.01.8 The WVSA may, on SIXTY (60) days' notice in writing to the incorporating Municipalities, establish a revised schedule of service charges, and such new schedule of service charges shall go into effect at the time stated in the notice or the time the rates are adopted, whichever is later. Upon adoption of such revised service charges, the provisions of these Rules and Regulations shall be considered to be amended as appropriate by such action of the WVSA.

Article 13: Service Charges and Billing Practices

B. Stormwater Division Specific Rules and Regulations

- 13.02.1 There is hereby imposed upon the owners of each property covered by the WVSA Regional Stormwater Program an annual stormwater fee to be effective upon adoption of the WVSA Stormwater Fee Rate Resolution, as may be amended from time to time, and payable quarterly, in advance, in accordance with the provisions of these Rules and Regulations.
- 13.02.2 Stormwater fees for the quarter in which a new impervious surface is made or property is transferred shall be prorated and shall be billed in conjunction with the next regular quarterly billing or by special billing as the official responsible for billing may elect.
- 13.02.3 No free service shall be offered to any Owner. Property owners will be billed based the amount of Impervious Area located on the parcel of property.
- 13.02.4 The WVSA shall, by separate Resolution, adopt a fee schedule necessary in order to operate the Stormwater Division, and these fees may be changed by subsequent action of the WVSA Board via Resolution. Stormwater fees shall be calculated based on the total amount of impervious area (IA) on a parcel of property. The following is the Tier breakdown:

Tier 0:	0 to 99	Square Feet of IA
Tier 1:	100 to 499	Square Feet of IA
Tier 2:	500 to 6999	Square Feet of IA
Tier 3:	7000 and Greater	Square Feet of IA

Article 13: Service Charges and Billing Practices

C. Sanitary and Stormwater Division Combined Rules and Regulations

- 13.03.1 The combined bill for sanitary and stormwater services, as applicable, shall be submitted to the property owner of record, and will contain current charges, past due amounts, penalties and interest. Bills shall not be submitted to tenants.
- 13.03.2 Bills for sanitary and stormwater fees shall be mailed to the address of the record owner of the property unless or until a different address is specified by the owner of the property to the Authority.
- 13.03.3 It is the responsibility of the property Owner to notify the Wyoming Valley Sanitary Authority of any change of mailing address or any alternations to or omissions of impervious area (IA) associated with their property, in a timely manner. WVSA shall have the opportunity extended retroactively, for up to three (3) years, to impose additional fees which should have been charged to a property Owner due to failure to report in a timely manner.

- 13.03.4 Failure to receive a bill as a result of an incorrect address in the WVSA's records, or otherwise, shall not excuse non-payment of sanitary or stormwater fees or extend the time of payment.
- 13.03.5 The Authority will determine the sanitary and stormwater rates from time to time and shall adopt a Rate or Fee Schedule by Resolution. The Schedules shall be made publicly available and shall be provided to any person on request and without charge. The adopted Schedules shall be considered to be part of these Rules and Regulations and enforceable as such. The Schedules are available at www.WVSA.org.
- 13.03.6 Tier 1 and Tier 2 customers will be given the option, at the time of each first annual billing, of paying the annual sanitary and stormwater bill in full less a discount of 2% for the sanitary portion or the bill and 4% for the stormwater portion of the bill, if payment is received within 45 days from the date of the bill. Tier 3 customers will also be given the option, at the time of each first annual billing, of paying the annual stormwater bill in full, less a discount of 4%, if payment is received within 45 days from the date of the bill.
- 13.03.7 Sanitary and stormwater bills may be paid in person at the WVSA Business Office located at 179 South Wyoming Avenue, Kingston, Pa. or any WVSA Satellite offices, as listed on the WVSA website, during regular business hours or through a duly authorized agent that the WVSA may designate; or by mail; or online.
- 13.03.8 If a bill is disputed by a customer, the WVSA shall afford the customer a reasonable opportunity to state their case why they disagree with the bill. Upon review of the customer's complaint, the WVSA shall investigate the dispute and render a decision as to whether the bill should be revised. The decision of the WVSA shall be subject to the appeal procedures set forth in these Rules and Regulations.
- 13.03.9 During the billing inspection and investigation process if it is determined that an owner overpaid or has not properly paid for service, the adjustments/charges will not extend retroactively for a period of more than three years. It is the responsibility of the customer to review all bills for accuracy with regard to the number of units, amount of impervious area and all other billing details.

Article 14: Liens, Monetary Penalties and Application of Payments

- 14.01 Each Sanitary or Stormwater charge, or Surcharge levied under these Rules and Regulations shall be a debt due the Authority and shall be subject to the imposition of a municipal lien if not paid.
- 14.02 If any quarterly installment of sanitary or stormwater fees are not paid within 45-days after the date of the bill, a 10% penalty shall be calculated on the current charges.
- 14.03 Payments mailed, as evidenced by the Postmark on the envelope on or previous to the last day before penalty is added, will be deemed by the Authority to be a payment of the bill within the period allowed for payment.

- 14.04 Timely payment of any bill within the meaning of these Rules shall be payment of the bill within forty-five (45) days following the date on which the bill was mailed.
- 14.05 The owner of each served property shall be liable for all sanitary and stormwater fees – The Authority will not submit sanitary or stormwater bills to tenants.
- 14.06 Payments on accounts will be applied first to stormwater fees and then to sanitary fees. Payments will be applied to previous balance, penalty, interest and then current charges in that order.
- 14.07 Change of ownership for properties where sanitary or stormwater fees are found to be delinquent shall not be cause for reducing or eliminating the penalties hereinbefore stated. All Authority debts including outstanding sanitary or stormwater rent, penalties, interest fees, liens, and municipal claims, shall appear of record and be satisfied on transfer of property. This includes all amounts reduced to a municipal claim and all other amounts due and owing which have not yet been reduced to a municipal claim. It is the responsibility of the purchaser of one or more properties served by sanitary and/or stormwater to ensure that there are no financial obligations due and owing to the WVSA regarding sanitary and stormwater to be purchased before the purchase takes place. This includes any financial obligations which have not yet been reduced to a municipal lien and filed of public record. Prospective purchasers of property should contact the WVSA Business Office at 570-820-9872 prior to closing on a real estate transaction in order to determine whether there are any outstanding sanitary or storm fees due and owing with regard to the subject property.
- 14.08 Any unpaid sanitary or stormwater fees (together with penalties thereon to the extent permitted by law) shall be a lien on the property served which may be collected by a lien filed in the nature of a municipal claim or can be collected in any other manner provided by law. Attorneys' fees and costs will be assessed to the extent permitted by law. Where liens are filed, the amount of interest shall be assessed at the rate of 6% per year and shall be collected at the time of satisfaction of the lien.
- 14.09 As an additional cumulative remedy, the Authority may, to the fullest extent permitted by law, require the Water Utility to shut off the water supply to any EDU with respect to which the sewer rent imposed hereby is unpaid for a period of sixty (60) days past the due date until all such sewer rents, together with interest and penalties as aforesaid are paid.
- 14.10 Personal and business checks, credit cards and ACH withdrawals will be accepted for payment of sanitary or stormwater fees. Items that are returned as non-sufficient funds (NSF) or any other reason, will be charged \$40.00 per occurrence. The Authority reserves the right to request a certified check from those customers who have had more than one payment returned as non-sufficient funds (NSF) by the bank. Cash payments will not be accepted. A service charge will be imposed for those paying by credit card.

