Antrim Township Municipal Authority

Decentralized Wastewater Treatment Systems
or
Private Community Wastewater Systems

SECTION 110-84 GENERAL

Section A - Intent and purpose.

(1) The authority and/or township provide public wastewater disposal services within designated sewer service areas. Those areas outside the public sewer service area are designated as agricultural preservation areas, open space preservation areas, or rural residential areas. These areas are generally served by individual on-lot disposal septic (OLDS) systems. **However, in certain cases, in order to accommodate clustering of development and to preserve significant agricultural areas or open space areas, privately owned and operated decentralized wastewater treatment systems may be necessary.**

(2) Pursuant to Pennsylvania Clean Streams Law Act of June 22, 1937, P.L. 1987, as amended 35 P.S. §691.1 et seq., the Pennsylvania Department of Environmental Protection (PaDEP) is authorized to issue permits for private community on-site wastewater disposal systems or Decentralized Wastewater Systems (DWS) that serve more than one property. While the Authority recognizes that a Decentralized Wastewater System may be in the best interests of the health, safety, and welfare of the Township and its residents in some limited circumstances, the Authority requires assurance that, should the PaDEP issue a Permit and residential development dependant on a DWS occur, the Authority shall be indemnified by the owner and operator of the DWS from any costs or liability in connection with the design, construction, operation, maintenance, repair and/or replacement of that DWS.

(3) The Authority also recognizes that should the owner or operator of the Decentralized Wastewater Treatment System fail or be unable to continue to operate the DWS in accordance with its permits and applicable laws and regulations, the extension of public sewer systems to the development and/or provision of a publicly owned treatment works may not be possible. In such event an adequate replacement reserve for the DWS is essential to insure continued operation of the DWS and the protection of the health, welfare and safety of residents of the Township and nearby areas. Further, in certain circumstances, the Authority may make a determination, at its sole discretion, to take over the operation of the DWS in order to protect the health, welfare and safety of residents of the Township. For these purposes, this resolution is intended to regulate DWS within the Township.

(4) The Authority is not responsible for or subject to penalties or sanctions for an unauthorized discharge from a DWS unless the Authority has accepted responsibility in writing for the same and has also been notified in writing by the PaDEP of such responsibility. It is the general policy of the Authority to reject assumption of liability and responsibility for a DWS except in the limited circumstances described in this Resolution.

(5) The activities of a DWS are subject to the provisions of local zoning and other ordinances as well as Title 25, Chapter 71, Act 537, and the construction and operation requirements of the Federal Water Pollution Control Act, Pa Clean Streams and the National Environmental Policy Act of 1969, 42 U.S.C. 4321, 4331 to 4335 and 4341 to 4347.

(6) As a general rule, the Authority will not look with any approval or support on any DWS proposed for any development, other than single family, small flow treatment systems where a direct stream discharge is the effluent disposal method of choice. The Authority has limited point source nitrogen and phosphorus-loading caps imposed by the 2004 Chesapeake Bay Tributary Strategy, Pa DEP, and therefore as a means of protecting these load caps, will not look approvingly at any point source discharges in the township where effluent land disposal options have not been completely evaluated and pursued. Flows proposed for DWS treatment systems, no matter what the disposal method proposed, must comply with this Resolution and all applicable local and state regulations. (25 Pa Code, Chapter 71 § 71.62).

(7) This Resolution is adopted pursuant to the specific statutory authority described above and general authority granted to the Township to regulate land uses within the Township and to protect the public health, safety and welfare.

SECTION 110-85 - DEFINITIONS

Section A - Definitions.

Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this article shall be as follows:

ACT 537— The Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.1 et seq., known as the "Pennsylvania Sewage Facilities Act."

APPLICANT— A person or entity having an ownership or other interest in land who proposes to construct a DWS or expand a DWS on the land. The Applicant may also be the DWS Owner.

ASSOCIATION — An Association for a condominium development shall have the same meaning as "association of co-owners" and for a subdivision or other development, Association shall mean an association of homeowners or property owners organized as a non-profit entity which is authorized pursuant to deed restrictions and/or restrictive covenants to govern the affairs of the Development. An Association may be the DWS owner.

AUTHORITY — Antrim Township Municipal Authority, a municipality authority incorporated, organized and existing under provisions of the Pennsylvania Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended and supplemented, Editor's Note: See 53 P.S § 301 et seq. acting by and through its Board or, in appropriate cases, acting by and through its authorized representatives. **[Amended 7-8-1997 by Ord. No. 246]**

BUILDING SEWER — The extension from the sewage drainage system of any structure to the lateral of a sewer.

CENTRALIZED WASTEWATER SYSTEM — A managed system consisting of collection sewers and a single treatment plant used to collect and treat wastewater from an entire service area. Traditionally, such a system has been called a publicly owned treatment works (POTW) as defined at 40 CFR 122.

CLEAN STREAMS LAW — The Clean Streams Law (35 P.S. §§ 691.1 – 691.1001).

CLEAN WATER ACT — The Clean Water Act (33 U.S.C.A. §§ 1251 – 1387).

CLUSTERED SYSTEM — A wastewater collection and treatment system under some form of common ownership that collects wastewater from two or more dwellings or buildings and conveys it to a treatment and dispersal system located on a suitable site near the dwellings or buildings.

COMMONWEALTH — The Commonwealth of Pennsylvania

COMMUNITY SEWAGE SYSTEM — A sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots, or two or more equivalent dwelling units and the treatment and/or disposal of the sewage on one or more of the lots or at another site. (Land application, soil discharge).

COMMUNITY SEWERAGE SYSTEM —A publicly or privately-owned community sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a soil absorption area, or retention in a retaining tank. (Stream discharge).

CONSTRUCTION PERMIT — A permit issued by the designated local regulatory authority that allows the installation of a wastewater treatment system in accordance with approved plans and applicable codes.

CONVENTIONAL ONSITE TREATMENT SYSTEM — A wastewater treatment system consisting of a septic tank and a typical trench or bed subsurface wastewater infiltration system or pressure dosed sand mound in which the ground provides remediation for the wastewater.

DECENTRALIZED WASTEWATER SYSTEM (DWS) — An onsite or clustered system used to collect, treat, and disperse or reclaim wastewater from a small community or service area.

DEVELOPER — Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or land development.

DEVELOPMENT — A development shall include subdivisions, condominiums, or any group of dwellings or structures that are proposed to be served by a Decentralized Wastewater System (DWS).

DWS OWNER — A legal entity of perpetual duration that owns the facilities and assets of the DWS. The DWS Owner may also be the DWS Operator if it meets all of the requirements of a DWS Operator.

DWS OPERATOR — A legal entity of perpetual duration that is responsible for the day-to-day operation and maintenance of the DWS and insuring compliance with all permits and applicable laws and regulations.

DWS PERMIT — The permit issued by the Township pursuant to their ordinance.

ENGINEER [TOWNSHIP/AUTHORITY] — The Township Engineer or Authority Engineer or any consultant designated by the Board of Supervisors and Authority who is qualified to perform the duties of engineer required by this Resolution.

