

THE AUTHORITY STANDARDS, RULES, AND REGULATIONS OF 2026

RESOLUTION NO. 4 OF 2026

AS FIRST ADOPTED January 10th, 2017.

**EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY
CHESTER COUNTY, PA**

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**EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY
CHESTER COUNTY, PENNSYLVANIA**

RESOLUTION No. __ of 20__

A RESOLUTION OF THE EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY REESTABLISHING AND CONFIRMING THE STANDARDS, RULES AND REGULATIONS FOR WASTEWATER DISCHARGES TO THE SEWERAGE SYSTEMS, AS FOLLOWS: PROVIDING DEFINITIONS; IMPOSING RATES, CHARGES AND FEES; REQUIRING THE USE OF PUBLIC SEWERS; REGULATING CONNECTIONS TO THE SEWERAGE SYSTEM; IMPOSING PROHIBITIONS AND RESTRICTIONS ON ALL USERS; IMPOSING PROHIBITIONS AND RESTRICTIONS ON FOOD SERVICE ESTABLISHMENTS; IMPOSING PROHIBITION AND RESTRICTIONS ON INDUSTRIAL WASTEWATER;; PROVIDING ENFORCEMENT REMEDIES FOR VIOLATIONS; PROVIDING FINES AND PENALTIES FOR VIOLATIONS AND LIABILITY FOR DAMAGE TO THE SEWERAGE SYSTEM; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE; REQUIRING COMPLIANCE WITH APPLICABLE LAW; PROVIDING A SEVERABILITY CLAUSE; AND REPEALING INCONSISTENT RESOLUTIONS¹

BE IT RESOLVED by the East Brandywine Township Municipal Authority (Authority), Chester County, Pennsylvania, as follows:

ARTICLE 100
GENERAL PROVISIONS

101 SHORT TITLE

This Resolution shall be known as and may be cited as "The Authority Standards, Rules and Regulations of 2025." The provisions of this Resolution are sometimes hereinafter referred to as the "Rules and Regulations."

102 SERVICE AREA

The Authority hereby confirms and reestablishes the Public Sewer Service Areas as depicted by the Sewer Service Areas Map attached hereto as Appendix A and incorporated herein by reference. The provision of public sewer service by the Authority is limited to the Service Areas which may be modified from time to time by Authority Resolution. The Authority is divided into four Service areas - Applecross Service Area, Hide-a-way Service Area, Hillendale Service Area, and Keats Glen Service Area.

103 PURPOSE

The purpose of these Rules and Regulations is to establish uniform requirements for all Applicants requesting connection to the Sewer System and all current and future Users of the Sewer System.

104 AUTHORIZATION

The Rules and Regulations are authorized by Section 5607(d) of the Pennsylvania Municipality Authorities Act, PL 287, as amended. These Rules and Regulations have been duly approved by a majority of the Authority Board, adopted at a duly convened public meeting.

105 DEFINITIONS

- (A) Unless the context specifically indicates otherwise, the following terms and phrases, as used in these Rules and Regulations, shall have the meanings hereinafter designated. Words in the present tense include the future. The singular number includes the plural number. The plural number includes the singular number. The word “shall” or “should” is mandatory, while the word “may” is permissive.
- (1) Act: The Federal Water Pollution Control Act, as amended, also known as the Clean Water Act.
 - (2) Applicant: The Person making an application on behalf of the Owner.
 - (3) Authority: East Brandywine Township Municipal Authority, or its employee, consultant, or agent designated to administer and enforce The Rules and Regulations.
 - (4) Board: The duly appointed governing body of the Authority.
 - (5) BOD5 (Biochemical Oxygen Demand): The quantity of oxygen, expressed in milligrams per liter (mg/l), utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Centigrade.
 - (6) Building Drain: The drainage system that receives the discharge from soil, waste, and other drainage pipes inside of a building and that extends thirty (30) inches in developed length of pipe beyond the exterior walls of the building and conveys the drainage to the building sewer.
 - (7) Conventional Sewage System: A system employing the use of demonstrated on-lot sewage treatment and disposal technology in a manner specifically recognized and defined by 25 Pa. Code Chapter 73.
 - (8) Developer: The Person, partnership, corporation, association, or affiliation with whom, the Owner has executed an agreement to construct the proposed Improvements.
 - (9) Equivalent Dwelling Unit (EDU): A unit of measurement equivalent to the sewage generated by a three-bedroom single family dwelling.
 - (10) Environmental Protection Agency (EPA): An agency of the U.S. Government that sets and enforces national pollution-control standards.
 - (11) Fats, Oils, and Grease (FOG): Organic compounds derived from animal and/or plant sources that contain multiple carbon chain triglyceride molecules. These substances are detectable and measurable using analytical test procedures established in the United States Code of Federal Regulations 40 CFR 136, as may be amended from time to time. All are sometimes referred to herein as “FOG,” “fats,” “oils,” “grease,” or greases.”
 - (12) Food Service Establishments: Those establishments engaged in activities of preparing, cooking, serving, or otherwise making available for sale to or consumption by the public or customers, residents, patients, or inmates such as a restaurant, commercial kitchen, grocery store, caterer, hotel, school, hospital, house of worship, prison, correctional facility, and care institution.