Appendix 1A TIER 1 TO TIER 2 Properties

WVSA Stormwater Fee Review & Recalculation Procedure

Any property owner who believes a stormwater fee has been applied in error may request an onsite inspection by contacting the Business Office to request an inspector visit their property location to verify the Impervious Area Estimate or investigate requests for credits, where applicable. The following steps will be taken:

1. The inspector will visit the property location and review the billing questions with the property owner. The inspector at the time of the inspection will determine if the information provided is reason to adjust the stormwater fee or make an account adjustment. Based upon the results of the inspection, WVSA may adjust the Stormwater Fees applicable to the property in accordance with the established Rules and Regulations of the WVSA.
2. Onsite Inspections shall be requested through submission in writing of the WVSA's Stormwater Inspection Form which is attached to this Appendix. This form can be requested by calling our Business Office at 570-820-9872 or downloading the form from our website at www.WVSA.org. This request must state the reasons for the review and be submitted using the forms provided.
3. The property owner will be notified by mail or email (chosen by the owner, if the owner fails to choose mail will be used) within 90 days of the inspection as to the results of the inspection.
4. Any owner who disagrees with the onsite inspection decision shall have the right to appeal. Please see Appendix 1C for the appeal process.

WVSA Stormwater Inspection Form

Tier 1 to Tier 2

FORM RECEIVED BY MAIL _____ HAND DELIVERED _____

CUSTOMER CALLED _____

DATE _____

BILLING CLERK _____

ACCOUNT NUMBER _____

MUNICIPALITY _____

OWNERS NAME _____

PROPERTY LOCATION _____

METHOD FOR CONTACTING CUSTOMER _____ MAIL _____ EMAIL ADDRESS _____

If mail, mailing address: _____

REASONS FOR INSPECTION _____

DATE OF INSPECTION _____

INSPECTOR NAME _____

PICTURES YES NO

RESULTS OF INSPECTION

.....

ACTION TO BE TAKEN: _____

DATE OF CUSTOMER NOTIFICATION OF RESULTS _____ NOTIFICATION BY _____

Appendix 1B Tier 3 Properties

WVSA Stormwater Fee Review & Recalculation Procedure

1. The technical review of the property will allow the WVSA Stormwater Technician to take a more detailed and in-depth view of both the Impervious Area Estimate, stormwater mitigation sites and claimed credits located on the property.
2. Technical reviews shall be requested through submission in writing of the WVSA's Stormwater Technical Inspection Form which is attached to this Appendix. This form can be requested by calling our Business Office at 570-820-9872 or downloading the form from our website at www.WVSA.org. This request must state the reasons for the review and be submitted using the forms provided.
3. Owners requesting a technical review should submit any pictures, drawings or other supporting documentation which supports their claim. The technical review will be based on the information provided by the owner. It may require site visits or questions of the owner in order to determine if an adjustment to the stormwater fee or an account adjustment is warranted. In response to such request, the WVSA may adjust the Stormwater Fees applicable to the property in accordance with the established Rules and Regulations of the WVSA. In the event that an adjustment is warranted the property owner shall be issued an account adjustment or may request a cash refund in writing for the applicable amount. Pending receipt of the review determination the owner is still required to make timely payment of the stormwater fee. WVSA may establish policies further outlining submittal requirements and the review process which, if adopted, will be incorporated herein.
4. After WVSA conducts a technical review of the conditions on the property a response will be mailed or emailed to the property owner (chosen by the owner, if the owner fails to choose mail will be used) within ninety (90) days of the date the request is received by the WVSA as evidenced by the postmark. The response will give the reason for the approval or denial of the request. Submissions determined by WVSA to require PADEP review and/or response may require additional review time.
5. Any owner who disagrees with the technical review decision shall have the right to appeal. Please see Appendix 1C for the appeal process.

WVSA Stormwater Technical Inspection Form Tier 3

FORM RECEIVED BY MAIL _____ HAND DELIVERED _____ CUSTOMER CALLED _____
DATE _____ BILLING CLERK _____
ACCOUNT NUMBER _____ MUNICIPALITY _____
OWNERS NAME _____
PROPERTY LOCATION _____
METHOD FOR CONTACTING CUSTOMER _____ MAIL _____ EMAIL ADDRESS _____
If mail, list mailing address: _____
REASONS FOR TECHNICAL REVIEW _____

DATE OF TECHNICAL REVIEW _____ STORMWATER TECH NAME _____

PICTURES YES NO

RESULTS OF TECHNICAL REVIEW

.....

ACTION TO BE TAKEN _____
DATE OF CUSTOMER NOTIFICATION OF RESULTS _____ NOTIFICATION BY _____

Hand Deliveries to : WVSA Stormwater Department 1000 Wilkes Barre St, Hanover Twp, Pa

Appendix 1C WVSA Stormwater Appeals Procedure

1. The Board hereby establishes a Stormwater Appeals Procedure to be used in instances where disputes cannot be resolved at the onsite inspection or technical review stage. This process must first be followed before further legal action can be taken on issues subject to appeal under these Rules. The filing of an appeal shall not relieve a customer from the timely payment of all sanitary and stormwater fees as required by WVSA Rules and Regulations.
2. Any property owner who has requested an onsite inspection or technical review and still believes the stormwater fee has been applied in error may request an appeal, subject to limitations set forth in Section 7 below, before the WVSA Stormwater Appeals Board.
3. The appeal shall be requested through submission in writing, on the WVSA's Stormwater Appeal Form, which is attached to this Appendix and can be requested by calling our Business Office at 570-820-9872 or downloading the form from our website at www.WVSA.org. The form must be submitted via mail, within 30 days of the onsite inspection or technical review denial as evidenced by the postmark. The appeal should be mailed to: WVSA Stormwater Appeals, PO Box 1343, Wilkes-Barre, Pa. 18703-1343.
4. An appeal hearing shall be scheduled within 60 days of the date the appeal is filed. A written recommendation, as explained in Section 6 below, shall be made within 60 days of the date of hearing, unless extended for good cause shown (during the first year) or for instances which require review and/or response from PADEP. The recommendation shall initially be reviewed by the WVSA Stormwater Committee which shall then make a recommendation to the WVSA Board which shall make the final determination of the appeal. The WVSA shall render a decision at its next scheduled Board Meeting following receipt of the Appeals Board recommendation unless additional time is required to schedule the review of the Appeal recommendation in which case the decision will be rendered at the next meeting of the Board. The Board will make every effort to timely rule on appeals to the extent reasonably practicable. Board members shall abstain from voting on any matters where a conflict presents itself.
5. The Stormwater Appeals Board shall be composed of three individuals appointed by the WVSA Board Chairperson and more than one appeals panel can be established at the discretion of the WVSA. Each panel shall preferably be comprised of one licensed attorney, one licensed engineer with preferred stormwater experience and one other individual. Panel members will be compensated for their time as approved by the Board.
6. The WVSA Appeals Board shall initially determine from the parties whether an amicable resolution to a dispute can be achieved. Where an agreed upon resolution to a dispute is reached the Appeals Board shall recommend approval of the final agreement to the WVSA Board. Where no agreement has been reached, the Appeals Board shall take testimony and evidence from the Owner and WVSA, to the extent deemed necessary, to address the issues presented, and shall summarize the positions of the WVSA and customer. The Appeals Board shall submit such summaries, along with a recommendation for a resolution, to the WVSA

Stormwater Committee which shall recommend to the Board to accept or reject, in whole in part, such recommendation(s) from the Appeals Board. The decision of the WVSA Board shall be the final determination of the Appeal.

7. Appeals are limited to challenges regarding (1) impervious area calculations (2) mathematical errors in calculation of fees (3) incorrect identification of ownership of parcel (4) incorrect application of a credit under the WVSA Credit Policy or (5) incorrect interpretation of applicable WVSA Rules and Regulations.
8. The cost for filing an appeal shall be as follows:

Tier 1 and 2:	\$25.00
Tier 3:	\$250.00 plus an escrow as established by subsequent policy of the Board.
9. The appeal fee must accompany the filing of the appeal to be effective. The appeal fee is non-refundable, however any unused escrow balance will be refunded once the review is completed.
10. Any person aggrieved by any decision of the WVSA Board may file an action in the Court of Common Pleas of Luzerne County, Pennsylvania to the extent permitted by law.
11. Any challenges relative to the reasonableness of rates or other issues, to the extent permitted by law, shall be filed in the Court of Common Pleas of Luzerne County, Pennsylvania in accordance with the Municipality Authorities Act, 53 Pa. C.S.A. Section 5601, et. seq.