ENGINEERED DESIGN — An onsite or clustered wastewater system that is designed and certified by a licensed/ certified designer to meet specific performance criteria for a particular wastewater on a particular site.

ENGINEER, REGISTERED — A person duly registered as a professional engineer by the Commonwealth of Pennsylvania.

IMPROVED PROPERTY — Property within this township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes shall be or may be discharged. The term "improved property" shall not include or apply to barns or other farm outbuildings unless such structures are improved with bathroom facilities for the discharge of sanitary sewage. **[Amended 7-8-1997 by Ord. No. 246]**

INDUSTRIAL ESTABLISHMENT — Any room, group of rooms, building of other enclosure connected directly or indirectly to the sewer system used or intended for use, wholly or in part, for the manufacturing, processing, cleaning, laundering or assembling of any product, commodity or article or any other improved property located in this township from which wastes, in addition to or other than sanitary sewage, shall be discharged.

INDUSTRIAL WASTE — Any solid, liquid or gaseous substance of waterborne wastes or form of energy rejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from sanitary sewage.

LAND DEVELOPMENT — Any of the following activities:

A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
   (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.
   (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

C. Development in accordance with Chapter 125 of the Code of the Township of Antrim (Code).

D. Paving for commercial or industrial use.

E. Paving of more than 12,000 square feet for residential use. Paving over concrete or bituminous surfaces which are already existing shall be excluded from Subsection C and D above and this Subsection E.

F. "Land development" does not include development which involves:
   (1) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium.
   (2) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
   (3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

LARGE VOLUME ONLOT SEWAGE SYSTEM — An individual or community onlot sewage system with a design capacity to discharge subsurface sewage flows which are in excess of 10,000 gpd. Additional permeability and other testing are required for these flows. (See 25 Pa Code, Chapter 71 § 71.62).

LATERAL — That part of the sewer system extending from a sewer to the curbline or, if there shall be no curbline, to a point designated by the township, or, if no such lateral shall be provided, then lateral shall mean that portion of, or place in, a sewer which is provided for connection of any building sewer.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) — A national program under Section 402 of the Clean Water Act for regulation of discharges of pollutants from point sources to waters of the United States. Discharges are illegal unless authorized by an NPDES permit.

OPEN SPACE — Defined as the land area that shall remain perpetually in an undeveloped

state by means of a conservation easement, plat dedication, restrictive covenants, or other legal means that runs with the land. It shall not include land that is already prevented from development such as, but not limited to wetlands. It shall not include other land encumbered by other rights or easements such as, but not limited to utility easements.

OWNER — Any person vested with ownership, legal or equitable, sole or partial, of any improved property.

PaDEP — Pennsylvania Department of Environmental Protection or its successors.

PERSON — Any individual, partnership, company, association, society, corporation, school district, municipality, municipality authority or other group or entity.

REQUIREMENTS — Shall mean any provisions of the Code of the Township of Antrim and other enforceable legal requirements, including but not limited to Resolutions, Ordinances, State Regulations or Statuory Requirements or Directives etc.

SANITARY SEWAGE — Normal water-carried household and toilet wastes from any improved property.

SEPTIC TANK — A buried, watertight tank designed and constructed to receive and partially treat raw wastewater. The tank separates and retains settleable and floatable solids suspended in the wastewater and discharges the settled wastewater for further treatment and dispersal to the environment.

SEWER — Any pipe, main or conduit constituting a part of the sewer system and used or usable for collection and transportation of sanitary sewage and industrial wastes.

SEWER SYSTEM — All facilities, as of any particular time, for collecting, pumping, transporting, treating and disposing of wastewater to be acquired and/or to be constructed and to be owned by the Authority and to be leased to the township for maintenance, operation and use.

STREET — Any street, road, lane, cul-de-sac, alley, public way or public square.

SUBDIVIDER — The owner, developer or the authorized agent of the owner of a subdivision or land development.

SUBDIVISION — The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

TOWNSHIP — The Township of Antrim, Franklin County, Pennsylvania, a municipal subdivision of the Commonwealth, acting by and through its Board of Supervisors or, in appropriate cases, acting by and through its authorized representatives.

WATERS OF THIS COMMONWEALTH — Rivers, streams, creeks, rivulets, impoundments, ditches, water courses, storm sewers, lakes, dammed water, ponds, springs and other bodies or channels of conveyance of surface and underground water, or of their parts, whether natural or artificial, within or on the boundaries of this Commonwealth.

SECTION 110-86 - REGULATIONS

Section A - Regulations

(1) PERMIT REQUIRED — No DWS shall be constructed, installed or operated in the Township without an approved DWS Permit issued in accordance with this Article,

approval of the DWS by all other applicable governmental authorities, and any necessary rezoning or other land use approvals required for the proposed use and construction of the Development to be served by the DWS.

(2) AUTHORITY ACTION — The Municipal Authority shall review and approve or deny the DWS Permit application pursuant to this Article and authorize issuance of a DWS Permit only after the Applicant has provided all information and met all the standards contained in this Article and Zoning Chapter pertaining to conditional land uses. The DWS Permit shall be effective only after the date on which the DEP Part II Water Quality Management Permit for the DWS becomes effective. The DWS Permit shall be deemed rescinded and canceled without further action of the Township in the event that the DEP Water Quality Management Permit lapses, expires without renewal, is revoked by PaDEP or otherwise ceases to be in effect, or in the event of noncompliance with the terms and provisions of this Article.

(3) OUTSIDE PUBLIC SANITARY SEWER SERVICE AREA — A DWS shall only be allowed in areas of the Township outside of the Public Sanitary Sewer Service Area, as defined by the approved Act 537 Sewage Facilities Plan for the Township.

(4) CONDITIONAL USE PERMIT — A DWS shall be considered a conditional land use pursuant to **Section 102 of the** Township Zoning Chapter and shall be subject to the notice, public hearing, standards, findings, conditions and other requirements of the Zoning Article and this Chapter, including the site plan standards set forth in SECTION 110-89 and/or 110-98 below.

(5) PRESERVATION OF OPEN SPACE — The primary purpose for and use of a DWS in the Township shall be to enhance and enable significant clustering of residences and other developmental alteration to land and to preserve significant wetlands, natural features, open spaces or agricultural lands.

Section 110-87 - Qualifications for a DWS Owner

(1) The DWS Owner shall be the Association, the Applicant or other entity of perpetual duration approved by the Township with the capacity to (a) own the DWS, and (b) to operate the DWS (or to contract with a DWS Operator for operation of the DWS) for the benefit of the Association and the Residential Owners and who meets the requirements stated in this Article. The DWS Owner shall have the capacity to and shall perform all obligations of the DWS Owner under the DWS Permit, the DEP Part II Water Quality Management Permit, the Development Agreement, the agreement with the DWS Operator, and the Development Documents, including the ability to meet financial obligations and make reserve fund deposits required by this Article and Applicable Sewerage Laws.