- (13) Garbage: Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the commercial handling, storage, and sale of produce.
- (14) Grease Trap: A device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the Sewer System. Such traps are typically compact under-the-sink units that are near food preparation areas.
- (15) Grease Interceptor: A structure or device designed for the purpose of removing and preventing FOG from entering the Sewer System. These devices are often below-ground units in outside areas and are built as two (2) or three (3) chamber baffled tanks.
- (16) Grinder Pump: Any electric motor-driven submersible, centrifugal, or positive displacement pump capable of macerating all material found in normal Sanitary Sewage, including reasonable amounts of objects, such as plastics, sanitary napkins, disposable diapers, rubber and the like, to a fine slurry, and pumping this material through a small diameter discharge.
- (17) Holding Tank or Retaining Tank: Any watertight receptacle, whether permanent or temporary, which receives and retains sewage conveyed by a water-carrying system and is designed and constructed to facilitate the ultimate disposal of the sewage at another site. The terms shall also mean a component or components of a sewer conveyance or treatment system used on a temporary basis to receive and retain sewage to facilitate the ultimate disposal of the sewage at another site. The terms Holding Tank and Retaining Tank shall not, for purposes of this Resolution, include a privy or chemical toilet.
- (18) Improvements: shall mean all those sanitary sewers, required to collect Wastewater as shown or otherwise described on the individual Land Development Plans or Agreements.
- (19) Improved Property: Any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy, or use by human beings and from which the structure's sewage shall or may be discharged.
- (20) Industrial Facility: Any structure intended to be used wholly or in part for the manufacturing, fabricating, storing or warehousing, processing, cleaning, painting, laundering, or assembling of any product, commodity, or article.
- (21) Industrial Wastewater: Any matter or substance described in Section 501(A) and water which, during a manufacturing or processing operation, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product, or any other water contaminated by an industrial process and distinct from Sanitary Sewage, or any other waste or wastewater that does not meet the definition of Sanitary Sewage or sewage, as defined in this Resolution.
- (22) Industrial Waste Discharge Permit: A permit authorizing a Person to deposit or discharge Industrial Wastewater into the Sewerage System.
- (23) Interference: The inhibition or disruption of the Treatment Plant processes or operations, which contributes to a violation of any requirement of the Authority's NPDES Permit or a decrease in treatment efficiency. The term includes inhibition or disruption of sewage sludge use or disposal from the Treatment Plant in accordance with Section 405 of the Act (33 U.S.C. 1317) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the Treatment Plant.
- (24) Local Discharge Limits: Numerical limitations on concentration, mass, or other characteristics of wastes or Pollutants discharged to the Sewerage System by Industrial Facilities, and which are developed by the Authority.