WVSA Stormwater Appeals Form

DATE _____ ACCOUNT NUMBER _____ MUNICIPALITY _____

OWNERS NAME _____ PROPERTY LOCATION _____

METHOD FOR CONTACTING CUSTOMER _____ MAIL - EMAIL ADDRESS _____

If mail, specify mailing address: _____

FEE RECEIVED ____ YES ____ NO - IF NO DATE OF OWNER CONTACT _____

REASON FOR APPEAL:

_____ IMPROPER CALCULATION OF IMPERVIOUS AREA. If claimed, specify what you believe the calculation should be and indicate specifically how you arrived at your calculation:

_____ Mathematical error in calculation of fees. If claimed, specify how you believe the fee was calculated in error.

_____ Incorrect identification of owner of parcel. If claimed, specify on what basis you claim the property owner has been incorrectly identified.

_____ Incorrect application of a credit under WVSA Credit Policy. If claimed, specify what credit policy you are contesting and specifically outline why you believe the credit has been applied in error.

_____ Incorrect interpretation of applicable WVSA Rules and Regulations. If claimed, specify what Rule you believe has been incorrectly interpreted and state specifically how you believe the Rule has been misinterpreted.

If there is insufficient space above you may attach to this appeal form a more detailed explanation. If you are relying on maps, drawings, expert reports or other information in support of your appeal these documents should be attached to your appeal.

OWNER SIGNATURE _____

DATE APPEAL RECEIVED AT WVSA _____

DATE OF SCHEDULED APPEAL _____ TIME OF SCHEDULED APPEAL _____

DATE CUSTOMER NOTIFIED OF APPEAL _____ NOTIFICATION BY _____

RESULTS OF APPEAL HEARING:

1. The parties reached the below proposed resolution and approval of the WVSA Board is hereby sought:

RESOLUTION :

2. The parties were not able to reach a resolution. A summary of Owners appeal is set forth above. Where necessary, a summary of the Owners evidence presented at the hearing is attached hereto. A summary of the WVSA position and evidence on the appeal is also attached hereto. Based upon all submissions and evidence presented by the Owner and WVSA the Appeals Board makes the following Recommendation to the WVSA Stormwater Committee: _____

DATE APPEALS BOARD DECISION SUBMITTED TO WVSA BOARD. _____

DATE CUSTOMER NOTIFIED OF FINAL DECISION OF WVSA BOARD _____

Method of Delivery: _____

Appendix 2 - Credit Policies



**Wyoming Valley Sanitary Authority
Luzerne County, Pennsylvania**

**Stormwater Management Program
Credit Policy Manual**

Table of Contents

Introduction	3
Definitions	4
Credits and Credit Policies	4
General Policies	4
Eligibility	5
Summary of Available Credits	6
Credits	7
Low Impact Parcel (Eligibility: Tiers 2 and 3)	7
Existing BMP with WQ Benefit (Eligibility: Tier 3)	7
Retrofit of an Existing or New BMPs to add a WQ Benefit (Eligibility: Tier 3)	8
Riparian Buffer (Eligibility: Tier 3)	8
Stream Restoration (Eligibility: Tiers 2 and 3)	8
Turf and Landscape Management Program (Eligibility: Tiers 2 and 3)	9
Pervious Pavement (Eligibility: Tiers 2 and 3)	9
Separate MS4 Permit (Eligibility: Tiers 2 and 3)	10
Education Credit (Eligibility: Tiers 2 and 3)	10
Stormwater Partnership Credit (Eligibility: Tier 3)	11
Rain Barrels and Downspout Disconnection (Eligibility: Tiers 2 and 3)	11
Re-Vegetate and Re-Forest Disturbed or Impervious Areas (Eligibility: Tier 3)	12
Applying for Credit	12
Pre-Application Meeting and Field Review	12
Credit Application	13
Maintenance Policies:	13
Credit Renewal	14
Appeals and Reassessments	15
Reassessment of IA for Tier 3 Properties	15
Attachment A – Credit Application	16
Attachment B – Renewal Application	1
Attachment C – Reassessment Application	1
Attachment D – Maintenance Agreement	1
Attachment E – Pre-Application Meeting Request Form	1

Introduction

This Manual provides Wyoming Valley Sanitary Authority (WVSA) Stormwater Management Program customers with details on the Credits available to reduce their quarterly Stormwater Management Program (SMP) Fee. Stormwater Credits are provided as a means for customers to reduce the amount of their quarterly fee by implementing a creditable Best Management Practice activity to reduce the contribution of stormwater and pollutants to WVSA's stormwater management system and/or to aid WVSA in meeting its MS4 Permit obligations.

Stormwater management is important to our community. It is necessary to manage pollutant-laden runoff generated by impervious surfaces so that it does not have a harmful effect on streams and reduces the potential of flooding and associated property damage. WVSA is in the process of developing and implementing a comprehensive, regional Stormwater Management Program to provide enhanced stormwater management to property owners in Wyoming Valley.

The foundation of an effective SMP is the development of a fair and equitable SMP Fee to provide for a dedicated and reliable revenue stream. Revenues generated by the SMP Fees will support the SMP and its goals to: ensure MS4 Permit regulatory compliance, improve water quality, support strategic planning for capital improvements, support municipalities with effective infrastructure operation and maintenance, and to promote the education of the community on practices to improve the quality of water resources.

The *Wyoming Valley Sanitary Authority Stormwater Management Program Fee Resolution* currently in effect defines how properties within WVSA's stormwater service area will be assessed fees based upon Impervious Area (IA). All Tier 2 and Tier 3 property owners may reduce their fee by up to 15% and 30%, respectively,¹ unless otherwise specified herein, if they apply and qualify for WVSA's credits made available by the stormwater credit system. This Manual will provide the user with the procedures to follow in order to apply for stormwater credits from the Wyoming Valley Sanitary Authority.

Disclaimer

By submitting a WVSA Stormwater Management Program Fee Credit Application pursuant to the WVSA Stormwater Management Program Credits Policy Manual, Property Owner acknowledges and agrees that he and his heirs, grantees, successors, and assigns shall be solely responsible and liable for the operation and maintenance of any and all Best Management Practices ("BMPs") constructed, installed, or employed by the property Owner. WVSA shall not be responsible for or

¹ Maximum credits for Tier 2 property owners may exceed 15% if the property owner has a compliant, non municipal MS4 Permit, has provided a BMP easement, completed an eligible Stream Restoration Project and/or has entered into Stormwater Partnership. Maximum credits for Tier 3 property owners may exceed 30% if the property owner has a compliant, non-municipal MS4 Permit, has provided a BMP easement, has entered into Stormwater Partnership, completed an eligible Stream Restoration Project and/or the property is located in a Non Urbanized Area.

liable with respect to the operation and maintenance of any BMP, or any damages arising therefrom.

Definitions

The following definitions apply to the Stormwater Management Program Credit Policy Manual. Any term not defined by this section can be defined by the *Wyoming Valley Sanitary Authority Stormwater Management Program Fee Resolution* currently in effect and *Wyoming Valley Sanitary Authority's Rules and Regulations*, to the extent not contradictory.

Inlet – A surface connection to a closed drain. A structure at the diversion end of a conduit. The upstream end of any structure through which water may flow.

Non Urbanized Area - Any area which does not meet the definition of Urbanized Area.

Outlet – Points of water disposal from a stream, river, lake tidewater or artificial drain.

PADEP - Pennsylvania Department of Environmental Protection.

Pennsylvania Stormwater Best Management Practices (BMP) Manual - The most recent version of the Pennsylvania Stormwater Best Management Practices Manual.

Peak Rate Control – A credit that can be applied for utilizing proper stormwater rate control techniques. Example: Detention tanks/basins with a controlled outlet.

Volume Control – A credit that can be applied for utilizing proper stormwater volume control techniques. Example: Infiltration basins, filtration basins, rain gardens, etc.