Section 110-88 - Qualifications for a DWS Operator

(1) The DWS Operator shall employ or contract with a sufficient number of personnel who have all qualifications and certifications required under Applicable Sewerage Laws to operate the DWS to ensure availability of both regular and emergency service to the DWS. See (P.L. 134, No. 11, § 2) Water and Wastewater Systems Operators' Certification Act, as amended.

Section 110-89 - Requirements for approval of a DWS

To meet requirements for approval of a Decentralized Wastewater Treatment System, the developer has two (2) options and must agree to the following conditions and terms:

OPTION 1 THE DEVELOPER DESIGNS, CONSTRUCTS, OWNS AND OPERATES

A. The Township requires design review and approval prior to construction. All sewers must meet township code (existing sewer code, Chapter 110: Sewers) with pump stations designed by the ENGINEER according to Township sewer code. The proposed DWS will be reviewed by the ENGINEER and must meet PaDEP guidelines for design and the conditions of this Resolution.
B. The ENGINEER will have oversight and review of all designs, and can disapprove during design any DWS. The Township Engineer has oversight during construction of the DWS and can stop construction if there is a problem.
C. The Developer will own and operate.
D. The Developer will pay up front two (2) years operations and maintenance costs, as calculated by the ENGINEER, which will be held in escrow for the Township in case the Developer defaults, etc. The Developer will also pay for 10% capital improvements and the Township will hold this in an escrow account for the life of the plant. This will be turned over to the Developer or to the residents' maintenance association when the plant is taken off line and the development connected to public sewer. It can be used by the Township if they have to take over the DWS.
E. Under this option, the Developer will sign an agreement with the Township related to operations and maintenance, in which the Township has primacy to inspect the DWS at any time. The Township will be able to review and approve: all operations staff for the DWS, copies of all DMR's sent to Township DWS staff for review, and be able to require improvements to the DWS when in concurrence with the PaDEP and/or its policies and regulations.
F. All other applicable sections of this Article apply.

OPTION 2 THE DEVELOPER DESIGNS AND CONSTRUCTS AND TURNS OVER TO TOWNSHIP FOR OWNERSHIP AND OPERATIONS

A. The Township requires design review and approval prior to construction. All sewers must meet township code (existing sewer code, Chapter 110: Sewers) with pump stations designed by the Authority engineer or approved engineer (ENGINEER) and in accordance to Township sewer code. The proposed DWS will be reviewed by ENGINEER and must meet PaDEP guidelines for design as well as the general conditions of this Resolution.
B. The ENGINEER will have oversight and review of all designs, and can disapprove during design. The ENGINEER has oversight during construction and can stop construction if there is a problem.
C. The Developer will be charged an escrow account for a minimum of two (2) years of operations for the DWS. This is held in account for the Township.
D. The Developer will pay the Township/Authority for operations of the DWS (one-year advance payment).
E. The Developer will turn over the permit to the Township/Authority and pay the Township/Authority for all operations and maintenance costs (electrical, sludge disposal, labor, chemical, etc.).
F. The Authority will hold a minimum of 20% capital costs in escrow for DWS in case of future improvements are needed etc. if the Developer defaults.
G. The Developer will sign an agreement with the Township/Authority related to the operation and maintenance, agreeing to have the Township/Authority recommend all upgrades and have the Developer pay for the upgrades.
H. All other applicable sections of this Article apply.

(1) COMPLIANCE WITH LAWS AND ORDINANCES — The design, construction and operation of the proposed DWS shall comply with the terms of this Article and all Applicable Sewerage Laws.

(2) PLANS. — No new DWS or expansion of an existing DWS shall be constructed, installed or operated within the Township unless the plans for the construction, installation and operation of the DWS (Plans) have been approved by the Township/Authority, and all other governmental authorities having jurisdiction over the construction and maintenance of Sanitary Sewer Systems. The Plans shall include sufficient detail to ensure compliance with this Article, other applicable Township/Authority requirements and general engineering practices and standards.

(3) INFORMATION AND DOCUMENTS REQUIRED — The Applicant shall provide the following to the Township/Authority before approval of a DWS may be granted:

(i) ARTICLES AND BYLAWS — A copy of the Articles of Incorporation and Bylaws of the Association.

(ii) RESTRICTIONS AND MASTER DEED — A copy of the form of the restrictive covenant/deed restriction/or master deed imposing upon Residential Owners the obligation to pay for all capital and operating costs and reserves associated with the DWS.

(iii) DEVELOPMENT AGREEMENT — An executed Development Agreement among the Applicant, DWS Owner (if different from the Applicant), the Association, and the Township/Authority in a form acceptable to the Township/Authority that:

A. Responsibility; Assignment— Provides that the Applicant, DWS Owner (if different from the Applicant), and Association are jointly and severally responsible for inspection, monitoring, repairing, replacing, operating and maintaining the DWS and retaining a DWS Operator. The Applicant shall have the right to assign such obligations to the DWS Owner and the Association after final approval of the DWS Permit, establishment of the reserve funds described below and successful operation of the DWS for a period of 12 months after transfer of control of the Association to the Residential Owners;

B. Standards— Specifies standards for inspection, monitoring, operation, maintenance, repair and replacement of the DWS in accordance with Applicable Sewerage Laws and operating guidelines recommended by the manufacturer of all components of the DWS, and the DWS Operator. The Applicant will provide the proposed standards to the Township/Authority for review and approval and such standards shall be included in the Development Documents;

C. Township/Authority Rights; Jurisdiction; Injunction — Grants the Township/Authority the right to inspect any part of the DWS for compliance with this Article, the Development Agreement and all Applicable Sewerage Laws, consenting to personal jurisdiction and venue in Franklin County or U.S. District Court for Central Pennsylvania agreeing that money damages cannot make the Township/Authority whole for damages arising out of the breach of the Development Agreement, and agreeing to injunctive remedies in any action brought by the Township/Authority to enforce the Development Agreement or enforce compliance with Applicable Sewerage Laws;

D. Indemnification— Requires indemnification of the Township/Authority by the Applicant, DWS Owner and Association, jointly and severally, from any and all loss, liability, costs and expense incurred by the Township/Authority with respect to inspection, monitoring, operation, maintenance, repair and replacement of part or all of the DWS and requires payment of such costs within 30 days of receipt of the Township/Authority s invoice for same;

E. Insurance— Requires the Applicant, DWS Owner, DWS Operator and Association to maintain during the life of then DWS policies of casualty insurance for the replacement value of the insurable components of the DWS, comprehensive general liability insurance and pollution legal liability insurance, each with limits acceptable to the Township/Authority, naming the Township/Authority as an additional insured, which policies shall be issued by an insurer registered/licensed to issue insurance in Pennsylvania and with an A.M. Best Rating, or similar rating, acceptable to the Township/Authority. No policy of such insurance shall be cancelled or permitted to lapse without 30 days advance written notice to the Township/Authority and without securing similar coverage;