- (25) Minimum Design Capability: The design features of a Grease Interceptor and its ability or volume required to effectively intercept and retain greases from wastewaters discharged to the Sewer System.
- (26) MAA: Municipality Authorities Act, Pennsylvania P.L. 287, No. 22 as amended.
- (27) National Pollutant Discharge Elimination System (NPDES) Permit: A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- (28) Official Plan: The duly enacted and currently effective plan for sewage treatment and disposal as adopted by the Township and submitted to and approved by the Pennsylvania Department of Environmental Protection pursuant to the Pennsylvania Sewage Facilities Planning Act, known as "Act 537."
- (29) Owner: Any Person vested with ownership, legal or equitable, sole or partial, of any property, or their agent.
- (30) Pass Through: Discharge through the Treatment Plant, which exists in quantities or concentrations, alone or with discharges from other sources, that causes a violation of any condition of the Authority's NPDES Permit.
- (31) Pennsylvania Department of Environmental Protection (DEP): The Department of Environmental Protection of the Commonwealth of Pennsylvania, or any department or agency of the Commonwealth succeeding to the existing jurisdiction or responsibility of the Department of Environmental Protection.
- (32) Person: Any individual, firm, company, partnership, corporation, association, group, entity, or society, including the State and agencies, authorities, districts, commissions, school districts, and political subdivisions created by or pursuant to State Law and Federal Agencies, departments, or instrumentalities thereof.
- (33) pH: The logarithm of the reciprocal of the hydrogen ion concentration expressed as moles per liter.
- (34) Plan Review Deposit: A deposit to fund Authority administrative, engineering, legal, and other justifiable expenses incurred in the review of plans submitted pursuant to these Rules and Regulations or any Township ordinance.
- (35) Plan Review Fee: A fee to reimburse the Authority for administrative, engineering, legal, and other related expenses incurred in the review of plans submitted pursuant to these Rules and Regulations or any Township ordinance.
- (36) Pollutant: Any dredged spoil, solid waste, incinerator residue, sewage, sewage sludge, Garbage, munitions, medical waste, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, unacceptable pH, temperature TSS, turbidity, color, BOD, COD toxicity or odor and industrial, municipal and agricultural waste discharged into water.
- (37) Pretreatment: The reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such Pollutants into the Sewerage System. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes, or by other means, except as prohibited by 40 CFR Section 403.6(d).
- (38) Pretreatment Standard: Any regulation containing Pollutant discharge limits promulgated by the United States Environmental Protection Agency (EPA), or successor agency, in accordance with Sections 307 (b) and (c) of the Act, which applies to Industrial Facilities. This term includes National Categorical Pretreatment Standards, prohibited discharge limits, and Local Discharge Limits as defined by EPA.
- (39) Private Lateral: That portion of sewage drainage system extending from the Building Drain to the Sewer System.

- (40) Sanitary Sewage or Sewage: The normal water-borne waste from a household, and toilet wastes from residences, business buildings, institutions, commercial, and industrial facilities, and not Industrial Wastewater as defined herein.
- (41) Security Agreement: An agreement between the Owner and the Authority whereby the Owner guarantees the performance of all obligations of an Owner, Developer, or Permit Holder under this Resolution, including but not limited to the design, obtaining permits for, and constructing Improvements.
- (42) Service: (1) Providing or readiness to provide for the collection and/or conveyance of wastewater for any premises or any Services in connection therewith; and/or (2) any installation or Improvement or change in the Private Lateral or the Sewer System facilities at the customer's request or as required by the Authority; and/or (3) any Authority activities related thereto.
- (43) Service Area: The area defined in Section 102.
- (44) Sewage Facilities Planning Module (SFPM): A process administered by the Pennsylvania Department of Environmental Protection (DEP) and required by state law for municipalities when a new development is proposed involving revising the official Act 537 plan to ensure proper sewage facilities for new construction.
- (45) Sewer Connection: The point where the Private Lateral connects to the Sewer System.
- (46) Sewerage System or Sewer System: The laterals, mains, pumping stations, Treatment Plants and other facilities owned or operated by the East Brandywine Township Municipal Authority for the purpose of collection, conveyance, treatment, and disposal of wastewater.
- (47) Slug Load: Any discharge of wastewater having a concentration of Pollutants or flow greater than five (5) times that of the average twenty-four (24) hour discharge from a user, over the immediately preceding calendar quarter, which is discharged continuously for a period longer than five (5) minutes.
- (48) Standard Methods: The latest edition of "Standard Methods for the Examination of Water and Wastewater," a manual published by the American Public Health Association specifying analytical procedures for testing and analysis of wastewater.
- (49) State: Commonwealth of Pennsylvania
- (50) Total Suspended Solids (TSS): The total suspended matter that either floats on the surface of, or is in suspension in, water or wastewater and is removable by laboratory filtration as prescribed in Standard Methods.
- (51) Township: East Brandywine Township, acting directly or through any agent, consultant, officer, or employee.
- (52) Treatment Plant: Collectively, the tanks, pumps, mixers, and other treatment appurtenances used to renovate wastewater in each of the individual Service Areas.
- (53) Twenty-Four (24) Hour Composite Sample: A sample that is collected over time, formed either by continuous sampling or by mixing discrete samples collected at predetermined intervals .
- (54) Users: Any Person or establishment who is connected to the Sewer System or contributes, causes, or permits the contribution or discharge of Wastewater into sewers within the Township's boundaries, including Persons who contribute such Wastewater from mobile sources, such as those who discharge hauled Wastewater.
- (55) Wastewater: The combined flow of Sanitary Sewage, Industrial Wastewater, Fat, Oil, and Grease together with such quantities of infiltration and inflow as may be present.