Urbanized Area (UA) – comprised of a densely settled core of census tracts and/or census blocks that meet minimum population density requirements, along with adjacent territory containing non-residential urban land uses as well as territory with low population density included to link outlying densely settled territory with the densely settled core. The UA is as defined by the United States Census Bureau.

Water Quality Benefit - increasing surface water runoff quality as outlined in the Pennsylvania Stormwater BMP Manual or as defined in the PA MS4 guidelines; whichever are more restrictive.

Credits and Credit Policies

General Policies

1. It is the Owner's responsibility to apply for credits and supply all of the necessary materials with the exception of credits for Non Urbanized Area and Low Impact Parcels.
2. Credits are available to all Tier 2 and Tier 3 properties, as provided for in these policies.
3. The maximum amount of credit received **shall not exceed 30% per property for Tier 3 and 15% per property for Tier 2**, unless otherwise provided for in these policies.
4. **Accounts must be current in order to receive Credit(s) conferred by these policies.**
5. Credits will be revoked where qualified BMPs are not maintained.

6. WVSA shall automatically apply Non Urbanized and Low Impact credits to eligible properties. The Non Urbanized Credit shall be applied to a property before the application of the Low Impact Parcel Credit. In instances where the Non Urbanized Credit moves a Tier 3 property into Tier 2, Tier 2 credit policies shall apply.
7. Complete applications will be reviewed within 90 days of submission. Applications requiring review and response from PADEP may take additional review time, however credits requiring additional time will be retroactively applied to date of full application submittal. (Incomplete applications will be returned for correction).
8. There is a credit application fee of \$25 for Tier 2 Owners and \$250 for Tier 3 Owner. In addition, Tier 3 property owners must establish an escrow of \$2,000 for specific credits. (Application fees are non-refundable and may be subject to adjustment January 1 of each year). Refer to the Applying for Credit section of this document for additional detail.
9. Credits expire March 31, 2023. A credit renewal application must be submitted in 2023 if a property owner wishes to receive credit following the expiration date.
10. In the event of a **change of ownership, the new Owner must reapply for Credits** to verify change in Maintenance Agreement, and associated Credit requirements.
11. The Wyoming Valley Sanitary Authority has full discretion over the credit process.

Eligibility

To be eligible for a Credit, the property must have been assigned a minimum of 500 SF of IA and there must not be any outstanding and unpaid SMP Fees or sanitary sewer fees against the property. Owners must submit the appropriate Credit Application along with any documentation required by WVSA.

Credit Details

Owners may apply for one or more Credits, and the Credits will be cumulative up to a maximum Credit of 30% of that property's SMP Fee. In no circumstance may a Credit or group of Credits reduce the applicable SMP Fee to an amount that is less than 70% of the SMP Fee for that property, unless the property meets the requirements of the Separate MS4 Credit, BMP Easement Credit, Non Urbanized Area Credit and/or Stormwater Partnership Credit. **Credit reduction is proportional to the IA that drains to the BMP.**

The SMP Fee for **Tier 2 properties** with approved Credits will be calculated as follows:

$$SMP\ Fee = Original\ SMP\ Fee \times [1 - Approved\ Credit(s)]$$

Example 1: A property owner has 3,000 sf of IA which is connected to downspouts that discharge to the street. The property owner connects half of the IA (1,500 sf) to a rain barrel. Max Credit for rain barrels & downspout disconnection is 15%.

$$Percentage\ of\ Impacted\ IA = (1,500\ sf\ IA / 3,000\ sf\ Total\ IA) = 50\%$$

$$Approved\ Credits = 15\% \text{ credit applied to } 50\% \text{ of the Total IA} = 7.5\%$$

The SMP Fee for **Tier 3 properties** with approved Credits will be calculated as follows:

$$\text{Billable IA} = \text{Total IA} - \text{Credit IA}$$

$$\text{SMP Fee} = \text{Billable IA} \times \text{SMP Rate } (\$/1,000 \text{ sf of IA})$$

Where:

Billable IA = The amount of 1,000 sf of IA billed to the WVSA stormwater program customer.

Total IA = The amount of 1,000 sf of IA on a parcel before any Credits have been granted.

Credit IA = The amount of 1,000 sf of IA granted as Credit for the parcel.

SMP Rate = The current rate per 1,000 sf of IA as defined in WVSA's SMP Fee Resolution.

Example 2: A property owner has 8,000 sf of IA on a property, of which 2,000 sf of IA drains to a newly installed infiltration trench. Max Credit for infiltration trenches is 30%.

Total IA = 8,000 sf of IA.

Credit IA = 30% credit * (2,000 sf of IA/8,000 sf of IA) = 30% credit * 20% of

overall IA = 7.5% * 8,000 sf of IA = 600 sf of IA

Billable IA = Total IA – Credit IA

Billable IA = 8,000 sf of IA – 600 sf of IA = 7,400 sf of IA

Summary of Available Credits

Table 1. Summary of Available Credits by Property Type

WVSA Credit Code	Credit	Eligible Property Type		Max Credit
		Tier 2	Tier 3	
1	Impervious Area located outside of the Urbanized Area	X	X	15%
2	Low Impact Parcel		X	30%
3	BMP Easement	X	X	TBD
4	Existing BMP with WQ Benefit		X	15%
5	Retrofit of an Existing or New BMPs to add a WQ Benefit		X	30%
6	Riparian Buffer		X	20%
7	Stream Restoration	X	X	TBD
8	Turf and Landscape Management Program		X	15%
9	Pervious Pavement	X	X	15%
10	Separate MS4 Permit	X	X	40%
11	Education Credit	X	X	15%
12	Stormwater Partnership Credit	X	X	TBD
13	Public Participation Credit Donation		X	10%
14	Rain Barrels & Downspout Disconnection	X	X	15%
15	Green Roofs		X	15%
16	Re-Vegetate and Re-Forest Disturbed Areas, Using Native Species		X	20%

Credits

Non Urbanized Parcel (Eligibility: Tiers 2 and 3)

Parcels which meet the definition of Non Urbanized Area are eligible for a 15% Credit.

Low Impact Parcel (Eligibility: Tier 3)

A parcel is considered a Low Impact Parcel if it meets all of the following conditions:

1. Total IA is less than or equal to 10% of the total parcel area;
2. The IA is not directly connected (for example, but not limited to: gutter, swale, channel, pipe) to a storm sewer, curb line, stream, channel, street or other surface water conveyance; and
3. The IA is a minimum of fifty (50) feet (measured horizontally) from the edge of a stream, channel, wetland, or other surface water conveyance.

If a parcel meets all of the above conditions, it may be eligible for a Credit up to 30%. Portions of the IA may be eligible for Credit even if all the IA does not meet conditions 2 and 3 listed above. For example, a parcel may contain a detached house and a shed. The total IA for the property equals 5.5%, however, the shed is twenty-five (25) feet from a stream, and therefore no Credit is applied for the shed. The house, which meets all three conditions, would receive a 30% Credit for its IA.

BMP Easement (Eligibility: Tiers 2 and 3)

WVSA will provide a Credit to Owners who grant a permanent easement for WVSA to construct, operate and maintain a stormwater BMP on their property. This Credit is intended for targeted projects that would be financially prohibitive for a property owner to complete on their own, but is an important project for meeting the goals of WVSA's program.

In the case of stream bank restoration projects, the magnitude of the Credit will be established based on the length of the associated project. In the case of other BMPs, Credit will be established proportional to the IA treated by the BMP.

Existing BMP with WQ Benefit (Eligibility: Tier 3)

Structural BMPs installed prior to 2018 that are located within Urbanized Area may be eligible for a Credit if they have a Water Quality Benefit. Projects will require an operations and maintenance (O&M) plan to ensure the continued functionality of the BMP, as well as submission of annual inspection reports to WVSA to demonstrate that the BMP is providing Water Quality Benefit.