F. Connection to Public Sewer— Grants the Township/Authority the authority in its sole discretion to require that the DWS be abandoned and all properties in the Development be connected, at the expense of the Association and Residential Owners, to any public sanitary sewer system or publicly-owned community sewer system which may be constructed in the future and accessible to the Development;

G. Purchase by Township/Authority— Grants the Township/Authority at any time, the right and option to be exercised by the Township/Authority in its sole discretion, to purchase for the sum of $1.00 (i) marketable title to the DWS and any related lands, equipment, fixtures, appurtenances and easements, and (ii) all DWS warranties, all as reasonably deemed by the Township/Authority to be necessary in conjunction with the DWS or future publicly owned community wastewater system. In the event the Township/Authority exercises the foregoing option, the Township/Authority shall hold and operate the DWS as a public utility providing service to the Residential Owners. The Township/Authority may thereafter transfer the facilities, assets and reserves of the DWS to a new DWS Owner on the condition that such facilities, assets or reserves are used solely for providing sewer services to the Residential Owners;

H. Special Assessment District— Provides consent by the DWS Owner, the Association and Residential Owners to the establishment of a special assessment district described as follows: Prior to recording the Development Documents and sale of any unit, lot or parcel served by a DWS, Applicant shall establish a special assessment district, if approved by the Township/Authority Board, whose boundaries coincide with the Development, for the purpose of funding the operating, maintenance and capital costs of the DWS and reasonable reserves for such costs, in the event that the DWS Owner is unable, unwilling or fails for any reason to do so. The Township/Authority, in the event that a special assessment district is established, may impose assessments sufficient to meet the operating, maintenance and capital needs of the DWS together with such reserves as prudent practice dictates in the event that (i) the Township/Authority (in its sole discretion) takes over ownership and operation of the DWS, (ii) the DWS Owner fails to impose or collect user charges or assessments sufficient to meet the normal operating, maintenance and capital needs of the DWS and/or fails to maintain the reserves required by this Article or Applicable Sewer Laws.

I. Township/Authority Option to Assume Ownership— Grants the Township/Authority the right, but not the obligation, to take over ownership and operation of the DWS in the event that the DWS Owner (i) becomes insolvent or goes into bankruptcy or receivership, (ii) fails to maintain the operating, maintenance and capital reserves required by this Article within 6 months after written notice from the Township/Authority that the reserves do not meet Article

requirements, (iii) is unable, unwilling or fails for any reason to operate the DWS in full compliance with Applicable Sewerage Laws where failure to meet such requirements in 6 successive months or in more than 8 months in a 12 month period shall be conclusively determined to be an inability to comply with Applicable Sewerage Laws In the event the Township/Authority exercises its option in the Township/Authority's sole discretion to assume ownership of the DWS, the Township/Authority shall hold and operate the DWS as a public utility providing service to the Residential Owners. The Township/Authority may thereafter transfer the facilities, assets and reserves of the DWS to a new DWS Owner on the condition that such facilities, assets or reserves be used solely for providing sewer services to the Residential Owners;

J. Rejection of Assumption of Liability —Acknowledges that the Township/Authority has rejected assumption of liability for the DWS except in the event the Township/Authority, in its sole discretion, determines to take over ownership of the DWS.

K. Educational Materials — Requires the Applicant the DWS Owner and the Association to provide each Residential Owner on a regular basis, no less than annually, with educational materials and recommended guidelines on the proper disposal of household wastes. Information concerning such educational materials and recommended guidelines shall be included in the disclosure documents pertaining to the Development.

(4) DWS OPERATING AGREEMENT— An executed DWS Operating Agreement among the Applicant, DWS Owner (if different from the Applicant), the Association, and the DWS Operator governing (i) inspection, monitoring, operation, maintenance, repair and replacement of equipment and facilities of the DWS; (ii) the imposition and collection of user charges and assessments for connection to, and use of the DWS; (iii) establishment and maintenance of financial reserves for operation, maintenance and capital expenses; and (iv) compliance with all Applicable Sewerage Laws and agreements regarding the DWS, including this Article. The proposed form of the DWS Operating Agreement shall be submitted for approval to the Township/Authority as part of the application for a DWS Permit to construct and operate the DWS. The DWS Operating Agreement shall expressly provide that it may not be terminated without Township/Authority approval so long as the DWS serves the Development. Provided, the DWS Operating Agreement may be assigned to another DWS Operator in accordance with the Applicable Sewage Laws and upon prior written approval of the Township/Authority. The language of the DWS Operating Agreement shall be reviewed and approved by the Township/Authority attorney and Township/Authority engineer prior to granting of approval of the DWS by the Township/Authority Board. Any amendments, renewals, revisions or substitutions of the DWS Operating Agreement shall require prior written approval of the Township/Authority Board, including review by the Authority engineer/representative.

(5) ENGINEER'S CERTIFICATION — A certification from a REGISTERED ENGINEER (ENGINEER) licensed and experienced in the process of sanitary sewage and waste as required by and in conformance and compliance with all Applicable Sewerage Laws. The ENGINEER shall review and make a recommendation to the Township Board and Authority regarding the adequacy of such certification. The ENGINEER review shall include review of plans and documents for compliance with Township/Authority Requirements, engineering standards and general engineering practices.

(6) QUALIFICATIONS OF DWS OPERATOR— Evidence satisfactory to the Township Board or its designee (Authority) (in accordance with standards described in this Article) that the DWS Operator employs or contracts with a sufficient number of individuals who have all qualifications and certifications required under Applicable Sewerage Laws to operate the DWS. See (P.L. 134, No. 11, § 2) Water and Wastewater Systems Operators' Certification Act, as amended.

(7) QUALIFICATIONS OF DWS OWNER— Evidence satisfactory to the Township/Authority Board or its designee in accordance with standards described in this Article that the DWS Owner has the qualifications to own the DWS.

(8) DISCLOSURE DOCUMENT —The provisions of the Development Agreement described above and other obligations of the Association and Residential Owners set forth in this Article, including a copy of this Article, shall be included in a separate disclosure document and referred to in the deed conveying any portion of the Development to a Residential Owner and in the Development Documents, which shall run with the land, in the form approved by the Township/Authority attorney and shall be delivered to the prospective purchaser of a unit, lot or parcel of the Development served by a DWS prior to the execution of a purchase agreement.

(9) LOCATION OF CENTRAL DWS FACILITIES —The central treatment system, drainfield and reserve field portions of the DWS shall be located upon a separate common area, lot or unit dedicated exclusively to operation of the DWS which shall be initially owned by the Applicant and transferred to the Association or a qualified DWS Owner in the manner described in this Article. The DWS shall be inspected, monitored, operated, maintained, repaired and replaced by the DWS Owner or Association with the right of the DWS Owner or Association to assess Residential Owners for all such costs.