ARTICLE 200
RATES, CHARGES AND FEES

201 ADMINISTRATION OF FEES

- (A) Purpose. It is the intent of the Authority to recover all costs of Service and expenses through fees and other charges.
- (B) The Authority will periodically establish fees and fee schedules for administration, operation, maintenance, repair and replacement of the Sewerage System and these Rules and Regulations. Fees will include Tapping Fees, User Fees, connection fees, review fees and permitting fees, and other such fees which may be further prescribed to operate the Sewer System and conduct the functions established by these Rules and Regulations or by other applicable statutes, ordinances, rules, and regulations.

202 TAPPING FEES

(A) Imposition of Tapping Fees

- (1) The Authority imposes upon any property connecting to any part of the Sewerage System, a Tapping Fee as specified by and in accordance with the Pennsylvania Municipality Authorities Act, as amended.
- (2) Separate resolutions establish the Authority Tapping Fees for each Service Area. Tapping Fees shall be reviewed and revised from time-to-time, as necessary. The amount of the Tapping Fees shall be based upon the duly adopted resolution which is in effect at the time the Sewer Connection Application and Construction Permit is made to the Authority.
- (3) The Owner shall be responsible for the installation and expense of installation of all facilities necessary to make the Service connection, regardless of any fees or charges paid under the provisions of this Section.

(B) Payment of Tapping Fee

- (1) The payment of the tapping fee for individual connections shall be due and payable at the time a Sewer Connection Application and Construction Permit, attached hereto as Appendix B, is made to Authority.
- (2) The payment of tapping fees for new developments shall be made in accordance with paragraph (B)(1) above unless another time period has been approved by the Developer's Agreement.

(C) Determination of Tapping Fee

- (1) Tapping fees are based on the planning flows approved by the Sewage Facilities Planning Module for each Users, or, in the absence of a SFPM, as estimated by the Authority. Should the volume of Sewage discharged over any quarterly period as determined by water consumption records or direct Wastewater flow metering exceed the projected planning flow used to calculate the initial tapping fee, the Owner shall pay an additional tapping fee for the additional use at the tapping fee rate in effect when the excess sewage discharge was determined.
- (2) Once a tapping fee has been paid, it will not be decreased, and no refunds will be made for Wastewater discharges less than the allowable rate. The tapping fee shall be based upon maximum permissible utilization of sewage flows, whether or not said flows occur initially, at a later date, or do not occur. The payment of the tapping fee is not a reservation of capacity for sewage flows or treatment within the Sewerage System in excess of flows upon which the tapping fee has been calculated

- (3) Where two or more buildings are connected to the Sewerage System through a single Service connection or where two or more uses are made of the same Improved Property (i.e. motel with a restaurant, retail store with a restaurant, home with a professional office, etc.), the tapping fee determination shall be computed as though such a building with each type of use were separate improved properties or uses with separate Sewer Connections.