The Credits only apply to the IA controlled by the BMPs. Peak Rate Control, Volume Control, and water quality calculations shall be in compliance with the local codes of the applicable municipality. Previously installed control systems may also apply for this credit assuming they are in proper

working order and are approved by a Pennsylvania licensed professional engineer. Credits will be proportional to the amount of IA managed by the BMP. Projects will require an operations and maintenance (O&M) plan to ensure the continued functionality of the BMP, as well as submission of annual inspection reports to WVSA to demonstrate that the BMP is providing Water Quality Benefit.

Retrofit of an Existing or New BMPs to add a WQ Benefit (Eligibility: Tier 3)

Existing Structural BMPs located within Urbanized Area which currently do not provide a Water Quality Benefit can possibly be retrofitted to provide a Water Quality Benefit. Such activities would then be eligible for Credits for the new functionality. Projects will require an operations and maintenance (O&M) plan to ensure the continued functionality of the BMP, as well as submission of annual inspection reports to WVSA to demonstrate that the BMP is providing Water Quality Benefit.

The Credits will be proportional to the IA treated by the BMP, which is not to exceed a maximum loading ration as outlined in the PA BMP Manual. Peak Rate Control, Volume Control, and water quality calculations shall be in compliance with the local codes of the applicable municipality.

Riparian Buffer (Eligibility: Tier 3)

WVSA will grant up to a 20% Credit for those Owners who create and/or maintain a protected riparian buffer alongside a stream on their property. The riparian buffer can be existing or a newly-planted buffer of native plants. To be eligible for a Credit, a minimum of twenty-five (25) contiguous linear feet of stream must be buffered from top of bank a minimum of 35 feet (measured horizontally). The Credit will apply only to the IA draining to the buffer.

If property conditions are limiting (proximity to property line, roads, structures, etc.), buffers with less than 25 feet horizontal width may be considered for Credit. Please note projects requiring PADEP permits may have more stringent requirements. The amount of the Credit will be dependent on site-specific conditions including, but not limited to, contributing IA and buffer width and length. Interested Owners should contact WVSA prior to project initiation. All riparian buffer projects will require an operations and maintenance (O&M) plan to ensure the continued functionality of the BMP, as well as submission of annual inspection reports to WVSA to demonstrate that the BMP is providing Water Quality Benefit.

Stream Restoration (Eligibility: Tiers 2 and 3)

WVSA will grant a credit for those who dedicate an easement suitable for stream restoration on a minimum of one hundred (100) contiguous linear feet of stream and a minimum of 35 feet measured horizontally from top of bank on each side of the stream (70-ft total). Similarly, WVSA will grant credits for those Owners who complete and maintain an approved stream restoration project.

For the purposes of eligibility determination, stream restoration is defined as any natural channel design, wet channel regenerative stormwater conveyance, legacy sediment removal or other stream modifications intended to restore natural forms and processes that reduce streambank or streambed erosion and capture pollutants. If property conditions are limiting (proximity to property line, roads, structures, etc.), projects with less than 35 feet horizontal width on each side of the stream may be considered for partial Credit.

Please note stream bank restoration projects requiring to meet other PADEP permit obligations may have more stringent requirements and may not be eligible for this Credit (per PADEP). Stream restoration projects must be approved by a licensed Pennsylvania engineer. This credit is available to property owners whose property contains an existing channel or streambank erosion on an actively enlarging or incising urban stream condition prior to restoration (an existing problem). The amount of the Credit will be dependent on site-specific conditions. Interested Owners should contact WVSA prior to project initiation. All stream restoration projects will require an operations and maintenance (O&M) plan to ensure the continued functionality of the BMP, as well as submission of annual inspection reports to WVSA to demonstrate that the BMP is providing Water Quality Benefit.

Credit will be based upon benefit analysis demonstrating actual stormwater program cost reduction to be realized by WVSA.

Turf and Landscape Management Program (Eligibility: Tiers 2 and 3)

Properties with lawns or landscape areas where fertilizers (organic or inorganic) and pesticides are typically applied may apply for a 15% Credit if all of the following are completed:

1. A soil fertility sample is collected and submitted to the Pennsylvania State Agricultural Analytical Services Laboratory for a soil fertility test. A sample must be taken a minimum of once every three years and a copy of the results must be submitted to WVSA with the Credit Application;
2. The property owner must commit to the recommendations provided on the soil fertility report, including the application of lime if recommended; and
3. The property owner must commit to following the fertilizer, lime, and pesticide application recommendations provided by WVSA.

The IA of the parcel cannot exceed 40% of the total parcel area to be eligible for this Credit.

Pervious Pavement (Eligibility: Tiers 2 and 3)

WVSA will grant up to a 15% Credit for those Owners who install pervious or porous pavement or pavers for driveways, parking lots, patios, sidewalks, etc. Pervious pavement that was installed in accordance with the Pennsylvania Stormwater Best Management Practices Manual and has an existing Operations and Maintenance (O&M) agreement with WVSA will be considered pervious surfaces and should not be assessed as IA for purposes of calculating the Stormwater Fee. Credits will be proportional to the amount of IA managed by the BMP.

Separate MS4 Permit (Eligibility: Tiers 2 and 3)

A 40% Credit is available to those properties that have been identified by PADEP as being required to obtain and comply with the terms of a Non-Municipal MS4 permit. To be eligible for the Credit, the MS4 permit must be kept in full compliance and WVSA must be provided a copy of the MS4 permit as well as copies of the annual reports.

Education Credit (Eligibility: Tiers 2 and 3)

It is the goal of WVSA to encourage both public and private educational systems (K-12) to educate and inform their students on the importance of surface water, ground water, and stormwater resources, and how they can play a role in preserving and restoring the physical, chemical, and biological integrity of Wyoming Valley's water resources.

The educational program may include participation in a water resource-themed student poster session or science fair, take-home materials, classroom lessons, field trips, etc. The educational program/materials must be preapproved by WVSA. The following list of educational resources and materials are provided as examples, but is not meant to exclude other educational material that may be approved by WVSA:

- PSU Extension: *Rain to Drain – Slow the Flow*
- EPA NPDES Stormwater Outreach Materials and Reference Documents
- EPA Teacher Resources and Lesson Plans
- EPA Water Science and Technology for Students and Educators
- USGS Education Resources
- Soil Science Society of America: *Soils 4 Teachers*

A school with more than 50% of its students enrolled in levels below Kindergarten (i.e. pre-K, pre-school, daycare, etc.) is not eligible for an Education Credit. Eligible education institutions may be granted up to a 15% Credit based on the following criteria:

- **Level One Education Credit:** A 10% Education Credit is available to a qualifying education institution which educates 50% to 74% of the grade levels within the school or school system.
- **Level Two Education Credit:** A 15% Education Credit is available to a qualifying education institution which educates 75% to 100% of the grade levels within the school or school system.

Education Credits only apply to the IA associated with the teaching facility and associated infrastructure. For example, the Credits would be applied to a High School building and its parking lot, but not to the School District Administrative offices that oversee the High School. Student living quarters, such as dorms, are also not eligible for Education Credits. Education Credits are valid for one (1) year but will be renewable each year the curriculum is taught.

Churches and religious organizations are eligible for the education credit per the requirements mentioned above. Institutions of higher education may participate as part of the Stormwater Partnership Credit.

Stormwater Partnership Credit (Eligibility: Tiers 2 and 3)

WVSA recognizes that the ultimate goal of the stormwater program and credit policy is to improve local and regional water quality. Therefore, WVSA encourages customers to propose other means to improve their property and our community through the use of innovative stormwater technologies. If a WVSA stormwater customer has an idea for a project that could be worth stormwater credits, WVSA encourages the customer to submit the project idea under the Stormwater Partnership Credit. Credit will be based upon benefit analysis demonstrating actual stormwater program cost reduction to be realized by WVSA.

Public Participation Credit Donation (Eligibility: Tiers 2 and 3)

WVSA believes a strong SMP is predicated on public participation and involvement to help address water quality issues. WVSA stormwater customers who participate in certain community events to promote water quality and sound stormwater management principles may participate on behalf of a non-profit organization (such as a church or food bank) or on behalf of a school.