(10) OPERATION AND MAINTENANCE RESERVE; ASSESSMENTS; ESCROW AGREEMENT— The DWS Owner shall maintain an operation and maintenance reserve sufficient for five (5) years of monitoring, inspection, operation, maintenance and repair of the DWS and a DWS system and equipment replacement reserve sufficient to fund replacement of the DWS system and equipment after the end of its anticipated useful life unless a larger amount is required under Applicable Sewerage Laws with amounts certified by qualified engineers and approved by the ENGINEER. The Development Documents and the DWS Operator shall provide for user fees and assessments of Residential Owners to ensure perpetual funding of the operation and maintenance reserve. The reserves shall be established pursuant to an escrow agreement which shall be submitted to the Township/Authority for review and approval prior to issuance of the DWS Permit. In the event of non performance by the DWS Owner or the DWS Operator of proper maintenance and operation of the DWS, the Association or the Residential Owners shall have the right and obligation to draw on such escrow reserve fund for the purpose of undertaking proper maintenance, inspection, operation and replacement of the DWS, and payment of fees, costs and expenses of same.

(11) ACCESS EASEMENTS — Permanent and irrevocable easements, in recordable form, shall be granted by the Applicant, DWS Owner and Association to the Township/Authority and its employees, contractors, consultants, agents, and assigns authorizing the Township/Authority to enter on the Development and the property upon which the DWS is located for the purpose of inspections and other

purposes set forth in this Article, and the DWS shall be maintained so as to be accessible at all times by the Township/Authority. No structures or landscaping within the access area shall be allowed that would unreasonably interfere with such access.

(12) OPERATIONS AND MAINTENANCE MANUAL; RATES — The DWS Operations and Maintenance (O/M) Manual which shall include worksheets for replacement costs and five (5) year O/M costs prepared in a format similar to worksheets required for those purposes by the PADEP, The Applicant shall provide proposed rates, fees and assessments for the first five (5) years of operation of the DWS, including a projected cash flow analysis showing the assumption of number of connections, and anticipated escrow replenishments needed to balance the expenses and revenues from the Development and to maintain the required maintenance and replacement escrows.

(13) WARRANTIES — The DWS application shall include copies of all manufacturers and contractors warranties for the DWS which shall be assignable to the DWS Owner, the Association, the Residential Owners and the Township/Authority (in the event the Township/Authority, in its sole discretion assumes ownership of the DWS).

SECTION 110.90 - BUILDING (LAND USE) PERMITS

No building (land use) permit shall be issued for any structure or dwelling unit proposed to be served by a DWS until the Township/Authority Board has approved the DWS Permit application in accordance with terms and provision of this Article.

SECTION 110-91 - INSPECTION DURING CONSTRUCTION; CERTIFICATION

The DWS shall be inspected during construction by an independent engineer or consultant hired by the Township or its designee (Authority) at the expense of the Applicant or DWS Owner, to ensure proper system construction and installation. All underground installations must be inspected prior to covering, with as-built measurements provided to the Township/Authority. Full scale operation of the DWS (excluding pilot testing and similar preliminary operations) shall not commence until an independent engineer or consultant hired by the Township or its designee (Authority), at the expense of the Applicant or DWS Owner, has certified that the DWS has been constructed according to the approved plans and specifications.

SECTION 110-92 - NON-RESPONSIBILITY OF TOWNSHIP/AUTHORITY

Anything in this Article to the contrary notwithstanding, the Township/Authority shall not be responsible for or obligated to perform any needed or desired repairs, maintenance, improvement, and/or replacement of the DWS or any portion thereof except in the event the Township/Authority, in its sole discretion, determines to take over ownership of the DWS. The Applicant shall acknowledge and the Development Documents shall provide an acknowledgment that the Township/Authority has rejected assumption of liability for the DWS.

SECTION 110-93 - CONDITIONS OF APPROVAL; ANNUAL REPORTS

At any time approval for a DWS is granted, the Township/Authority may condition such approval upon the Applicant, the DWS Owner and current and future Residential Owners and the Association agreeing to adhere to the operational and maintenance requirements of this Article. The DWS Operator, DWS Owner, and the Association shall furnish annual

operating and maintenance reports in accordance with the applicable DWS operation and maintenance requirements. All such requirements shall be made a part of the Development Agreement and Development Documents.

SECTION 110-94 - RECORDING DEVELOPMENT AGREEMENT AND DEVELOPMENT DOCUMENTS; AMENDMENTS

The Development Agreement and the Development Documents shall be recorded at the office of the Franklin County Register of Deeds, after approval by the Township/Authority and prior to first sale of a unit, lot or parcel of a Development. The Development Documents, as they pertain to the DWS, shall not be amended without Township/Authority approval, and shall contain language to that effect.

SECTION 110-95 - RESPONSIBILITY FOR COSTS

The DWS Owner, the Applicant, the Association and the Residential Owners shall be responsible for all costs of the installation, operation, monitoring, inspection, maintenance, repair, and replacement of equipment and facilities of the DWS and all liability associated with the DWS. The Township/Authority may, at its option, elect to collect all costs it may incur in connection with the DWS pursuant to the provisions of this Resolution by a special assessment described above, and by direct court action against the Applicant, the DWS Owner, the DWS Operator, the Association, and/or Residential Owners.

SECTION 110-96 - Transfer of Ownership of the DWS

(a) LIMITATIONS — The DWS Owner shall not transfer, convey or assign any facilities or assets of the DWS required for the ongoing operation of the DWS in compliance with this Article and Applicable Sewerage Laws, except as provided in this Article.

(b) CONDITIONS — The DWS Owner shall not transfer, convey or assign the facilities and assets of the DWS without approval of the Township/Authority Board based on (i) a demonstration that the entity seeking to become the new DWS Owner meets all requirements of a DWS Owner under this Article and can fulfill all duties and obligations of a DWS Owner under the DWS Permit, the Part I NPDES permit, the DEP Part II Water Quality Management Permit, the Development Agreement, the Development Documents, and the agreement with the DWS Operator; (ii) a demonstration that the new DWS Owner has established or has the right to receive a transfer of all required operating, maintenance and capital reserves and (iii) the agreement of the new DWS Owner to undertake all obligations imposed on a DWS Owner under this Article, the agreement with the DWS Operator, the Development Agreement and the Development Documents.

(c) CONTINUING LIABILITY — Transfer of ownership of the DWS by a DWS Owner shall not relieve the prior DWS owner from civil or criminal liabilities arising under this Article or any Applicable Sewerage Law nor from the obligation to comply with any court-ordered injunctive relief related to obtaining or enforcing compliance with this Article or Applicable Sewerage Laws that accrue or arise prior to the date of Township/Authority Board approval of the transfer.

SECTION 110-97 – Permit to Operate a DWS; Annual Reports

(a) PERMIT — No DWS may be constructed, installed or operated within the Township/Authority without a DWS Permit.

(b) INITIAL APPROVAL — Township/Authority Board approval of the DWS Permit pursuant to this Article and Township Zoning Chapter shall serve as the initial permit to construct,

install and operate the DWS, which permit shall be effective only after the DEP Part II Water Quality Management Permit has been issued, and thereafter for an initial period of no longer than the DEP Water Quality Management Permit and shall remain in effect only so long as a valid DEP Permit is in effect, and compliance by the DWS and the DWS Owner and DWS Operator with the requirements of this Article and other applicable laws and requirements.