(D) Classification, Modifications, and Additions

- (1) Whenever any building connected to the Sewerage System is converted, enlarged, or remodeled or additional buildings are constructed on a property and connected indirectly to the Sewerage System through an existing lateral, or connected directly through a new lateral, so as to create or establish more extensive use or additional uses, an additional tapping fee calculated by the Authority for each such more extensive or additional uses shall be determined and charged to the Owner.
- (2) The fees imposed hereunder with respect to property connected shall be in addition to any rental or other charges fixed, charged, or imposed by the Authority or Township by reason of the use, or availability of use, of the Sewerage System by such property.
- (3) Nothing contained herein shall prevent the Authority from allocating any capacity, distribution, collection, or special purpose facilities-related tapping fees to different sections or districts of the Sewerage System, nor shall the Authority be prohibited from imposing additional capacity, distribution, or collection or special purpose facilities related tapping fees on specific groups of existing Owners such as commercial and industrial customers, as a result of any additional requirements of such Owner or Owners, in accordance with the provisions of the Pennsylvania Municipality Authorities Act.

203 CONNECTION FEES

- (A) The Owner/Developer shall be responsible for installing the lateral and the Service connection for the installation, at their sole expense. The expense shall include an administrative and inspection fee as indicated in the Sewer Connection Application and Construction Permit, attached hereto as Appendix B.
- (B) Connection Fees and Inspection Fees shall be established by Authority resolution and reviewed and revised from time-to-time, as necessary.

204 SEWER USER FEES

(A) Imposition of Sewer User Fees

- (1) Each property connected to the Sewerage System or required to be connected to the Sewerage System shall be charged an annual user fee, payable quarterly.
- (2) Separate resolutions establish the Authority Sewer User Fees imposed upon all Users of the Sewer System. The Authority shall establish the Sewer User Fees in accordance with the Municipalities Authorities Act and shall revise the Sewer User Fees from time-to-time, as necessary.

(B) Determination of Sewer User Fees for Multiple Use Connection

- (1) In each case of a combination of one or more residential, commercial, industrial or institutional facilities or uses on one property, all having the use of the Sewerage System through one Sewer

Connection, then the Owner of such property shall be charged the minimum Sewer User Fees set forth in the separate resolutions based on each individual use and as though each use were separately connected to the Sewerage System. The Owner of a multi-tenant building, shopping center, or similar property with a single Sewer Connection shall be the Authority customer who shall be responsible for payment of the Sewer User Fees.

(C) Payment and Collection of Sewer User Fees

- (1) Time of Payments. Sewer User Fees shall be paid quarterly, and billings for sewer rentals shall be made by bills dated the first days of January, April, July, and October of each year for the three-month period following the date of the bill. The bills for sewer rentals based on a portion of a quarterly period during which a property is first connected to the Sewerage System will be prorated on the basis of the applicable rate.
- (2) Penalties for Delinquent Sewer User Fees and Liens
 - (a) All Sewer User Fees imposed by the Authority are payable by the payment due date shown on the bill.
 - (b) Quarterly Sewer User Fees shall be subject to an initial ten percent (10%) penalty if not paid within thirty (30) days from the date of the invoice. If the Sewer User Fee plus the initial penalty is not paid within sixty (60) days from the date of the invoice, an additional penalty of ten percent (10%) of the charge will be added to the bill. The bill plus the penalty shall bear interest from the due date at the rate of one-half percent (1/2 %) per month or fraction thereof. These penalties and any interest shall be concurrent with all other remedies, legal and equitable, available to the Authority for collection of said Sewer User Fees including, but not limited to, municipal lien and assumpsit remedies.
 - (c) Invoices for Sewer User Fees shall be sent to the Owner of the connected Property and to the address listed in the tax assessment records of Chester County, Pennsylvania. Failure to receive bills will not be considered an excuse for non-payment nor permit an extension of the period during which bills are payable at face value.
 - (d) All sewer rentals, together with penalties and interest thereon, not paid on or before ninety (90) days from the date of the invoice shall be deemed to be delinquent, and a municipal claim (lien) will be filed in the office of the Prothonotary of Chester County for the amount of the fee or charge and all penalties, interest, attorney fees and costs, and shall be collected in the manner provided by law for the filing and collection of such liens. The notice required by Section 4 herein below will be given by the Authority.
 - (e) The Authority will initiate steps to collect the full amount of any municipal claim which remains unpaid for six (6) months from the date of filing of the claim. The collection process will result in the addition of substantial court costs to the amount of the claim and will culminate in a Sheriff's sale of the property if the municipal claim and all additional costs remain unpaid.
- (3) Schedule of Fees: Separate resolutions describe the Authority schedule for attorney and administrative fees for Services in connection with the collection of delinquent accounts, which fees shall be periodically adjusted by the Authority.
- (4) Collection Procedures for Delinquent Accounts
 - (a) Notice of Delinquent Account At least thirty (30) days prior to assessing or imposing attorney fees in connection with the collection of a delinquent account, the Authority shall, by United States certified mail, return receipt requested, postage prepaid, mail to the Owner of the property the notice required by this section.