The following are examples of activities eligible for a Credit:

- Participating in a stream or roadside clean-up.
- Participating in a WVSA or other approved tree planting activity.
- Hosting a student-sponsored educational event at a public venue.
- Participating in any other proposed public participation activity pre-approved by WVSA.
- Sponsoring any other public participation activity pre-approved by WVSA.

Credits are earned for every hour served. One (1) Credit hour is equal to \$0.50 per month (\$6.00 per year). A minimum of four (4) donated hours are required to qualify for the Credit, but do not have to be donated from the same individual. Donated Credits do not have to be from the same event, and individuals may participate in as many qualifying events as they choose. Donated Credits will be tallied over a calendar year and applied to the Stormwater bill beginning in January of the year following the donation. Donated Credits cannot exceed 15% of the SMP Fee for the recipient property. Credits are valid for one (1) year. Activities must be preapproved by WVSA. Contact should be made with WVSA prior to the event to receive all required forms and documentation.

Rain Barrels and Downspout Disconnection (Eligibility: Tiers 2 and 3)

WVSA will grant Tier 2 customers up to a 15% Credit if downspouts on the property are properly connected to a rain barrel, cistern, or other approved containment device that provides a minimum of 40 gallons of storage per downspout. The percentage of roof area captured, as compared to the total IA of the property, will be used to determine Credit amount. Annual submissions of photo documentation are required.

For Tier 3 properties, WVSA will review the use of containment devices and downspout disconnections on an individual basis.

Green Roofs (Eligibility: Tier 3)

A property is eligible for a Green Roof Credit when a green roof is installed on a building. The design, construction, and maintenance plan must meet as a minimum, the requirements noted for such facilities in the Pennsylvania Stormwater Best Management Practices Manual or approved recognized engineered equivalent. Green roofs may be eligible for a Credit up to 15% or may result in a reduction in total IA dependent on design and function.

Re-Vegetate and Re-Forest Disturbed or Impervious Areas (Eligibility: Tier 3)

WVSA will grant up to a 20% Credit for those Owners who obtain disturbed compacted tract(s) of land (impervious or poorly drained) and re-vegetate or re-forest the disturbed areas with native plant species, which does not require significant chemical maintenance by fertilizers, herbicides and pesticides.

Native grasses and other herbaceous materials that do not require mowing are required. Targeted areas for re-vegetation and re-forestation within UA may require local waivers for grass heights to exceed 6"+ (varies by local ordinance). Owners will be required to acquire local waivers as necessary. Property Owner is also required to meet all local municipal codes.

Re-development of the native landscape may take several forms, ranging from re-establishment of woodlands to re-establishment of meadow. Plantings plans must be approved by a registered Pennsylvania landscape architect or a licensed professional engineer. All projects will require an operations and maintenance (O&M) plan to ensure the continued functionality of the BMP, as well as submission of annual inspection reports to WVSA to demonstrate that the BMP is providing Water Quality Benefit. Credits will be proportional to the amount of IA treated by the BMP.

Applying for Credit

Pre-Application Meeting and Field Review

A number of proposed Credits will require a pre-application meeting and/or a field review with WVSA. All Owners interested in installing a new BMP or retrofitting an existing BMP should submit the Pre-Application Meeting Request form provided in Attachment E to WVSA. WVSA will contact the Owner to schedule a mutually agreeable meeting date and time or provide notification if the specific installation does not necessitate a pre-application meeting.

Design Standards

All proposed BMPs shall comply with the applicable design standards set forth in the municipal ordinances for which the property is located and Pennsylvania Stormwater Best Management Practices Manual including, but not limited to, the use of appropriate professionals, such as Professional Engineers, Professional Geologists, Landscape Architects, Soil Scientists, etc. when

required. When applicable, karst hazards, soil investigations, infiltration testing, or other pertinent site-assessment activities should be conducted.

Credit Application

In order to receive Credit, all Owners must follow the subsequent application process. Materials can be mailed to WVSA at P.O. Box 1343, Wilkes-Barre, PA 18703-1343, Attn: Stormwater Credit Administrator or personally delivered to WVSA at 1000 Wilkes-Barre Street, Hanover Township, PA 18706. Properly submitted applications will be reviewed by WVSA within 90 days of submission, unless extended by good cause shown. The applicant will be notified in writing whether or not the credits applied for were approved. Unapproved applications will have 60 days to resubmit before their application is terminated. Approved applicants will receive a letter along with a credit agreement that must be signed and returned to WVSA within 60 days (failure to do so will terminate the Credits). Credits will then be applied to the next billing period. Credits will be valid until March 31, 2023, after which time they may be eligible for reapplication. Separate Credit applications must be submitted for each tract of land.

The following documentation must be submitted for an application to be reviewed:

1. Completed and signed credit application form.
 - a. Application forms are available in Attachment A, online at the Authority website <http://wvsa.org/stormwater/credits>), and at the WVSA office (located at the address listed above).
2. Photographs of the site showing layout, inlets, outlets, etc.
4. Owner's Operation and Maintenance Plan.
5. Previous 1 year maintenance log. (Existing facilities only)
6. \$25 application fee for Tier 2 properties or a \$250 application fee for Tier 3 properties.
7. \$2,000 Escrow established for Tier 3 properties (only) to cover professional services related to review and processing of the application. If at any time funds are drawn down to below \$500 the escrow must be replenished for the application review to proceed. Larger escrow amounts may be required for larger applications with multiple BMPs for review.
8. WVSA has the right to require submission of design documentation, as-built or construction drawings, and an engineering analysis from a Pennsylvania licensed professional engineer. Notification of this requirement will be provided in response to the Pre-Application Meeting Request.
9. WVSA has the right to require documentation from a licensed engineer that the facility is in proper working order. (Existing facilities only).
10. Additional documentation may be required at the request of WVSA.

Maintenance Policies:

All who receive Credits will be required to sign a Maintenance Agreement, substantially in the form attached to this document, which references an Operations and Maintenance Plan outlining any and all maintenance that will be required to continually qualify. The basic minimum maintenance requirements that should be listed in an Operation and Maintenance Plan are, but not limited to:

- Sediment shall be removed when approximately 30% of storage volume of the facility is filled.

- Any sediment traps shall be cleaned when filled.
- No woody vegetation shall be allowed to grow on embankments unless called for in the facility's design.
- Debris shall be removed from the inlet, outlet, and any other structures that have the potential to clog. All systems should be checked at minimum 4 times per year and within 48 hours after any major rain events of >1".
- Documentation of inspections must be submitted by July 1st of each year.
- Provide previous year's maintenance log must be submitted by July 1st of each year.
- Control structures shall remain unaltered, intact, and functioning as originally designed.
- See Pennsylvania Stormwater BMP Manual for system specific inspection details.

WVSA has the right to inspect all systems to ensure they are working properly. If a system is found to be operating inadequately, the Owner will be notified in writing of the deficiencies. If the Owner does not make the necessary corrections within 45 days any and all Credits may be revoked. If Owner fails to submit annual reporting documentation by deadline listed above Credits may be revoked.

Credit Renewal

Credits expire by March 31, 2023 and can be renewed to the extent permitted by controlling laws or regulations. Materials can be mailed to WVSA at P.O. Box 1343, Wilkes-Barre, PA 18703-1343, Attn: Stormwater Credit Administrator or personally delivered to WVSA at 1000 Wilkes-Barre Street, Hanover Township, PA 18706. In order to maintain credits from one period to the next, renewal applications must be properly submitted by January 15, 2023. Failure to do so may result in Credits not being renewed before they expire. Renewal applications will be reviewed by WVSA within 60 days of submission. The applicant will be notified in writing whether or not the Credits have been renewed. Unapproved applications will have 60 days to resubmit before their application is terminated without a fee reimbursement. Approved applicants will receive a letter along with a renewed credit agreement that must be signed and returned to WVSA within 60 days (failure to do so will terminate the Credits). The signed agreement must be returned at least 15 days before the next billing period to guarantee that the renewed Credits will be applied to the next billing period.