(c) ANNUAL REPORTS; INFORMATION REQUIRED — In order to keep the DWS permit in effect, the DWS Owner or DWS Operator shall submit to the Township/Authority annual reports containing the following:

(i) The name of the DWS Operator and a copy of the current contract between the DWS Owner and DWS Operator, and current copies of all required certifications for individual operating the DWS.

(ii) Proof that the DWS Owner and DWS Operator meet the insurance and other requirements under this Article.

(iii) A certification with supporting documentation from a financial institution that the required operating, maintenance and capital reserves are maintained.

(iv) The operating budget for the DWS for the most recently completed fiscal year together with a schedule of all user fees and charges.

(v) A certification from a professional engineer licensed in Pennsylvania with expertise in wastewater systems that (i) sets forth the maintenance, repair and replacement needs or recommendations for the DWS for the 12-month period coinciding with the upcoming permit year together with an estimate of likely associated expenses, and (ii) states without exception or reservation that the condition of the DWS, together with the operating budget and the satisfaction of the maintenance, repair and replacements needs, is such that the DWS is capable of meeting all applicable requirements for operation of the DWS.

(d) ANNUAL INSPECTION — The DWS shall be inspected annually by an independent engineer or consultant hired by the Township/Authority or its designee at the expense of the DWS Owner to certify system condition, capacity and function.

(e) AUDIT — The Township/Authority, in its sole discretion, may require an audit of the books and records of the DWS at the expense of the DWS Owner as part of the process of annual review of the DWS Permit.

SECTION 110-98 – SITE PLAN STANDARDS

In connection with the review of the DWS and the conditional use permit approval pursuant to the Antrim Township Zoning Chapter or Subdivision and Land Development Chapter, SALDO, the Applicant shall include in the site plan (for a conditional use permit) for the Development or in separate documents the following:

(a) BUFFERING — Adequate buffering space from residential uses and adjacent properties to minimize process machinery noise level, maximize odor dispersal and to ensure adequate isolation distances so that drinking water wells are not adversely affected by the DWS.

(b) FENCING; LANDSCAPING — Adequate fencing and landscaping to protect and screen the treatment system and disposal field from adjacent uses

(c) LOCATION OF DWS — Location of the DWS in a manner to generally discourage foot traffic, park use, future illegal landscaping, fill or other uses. The location shall also minimize the impact of the DWS on existing and future homes. Fencing of the drainfield and reserve field is required.

(d) PROHIBITED USES — Development Documents that clearly state the DWS, drainfield and reserve field shall not be used for any purpose other than sewage disposal. Prohibited uses include active or passive uses, park uses, stormwater runoff, collection or storage, easements, maintenance activities, structures or any other uses that might be detrimental to the DWS, drainfield or reserve field. The surface of the DWS drainfield and reserve field shall be suitably landscaped and maintained in a manner designed to preserve the function of the fields and to prevent erosion.

(e) LOCATION MAP — A general location map showing the proposed treatment system and the Development in relationship to prominent geographical features such as roads, rivers, lakes, and towns.

(f) LEGAL DESCRIPTION — An accurate legal description of the boundaries of the Development and the central treatment system, drainfield and reserve field. The entire Development and treatment system site must be topographically mapped with a maximum contour interval of two feet. The legal description and topographic map must be prepared under the direction of a professional surveyor licensed in Pennsylvania. The drawing must be accurate and to a scale of no more than 100 feet to one inch.

(g) SOIL BORINGS — The location of soil borings or test pits with attached soil boring logs and indicating the general nature of subsurface soils in the Development and treatment system areas, including depth to groundwater, permeable strata, and confining layers.

(h) DWS COMPONENTS — The major components of the proposed DWS on the drawing, including pump stations, tanks, treatment units, drainfields, buildings and other significant items.

(i) ACCESS — The means of vehicle access to the DWS with at least one paved access drive at least 10 feet wide for year round access, and paved parking and turnaround area adequate for maintenance vehicles, and buried utilities at a minimum of 10 feet from the edge of pavement.

(j) STORMWATER MANAGEMENT — Sufficient details on the drawing to illustrate the method of stormwater management, including general flow arrows for the direction of stormwater runoff, and the points of discharge from the Development.

(k) CROWNING OF FIELDS — The drainfield and reserve field which shall be crowned and which shall receive no drainage runoff for collection use.

(l) ISOLATION DISTANCES —Isolation of the proposed DWS from surrounding utilities and structures. The plan shall show the locations of and distances from nearby wells, existing and future structures, drains, watermains, or other utilities. In general, the preferred buffer from any dwelling to the DWS disposal area or pump station is 300 feet.The DWS shall be located on a parcel of land not counted as developable area or encumbered by easements, except easements necessary for operation of the DWS.

(m) NOISE AND ODOR BUFFERS — Placement of the DWS to provide adequate buffer space to decrease process machinery noise levels and maximize odor dispersal, including a description of how placement of the DWS will minimize odors affecting neighboring properties.

(n) WATER COURSES; WETLANDS; FLOOD PLAINS — The locations of and distances to nearby water course, surface water, wetlands, or floodplains, including a minimum isolation distance of 100 feet from any drainage area, surface water, wetland or flood plain.

(o) SCREENING — Details of the screening to be provided around the DWS, such as berming, trees, shrubs and fencing.

(p) FEASIBILITY OF CONNECTION TO PUBLIC SEWER — A depiction or description of the proximity of the proposed DWS to the nearest public sanitary sewer and plans and specifications demonstrating feasibility or lack of feasibility of connection.

(q) ADJACENT USES — Adjacent land use and zoning.

(r) COMPATIBILITY WITH GENERAL DEVELOPMENT PLAN — A description of the compatibility of the proposed Development with local planning, including a discussion of the impact of the Development on the Township Comprehensive Plan.

(s) WATER SUPPLY— The source of water supply and its isolation from the proposed treatment and disposal system portion of the DWS, and the general direction of groundwater flow.

SECTION 110-99 - SELECTION OF TREATMENT SYSTEM

(i) STANDARDS — The DWS treatment system must meet or exceed PaDEP standards as follows: Domestic Wastewater Facilities Manual, 362-0300-001, 10/97; Pa Code 25, Chapter 73, Standards for Onlot Sewage Treatment Facilities; Manual for Land Application of Treated Sewage, 362-2000-009; and other applicable state, federal and local design guidelines.

(ii) DESIGN — The DWS shall be designed with ease of maintenance and operation in mind. The Township/Authority or its designee, reserves the right to retain a qualified wastewater system engineer, at the Applicant's expense, to review the plans and suggest modifications to the design, layout, or operation of the system.