- (b) Unclaimed or Refused Notice If within thirty (30) days of mailing the notice in accordance with Section 204(D)(4)(a), the certified mail is refused or unclaimed or the return receipt is not received, then at least ten (10) days prior to assessing or imposing attorney fees in connection with the collection of a delinquent account, the Authority shall, by United States first class mail, mail to the Owner the notice required by this section.
 - (c) Address The notice required by this section shall be mailed to the Owner's last known post office address by virtue of the knowledge and information possessed by the Authority and by the Chester County Tax Assessment office.
 - (d) Contents of Notice. Each notice to the Owner shall include the following:
 - (i) A description of the delinquent fee or charge and the amount owed, including penalties and interest;
 - (ii) A statement of the Authority's intent to impose or assess attorney fees thirty (30) days after mailing the notice pursuant to Section 204(D)(4)(a) or ten (10) days after the mailing of the notice pursuant to Section 204(D)(4)(b).
 - (iii) The manner in which the assessment or imposition of attorney fees may be avoided by payment of the delinquent account; and,
 - (iv) The place of payment for the delinquent account and the name and telephone number of the Authority representative designated as responsible for collection matters.
- (5) Bad Checks or Insufficient Funds
- (a) A Service charge will be charged by the Authority to any Person issuing a check for the payment of money which designates the East Brandywine Township Municipal Authority as payee for any check returned to the Authority drawing against insufficient funds.
 - (b) The amount of the Service charge is defined in a separate resolution.

205 ENGINEERING, LEGAL, CONSULTING, AND ADMINISTRATIVE FEES

- (A) When the Authority is requested, or required, as Authority shall determine, to have any work or services performed by its consulting engineer, solicitor, or any other professional consultant for a customer, Developer, Owner, or any Person, Authority shall charge such rate or cost charged by the professional consultant for comparable services to the Authority which are not charged to or reimbursed by such parties. These fees and expenses are typically deposited with the Professional Service Agreement.
- (B) Prior to any work being performed by Authority professionals, the Owner shall execute the Authority's Professional Service Agreement, attached hereto as Appendix C, and deposit the appropriate review fee amount as established from time to time by Authority Resolution.

206 UNUSUAL CIRCUMSTANCES

- (A) The Authority shall provide no adjustments or modifications for charges based upon water usage to fill swimming pools, watering of lawns, operation of fountains and similar devices, and the like. Nothing herein contained shall be deemed to prohibit Authority from entering into separate agreements with any Owner with respect to charges to be imposed in those cases when, due to seasonal fluctuations or other unusual circumstances, the charges to the customer shall be deemed by Authority to be unfair or inequitable without an appropriate adjustment. Provided, however, no adjustment shall be made for temporary vacancy of buildings and structures for reasons such as extended vacations and seasonal absences.

207 NEW CONSTRUCTION

- (A) For new construction, the Authority shall only provide Service where the Township approves such Service in accordance with the Township's Act 537 Plan and a SFPM or exemption is approved by the Pennsylvania Department of Environmental Protection. Owners of premises abutting existing mains and within a Service Area may obtain Service when approved by and available from the Authority. Owners and Developers must submit plumbing and site development plans for review; pay all applicable fees and charges; file a Sewer Connection Application and Construction Permit and obtain the permit; and fulfill all other requirements of the Authority.
- (B) Prior to any land disturbance, the issuance of any permit, or the recording of any subdivision or land development plan, Owner shall be required to enter into a standard Developer's Improvement Agreement with the Authority. The Developer's Improvement Agreement attached hereto as Appendix D shall set forth the various fees, obligations, and requirements of the Developer, including the posting of such financial security and escrow funds as shall be determined appropriate by the Authority, consistent with all applicable laws.
- (C) The Authority shall charge Owner and Owner shall pay a fee in accordance with Section 205 to cover all engineering, legal, consulting, and administrative fees associated with the development.
- (D) The Authority shall require that the Owner post financial security in accordance with Pennsylvania Municipality Authorities Act and complete the Financial Security Agreement attached hereto as Appendix E to ensure the complete construction and testing of the Sewer in accordance with the approved land development plan and with the Rules and Regulations of the Authority.
- (E) The Applicant shall submit plans, acceptable to the Authority, showing how Service is proposed. The Authority may waive this requirement if it determines the plans will be of minimal value. The Applicant shall pay a non-refundable Plan Review Fee when a sketch plan is submitted or shall post a Plan Review Deposit when either a preliminary or final plan is submitted to the Township. The amount of the Plan Review Fee shall be as established by Authority Resolution from time to time.