The following documentation must be submitted for a renewal application to be reviewed.

1. Completed and signed renewal application form.
 - a. Application forms are available in Attachment B, online at the WVSA website (<http://wvsa.org/stormwater/credits>), and at the WVSA office (located at the address listed above).
2. Current (1 month or less before submission) photographs of the site showing layout, inlets, outlets, etc.
3. Provide previous year's maintenance log.
4. Provide documentation from a Pennsylvania licensed professional engineer that the facility is in proper working order.
5. Provide \$25 renewal application fee for Tier 2 properties and a \$250 renewal application fee for Tier 3 properties.

6. For MS4 Permit Compliance Credits documentation must be provided showing compliance with permit limits/regulations over the proceeding 3 year period.

Appeals and Reassessments

APPEALS ARE DIFFERENT THAN CREDITS. APPEALS ARE ADDRESSED IN WVSA'S RULES AND REGULATIONS.

Reassessment of IA for Tier 3 Properties

Applying for reassessment is encouraged, if changes have been made to a property. **If impervious surface has been removed from a Tier 3 property it will be removed from the fee.** Application forms are available in Attachment C, online at the WVSA website ([www. http://wvsa.org/stormwater/appeals](http://wvsa.org/stormwater/appeals)), and at the WVSA office. Materials can be mailed or personally delivered to the WVSA office. Within 60 days of being received, WVSA will contact the owner with information about the status of the application as well as instructions about how to proceed. Questions about a given IA assessment can be made by contacting staff at 570-820-9872 Monday – Friday between the hours of 8:00 am – 4:00 pm. There is a \$100 fee for reassessment of Tier 3 properties. Property Owners may submit for reassessment once per calendar year.

1. Attachment A – Credit Application

Stormwater Credit Application Form

Credit Application Instructions

1. This form is provided to WVSA stormwater customers who believe they qualify for an approved Stormwater Credit. Customers should review the WVSA Credit Manual for eligibility requirements for Credits. Accounts must be current for credits to be considered.
2. Please fill out all sections on the first page of the form, except for the last section marked "For WVSA Use Only". Please fill out all applicable sections on pages 1 and 2 related to the Credits you are applying for.
3. You may attach supporting documentation to the form. Please note that any submitted documentation will not be returned to the customer. Please mail completed form to:

Wyoming Valley Sanitary Authority
P.O. Box 1343, Wilkes-Barre, PA 18703-1343
Attn: Stormwater Credit Administrator

4. A WVSA representative will review the Stormwater Credit Application Form within 60 days of receipt of the completed form.

Attached Documents

The following documentation must be submitted for an application to be reviewed

- 1 Completed and signed credit application form.
2. Photographs of the site showing layout, inlets, outlets, etc.
3. Obtain owner's operation and maintenance plan.
4. Provide previous year's maintenance log. (Existing facilities only)
5. Provide \$25 application fee for Tier 2 properties and \$250 application fee for Tier 3 properties.
6. Provide escrow deposit of \$2,000. (Tier 3 properties, only.)
7. WVSA may require for the following additional documentation to be submitted:
 - a. Design documentation, as-built or construction drawings, and an engineering analysis from a Pennsylvania licensed professional engineer.
 - b. Documentation from a licensed engineer that the facility is in proper working order. (Existing facilities only)
 - c. Other documentation as may be required at the request of the Authority.

Please review WVSA's Stormwater Management Program Credit Manual before applying

Select the credit(s) being applied for (check applicable boxes):

<input type="checkbox"/> BMP Easement	<input type="checkbox"/> Separate MS4 Permit
<input type="checkbox"/> Existing BMP with WQ Benefit	<input type="checkbox"/> Education Credit
<input type="checkbox"/> Retrofit of Ex. BMP to Add WQ Benefit	<input type="checkbox"/> Stormwater Partnership Credit
<input type="checkbox"/> Riparian Buffer	<input type="checkbox"/> Rain Barrels & Downspout Disconnection
<input type="checkbox"/> Stream Restoration	<input type="checkbox"/> Green Roofs
<input type="checkbox"/> Turf and Landscape Management Program	<input type="checkbox"/> Re-Vegetate and Re-Forest Disturbed Areas
<input type="checkbox"/> Pervious Pavement	

Customer Information

Owner's Name: _____

Phone Number: _____ Alt. Phone Number: _____

E-mail: _____

Property Address: _____

Mailing Address: _____

Account Number: _____

Customer Classification: Tier 2 or Tier 3

Stormwater Credit Application Form (Cont.)

Rain Barrels and Downspout Disconnection

Please enter either the number of rain barrels and/or disconnected downspouts or the percentage of roof area connected to rain barrels and/or disconnected downspouts:

_____ Total number of downspouts connected to the roof

_____ Total number of downspouts connected to a rain barrel or other eligible containment device.

Please attach any supporting information.

Turf and Landscape Management Program

Check all boxes that apply:

- I agree to submit a soil sample and provide WVSA with a copy of the results at least one every three years.
- I agree to follow the recommendations provided on the soil fertility report, including the application of lime if recommended.
- I agree to follow the fertilizer, lime and pesticide application recommendations provided by DTMA.

Please attach a copy of the soil fertility report.

Public Participation Credit Donation

Check only one box:

- I want to donate my participation credits to an eligible non-profit.

Name of Event: _____ Date of Event: _____

Participant Name*: _____ Number of Hours*: _____

Name of Organization: _____

Address of Organization: _____

*Please attached a list of event participants and hours served if more than one person participated.

Additional Credits

If you are applying for any of the following credits, WVSA will contact you to discuss the details of the credit after you submit page 1 of the application.

- | | |
|---|---|
| <ul style="list-style-type: none"> • Retrofit of an Ex. BMP or New BMP to add a WQ Benefit • Riparian Buffer • Stream Restoration • Pervious Pavement | <ul style="list-style-type: none"> • Separate MS4 Permit • Education Credit • Stormwater Partnership Credit • Green Roof • Re-Vegetate and Re-Forest Disturbed Areas |
|---|---|

Stormwater Credit Application Form (Cont.)

Confirmation of Credit Conditions and WWSA Access Rights

I, (please print name) _____ agree to all conditions of the Credits I have applied for as outlined in the *Wyoming Valley Sanitary Authority Stormwater Management Program Credit Manual*. Additionally, I agree that Wyoming Valley Sanitary Authority may at reasonable times enter my property to inspect the property or condition or operation of BMPs.

Signature: _____ Date: _____

FOR WWSA USE ONLY

Date Received: _____	Credit(s): <input type="checkbox"/> Granted <input type="checkbox"/> Denied
Date Reviewed: _____	Reviewer: _____

2. Attachment B – Renewal Application

Credit Renewal Application Instructions

1. This form is provided to existing WVSA stormwater customers who are renewing stormwater credit. Customers should review the WVSA Credit Manual for eligibility requirements for Credits. Accounts must be current for renewal applications to be considered.
2. Please fill out all sections on the form, except for the last section marked "For WVSA Use Only".
3. Please mail completed form to: Wyoming Valley Sanitary Authority
P.O. Box 1343, Wilkes-Barre, PA 18703-1343
Attn: Stormwater Credit Administrator
4. A WVSA representative will review the Stormwater Credit Application Form within 60 days of receipt of the completed form.

Attached Documents

The following documentation must be submitted for an application to be reviewed

1. Completed and signed credit application form.
2. Current (1 month or less before submission) photographs of the site showing layout, inlets, outlets, etc.
3. Obtain owner's operation and maintenance plan.
4. Provide previous year's maintenance log.
5. Provide \$25 application fee for Tier 2 properties and a \$250 application fee for Tier 3 properties.
6. WVSA may require for the following additional documentation to be submitted:
 - a. Documentation from a licensed engineer that the facility is in proper working order. (Previously existing facilities only)
 - b. Other documentation as may be required at the request of the Authority.