(iii) WASTEWATER TREATMENT TECHNOLOGIES — The DWS Treatment and Collection Technologies approved for use include the following (as outlined in EPA/625/R-00/008 February 2002 Onsite Wastewater Treatment Systems Manual):

A. Continuous – Flow, Suspended Growth Aerobic Systems (CFSGAS)
B. Fixed – Film Processes
C. Sequencing Batch Reactor Systems (SBR's)
D. Effluent Disinfection Processes (with discharge to subsurface wastewater infiltration system or surface water)
E. Vegetated Submerged Beds and Other High-Specific-Surface Anaerobic Reactors
F. Evapotranspiration and Evapotranspiration/Infiltration
G. Stabilization Ponds, Free Water Surface Constructed Wetlands, Subsurface Flow Wetlands, and Other Aquatic Systems
H. Intermittent Sand/Media Filters
I. Recirculating Sand/Media Filters
J. Land Treatment Systems (lagoons, spray irrigation systems, drip/trickle irrigation)
K. Subsurface Wastewater Infiltration Systems (SWIS)
L. Membrane Bio-reactor (MBR)
M. Integrated Fixed Film Activated Sludge Process (IFAS)

(iv) SLUDGE MANAGEMENT – The DWS sludge management plan must comply with Pa Code 25, Chapter 273, Article 273.513.

SECTION 110-100 - BASIC DESIGN CRITERIA

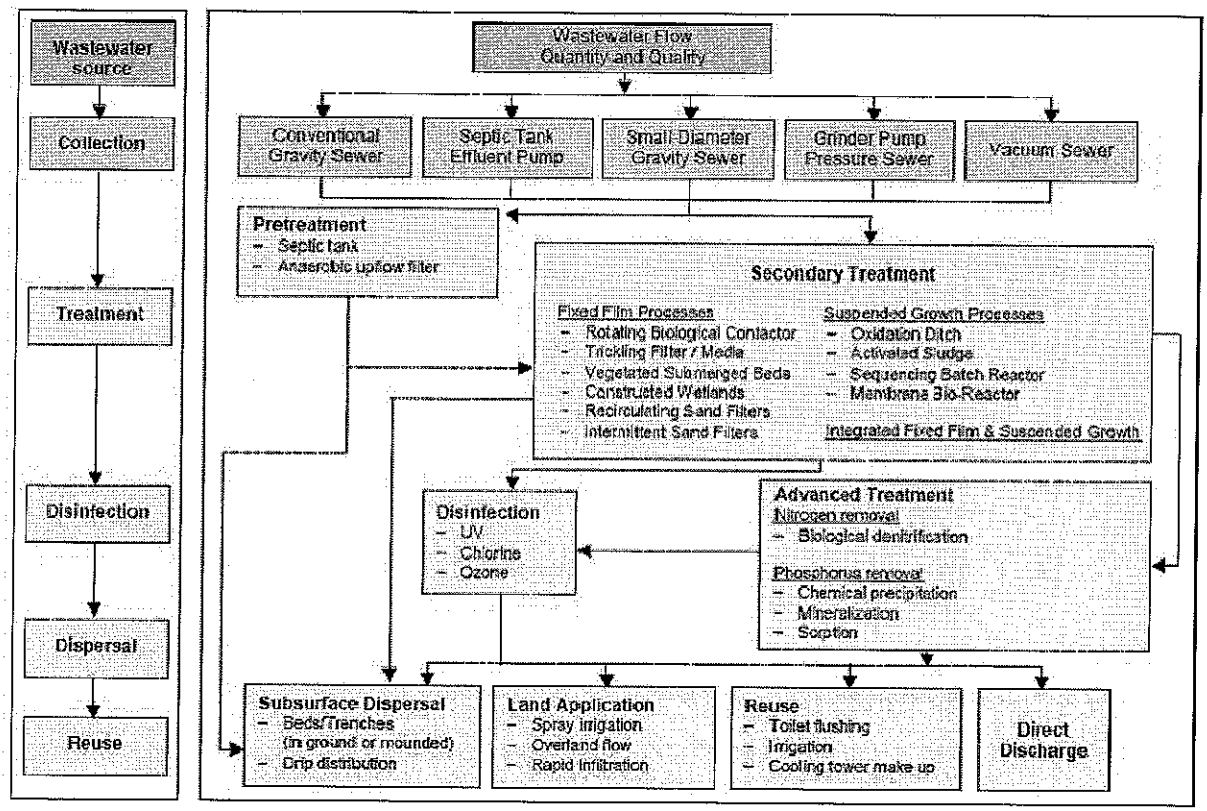
(a) QUALIFIED ENGINEER — The DWS shall be designed by a qualified professional engineer licensed to practice in the State of Pennsylvania with experience in the design of a DWS. The design engineer shall provide to the Township/Authority a list of similar projects designed by the engineer with location, size, construction cost, contact names and telephone numbers.

(b) RESIDENTIAL USE — A DWS designed under this Article shall consider wastewater characteristics of residential users and shall meet or exceed PaDEP standards and Health Department standards.

(c) FLOW — In the absence of actual flow data, the design shall be based upon the definition of one Equivalent Dwelling Unit (EDU) equaling a minimum of 225 gallons per day per Antrim Township/Authority.

(d) MAXIMUM CAPACITY — The DWS shall be limited to a maximum capacity of 22,500 gallons per day. **A Development may have more than one (1) DWS to service all portions of the Development.**

(e) COMPONENTS — DWS shall include the following general components:



(f) SERVICE LIFE — The DWS shall be designed for a service life of at least 20 years.

(g) REPAIR/REPLACEMENT — Capital replacement or repair of equipment is required by the DWS owner. All equipment must meet all conditions set forth in this article.

(h) COMPARTMENTALIZATION — In order to keep the DWS operational during times of routine maintenance and/or repair, whenever possible, the treatment components shall be compartmentalized so as to allow for manual alternation of the components.

(i) REQUIRED CONNECTIONS — All developable sites within the proposed Development shall be connected to the DWS.

(j) MINIMUM NUMBER OF CONNECTIONS — The minimum number of homes connected to a DWS shall be 25 or sufficient to support the costs associated with ongoing operation, maintenance, repair and replacement of the DWS without placing an undue burden on the homeowners.

(k) DESIGN CALCULATIONS; RESPONSE TIME — The Applicant shall prepare a basis of design showing flow calculations, dosing rates, pump and tank sizing, timer settings, and other key parameters. Include an estimate of the time available for operator response under high water alarm conditions.

(l) MAINTENANCE — The DWS piping design shall allow for flushing, draining, repairing, and other maintenance activities.

(m) HANDLING DEVICES — The DWS design shall provide adequate lifting and handling devices for heavy or awkward components of the system.

(n) ODOR AND CORROSION CONTROL— All pump stations and forcemains will include odor and corrosion control which will meet best available technology (BAT), unless vacuum systems are proposed.

(o) GRAVITY FLOW; CONNECTIONS — Gravity collection system shall comply with the Antrim Township Code of Ordinances, Chapter 110, Sanitary Sewers.

(p) MONITORING WELLS — Subsequent to a review of the overall data submitted, the State and Township/Authority may require the installation of groundwater observation wells around the disposal area. If the wells are required, the following criteria shall apply:

(i) A minimum of three (3) monitoring wells shall be triangulated around the final disposal area with the exact locations jointly determined by the DWS design engineer and the Township/Authority.

(ii) The wells shall be a minimum of 2" diameter and properly screened at the depth of the receiving aquifer.

(iii) Each well shall be secured in the manner consistent with requirements of applicable governmental authorities.

(iv) Sampling frequency and parameters for the DWS shall be based on recommendations of the DWS design engineer and Township/Authority engineer.

(q) PAVED AND LANDSCAPED SLOPES — The DWS design shall provide for paved slope surfaces of a minimum of 1 % and a maximum of 6%. Landscaped or grassed areas that require routine mowing may be sloped up to a maximum of 1 vertical to 4 horizontal.

(r) GRADING — All elevations within the area of any component of the DWS shall be graded so as to promote runoff away from the system to a designated drainage area.

(s) RESERVE FIELD — Based on the recommendations of the DWS design engineer and the Township/Authority engineer, the reserve field may be required to be fully or partially prepared. The extent of preparation shall be subject to the following criteria:

(i) Future availability of public sewer.

(ii) Overall site grading and/or clearing.

(iii) Depth and accessibility of proposed excavation.

(iv) Conditions observed during construction, inspection or other field inspections that vary from design assumptions, such as lack of uniform subsurface soil conditions, location of groundwater, percolation, construction methods especially those resulting in smearing, or any other conditions or factors that may have an impact on the optimal performance of the DWS design, as described in generally accepted publications regarding field conditions or other factors that may affect performance or service life.

(t) SOIL EROSION —The DWS design shall provide for installation, inspection and maintenance of adequate soil erosion and sedimentation control measures.

(u) RESERVE FIELD SLOPES — The reserve drainfield area shall be designed to provide for no more than a 25% slope within the defined boundary.

(v) WATER SOFTENERS; SALT — The DWS shall be designed so that recharge water from residential water softeners is not discharged into the DWS, and other sources of salt or other chemical compounds such as pavement de-icing runoff are directed away from the surface or subsurface of the drainfield, reserve field or DWS system components.

(w) GRAVITY SYSTEM; PUMP CRITERIA — The DWS shall comply with Antrim Township Code of Ordinances, Chapter 110, Sanitary Sewers.

(x) COMPATIBLE DESIGN — The DWS shall be designed with consistent and compatible system components

(y) The DWS owner shall prepare and obtain all required state and local permits including Part I National Pollution Elimination Discharge System (NPDES) and Part II Water Quality Management (WQM), Erosion and Sedimentation (E&S), and others.

SECTION 110-101 – TYPICAL MAINTENANCE, MONITORING, AND REPAIR (MMR) RESPONSIBILITIES FOR DWS

MMR Activity	Onsite Systems	Small Systems <2,000 gpd	Medium Systems 2,000-10,000 gpd	Large Systems 10,000-50,000 gpd	Very Large Systems 50,000+ gpd	Centralized Systems
Maintenance	Periodic residuals removal		Treatment, collection system maintenance	Treatment, collection dispersal system maintenance activities	On-going treatment collection, dispersal system maintenance activities	
Monitoring	Periodic inspections	Periodic inspections Remote monitoring systems may be appropriate	Regular inspections Regular sampling On-call personnel Remote monitoring systems	Regular inspections Regular sampling On-call personnel SCADA system	Regular inspections Regular sampling Full time personnel SCADA system	
Repair	Component repair as needed		Component repair as needed On-call personnel	Preventative repair and replacement program On-call personnel	Preventative repair and replacement program Full time personnel Redundant systems	
Administration	Varies by degree of oversight (Education, Permit Applications, Inspections, etc.) System use regulation		Discharge permit Compliance reporting System use regulation	Discharge permit Compliance reporting Minimal customer service System use regulation	Discharge permit Compliance reporting Full customer service System use regulation	

SECTION 110-102 - FEES, PENALTIES AND ENFORCEMENT

Section A – Fees

(1) ADMINISTRATIVE AND ESCROW FEES Applications for DWS under this Article shall be accompanied by a non-refundable administrative application fee in an amount specified from time to time by resolution of the Township/Authority Board. In addition, an Applicant shall pay an additional escrow fee in an amount determined by resolution of the Township/Authority Board for the estimated cost of outside consultants retained by the Township/Authority in connection with the review of the application. In the event the cost of the services of the consultants is less than the escrow fee, the Applicant shall be refunded the balance. In the event the cost of the services of the consultants exceeds the amount of the escrow fee, the Applicant shall pay the deficiency to the Township/Authority prior to the issuance of the DWS Permit. A denial of an application for a DWS Permit shall not affect the Applicant's obligation to pay the application or escrow fee provided for in this Section. In addition, all fees associated with the conditional use permit application under the Zoning Ordinance shall apply.

Section B - Penalties and Enforcement

(i) This Article shall be enforced by an action brought before a District Justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The Municipal Solicitor may assume charge of prosecution without the consent of the District Attorney as required under Pa. R. Crim. P. No. 83(c) (Relating to Trial in Summary Cases). Any person who violates or permits a violation of this article shall, upon conviction in a summary proceeding, be punishable by a fine of up to $1,000 or imprisonment for a period not be exceed 90 days.

(ii) This Article also may be enforced by the Township of Antrim through an action in equity brought in the Court of Common Pleas of Franklin County, Pennsylvania.

(iii) For the purpose of this article, each day of a continuing violation shall be considered a new additional violation of this article. In addition, a violation of each section of this article shall constitute a separate offense.

SECTION 2. - RESOLUTION CONFLICT

Nothing in this Resolution shall be interpreted to conflict with present or future state or federal statutes concerning the same subject matter; conflicting provisions of this Resolution shall be abrogated to, but only to, the extent of the conflict. Moreover, the provisions of this Resolution shall be construed, if possible, to be consistent with relevant state and federal regulations and statutes. If any part of this Resolution is found to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision. Such holding shall not affect the validity of the remaining portions thereof, and the remainder of the Resolution shall remain in force. Rights and duties which have matured, penalties which have been incurred, proceedings which have begun and prosecutions for violations of law occurring before the effective date of this Resolution are not affected or abated by this Resolution.

SECTION 3. - EFFECTIVE DATE

This Resolution shall take full force and effect upon June 25, 2007, following final approval of said Resolution.

SECTION 4 – CERTIFICATION

I, EDWIN R. SMITH Secretary of Antrim Township Municipal Authority, do hereby certify that the foregoing is a true and correct copy of an Resolution adopted by the Antrim Township Municipal Authority at a regular meeting on 6/25, 2007.

ATTEST:

Edwin R Smith
ATMA Secretary

ANTRIM TOWNSHIP
MUNICIPAL AUTHORITY

By: Scott G. Deffenderfer
Chairman