Please Mark All Credits That Apply

<input type="checkbox"/> BMP Easement	<input type="checkbox"/> Separate MS4 Permit
<input type="checkbox"/> Existing BMP with WQ Benefit	<input type="checkbox"/> Education Credit
<input type="checkbox"/> Retrofit of Ex. BMP to Add WQ Benefit	<input type="checkbox"/> Stormwater Partnership Credit
<input type="checkbox"/> Riparian Buffer	<input type="checkbox"/> Rain Barrels & Downspout Disconnection
<input type="checkbox"/> Stream Restoration	<input type="checkbox"/> Green Roofs
<input type="checkbox"/> Turf and Landscape Management Program	<input type="checkbox"/> Re-Vegetate and Re-Forest Disturbed Areas
<input type="checkbox"/> Pervious Pavement	

Customer Information

Owner's Name: _____

Phone Number: _____ Alt. Phone Number: _____

E-mail: _____

Property Address: _____

Mailing Address: _____

Account Number: _____

I, (please print name) _____ agree to all conditions of the Credits associated with the above referenced property as outlined in the *Wyoming Valley Sanitary Authority Stormwater Management Program Credit Manual*. Additionally, I agree that Wyoming Valley Sanitary Authority may at reasonable times enter my property to inspect the property or condition or operation of BMPs. I also understand my obligations to any conditions listed in any Operation and Maintenance Agreements that are in existence for this property with WVSA.

Signature: _____ Date: _____

FOR WVSA USE ONLY

Date Received: _____	Credit(s): <input type="checkbox"/> Granted <input type="checkbox"/> Denied
Date Reviewed: _____	Reviewer: _____

3. Attachment C – Reassessment Application

Stormwater Reassessment Form

Reassessment Instructions

1. This form is provided to WVSA Tier 3 stormwater customers who have reduced their Impervious Area coverage.
2. Please fill out all sections on the form, except for the last section marked "For WVSA Use Only".
3. You may attach supporting documentation to the form. Please note that any submitted documentation will not be returned to the customer. Please mail completed form to:

Wyoming Valley Sanitary Authority
P.O. Box 1343, Wilkes-Barre, PA 18703-1343
Attn: Stormwater Credit Administrator

4. A WVSA representative will review the Stormwater Appeal and Reassessment Form within 60 days of receipt of the completed form.
5. Approved adjustments will be applied to the current stormwater bill and all future billings.

Attached Documents

The following documentation must be submitted for an appeal and reassessment application to be reviewed

1. Completed and signed reassessment application form.
2. Provide \$100 application fee.

Appeal Information

Select the revision(s) being requested (check applicable boxes):

Reassessment IA Estimate (optional): _____

Customer Information

Owner's Name: _____

Phone Number: _____ Alt. Phone Number: _____

E-mail: _____

Property Address: _____

Mailing Address: _____

Account Number: _____

Please provide a brief description as to why this reassessment is necessary:

Signature: _____ Date: _____

FOR WVSA USE ONLY

Date Received: _____	Credit(s): <input type="checkbox"/> Granted <input type="checkbox"/> Denied
Date Reviewed: _____	Reviewer: _____

4. Attachment D – Maintenance Agreement

Owner's Name: _____
Phone Number: _____ Alt. Phone Number: _____
E-mail: _____
Property Address: _____
Mailing Address: _____
Account Number: _____

THIS AGREEMENT, made and entered into this _____ day of _____, 20____,
by and between _____, (hereinafter the "Landowner"), and the Wyoming
Valley Sanitary Authority ("Authority");

WITNESSETH;

WHEREAS, the Landowner is the owner of a certain real property in the Authority's stormwater
service area, recorded by deed in the land records of Luzerne County, Pennsylvania, Deed Book
____ at Page ____ and identified by Parcel Identification (ID) Number(s) _____
(hereinafter "Property");

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

WHEREAS, the Wyoming Valley Sanitary Authority and the Landowner, for itself and its
administrators, executors, successors, heirs, and assigns, agree that the health, safety, and welfare
of the residents of the Wyoming Valley region and the protection and maintenance of water quality
require that stormwater practices and conveyances be properly constructed and maintained on the
Property;

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

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

1. The owner shall operate and maintain the stormwater facility on the Property as shown on
the Plan in good working order in accordance with the specific maintenance requirements
noted on the Plan for the duration of the approved credit period.
2. The Owner agrees to all specifications made by the Wyoming Valley Sanitary Authority's
Stormwater Credit Policy Manual, the stormwater ordinance of the municipality for which
the property is located, applicable PADEP requirements, and any documents referenced by
the previously mentioned.

3. The Owner hereby grants permission to the Wyoming Valley Sanitary Authority, its authorized agents, and employees to enter upon the property, at reasonable times and upon presentation of proper credentials, to inspect the stormwater facilities periodically in the discretion of the Wyoming Valley Sanitary Authority. Whenever possible, the Wyoming Valley Sanitary Authority shall notify the Owner prior to entering the property.
4. The Landowner, its successors and assigns, shall inspect the stormwater management/BMP facility and submit annual an inspection report to the Wyoming Valley Sanitary Authority no later than **June 30th** of each year. The purpose of the inspection is to assure safe and proper functioning of the facilities. The inspection shall cover the entire facilities, plantings, berms, outlet structure, pond areas, access roads, etc. Deficiencies shall be noted in the inspection report.
5. The Owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater facility except in accordance with written approval of the Wyoming Valley Sanitary Authority.
6. The Owner shall undertake necessary repairs and replacement of the stormwater facility at the direction of the Wyoming Valley Sanitary Authority or in accordance with the recommendations of a Pennsylvania Licensed Professional Engineer.
7. In the event the Owner fails to Operate and maintain the stormwater facility as specified in the Plan, the Wyoming Valley Sanitary Authority reserves the right to revoke any credits awarded by the stormwater credit system.
8. It is the intent of this agreement to ensure the proper maintenance of the facility or facilities by the Owner; provided, however, that this Agreement shall not be deemed to create or affect any additional liability of any party for damage alleged to result from or caused by stormwater runoff.
9. The Owner, its executors, administrators, assigns, and other successors in interest, shall release the Wyoming Valley Sanitary Authority from any and all damages, accidents, casualties, occurrences or claims which might arise or be asserted against said employees and representatives for the construction, presence, existence, or maintenance of the stormwater facility by the owner or the Wyoming Valley Sanitary Authority.
10. Any assignment of this Agreement must first be approved by the WVSA.

ATTEST:

Witness the following signatures and seals:

(SEAL)
Authority

For the Wyoming Valley Sanitary

For the Owner:

Date:

5. Attachment E – Pre-Application Meeting Request Form

Stormwater Credit Pre-Application Meeting Request Form

Pre-Application Meeting Request Instructions

1. This form is provided to WVSA stormwater customers who are want to install a new BMP or retrofit an existing BMP to become eligible for WVSA stormwater Credit. Customers should review the WVSA Credit Manual for eligibility requirements for Credits. Accounts must be current for credits to be considered.
2. Please fill out all sections on the form, except for the last section marked "For WVSA Use Only".
3. Please mail completed form to:

Wyoming Valley Sanitary Authority
P.O. Box 1343, Wilkes-Barre, PA 18703-1343

Attn: Credit Administrator
4. A WVSA representative will review the Stormwater Credit Application Form within 60 days of receipt of the completed form.

Please Mark All That Apply

- I want to install a new BMP
- I want to retrofit an existing BMP
- I want to discuss a BMP easement, riparian buffer, stream restoration project
- I have an idea for a project that might qualify for the Innovation Credit
- Other: _____

Customer Information

Owner's Name: _____

Phone Number: _____ Alt. Phone Number: _____

E-mail: _____

Property Address: _____

Mailing Address: _____

Account Number: _____

Parcel ID (if known): _____

FOR WVSA USE ONLY

Date Received: _____	Credit(s): <input type="checkbox"/> Granted <input type="checkbox"/> Denied
Date Reviewed: _____	Reviewer: _____