The Authority shall use the Plan Review Deposit to pay the cost of engineering, legal, administrative, and other related expenses incurred in the review of submitted plans. Payment for such review shall be based on the actual costs incurred. Each deposit account will be reviewed regularly during periods of activity. An additional deposit will be required before the review will continue if the balance falls between twenty-five percent (25%) of the original amount of the Plan Review Deposit. Any unspent funds will be refunded to the Applicant without interest within seventy-five (75) days following review completion or plan withdrawal.

- (F) The Authority will require the completion and approval of a Sewer Connection Application and Construction Permit for all connections to existing or extended mains of the Sewer System in accordance with Section 402.
- (G) The Owner, Applicant or Developer shall be responsible, at its sole cost and expense, to design, obtain permits for, construct, test, and if required, dedicate to the Authority all new Improvements to existing treatment facilities, collection and conveyance facilities, disposal facilities, pumping stations, controls, equipment, and devices necessary to collect, convey, treat and dispose of Sanitary Sewage generated by the proposed subdivision or land development.

ARTICLE 300
USE OF PUBLIC SEWERS REQUIRED

301 ABANDONMENT OF CESSPOOLS, PRIVY VAULTS AND SEPTIC TANKS

- (A) No privy vault, cesspool, septic tank, or similar sewage disposal receptacle shall be used and maintained at any time upon any Improved Property that has been connected to the Sewerage System. Every such privy vault, cesspool, sinkhole, septic tank, or similar receptacle in existence shall be properly abandoned, cleaned, and filled. The top slab of abandoned structure shall be removed and disposed of in a legal manner, or broken into rubble and used as backfill if so approved. The bottom of each abandoned structure shall be properly penetrated, and each abandoned structure shall be filled with clean stone or sand. Proof of proper abandonment shall be submitted to the Authority. Any such cesspool, sinkhole, or structure, septic tank, or similar receptacle not so abandoned, cleaned, and filled shall constitute a violation of these Rules and Regulations.
- (B) No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall at any time be connected to the Sewerage System.

302 ABANDONMENT OF SEWAGE PUMPING STATIONS OR TREATMENT PLANTS

- (A) Any facility used to convey or treat sewage which is taken out of service shall be properly abandoned by the Owner in accordance with the requirements of this Section.
- (B) The Owner shall develop and submit to Authority a closure plan. The plan must be approved by the Authority. The plan should include, at a minimum, the following items:
- (1) A method to remove all Wastewater, sludge, sand, grit, and other debris and how the materials will be disposed of.
 - (2) A method of cleaning and disinfecting the tanks.
 - (3) Removal of all mechanical, electrical, or electronic equipment and chemicals from the site. All chemicals must be properly disposed of.
 - (4) The top of any abandoned tank(s) shall be removed and disposed of in a lawful manner, the sides shall be demolished to three (3) feet below grade, and the bottom of each abandoned structure shall be properly penetrated. Each abandoned tank structure shall be filled with clean stone or sand.
 - (5) Clean fill or topsoil shall be placed to match existing contours and eliminate safety hazards.

ARTICLE 400
CONNECTIONS TO THE SEWERAGE SYSTEM

401 GENERAL REQUIREMENTS

- (A) No Person shall uncover, connect with, make any opening into or use, alter or disturb, in any manner any sewer or any part of the Sewerage System without first obtaining, in writing, applicable approvals and permits from the Authority and/or from the Code Official of the Township, or other appropriate Township officials.
- (B) Request for approval of connection to the Sewerage System from the Authority, as required under Subsection A above, shall be made in writing by the Owner of the property served or to be served or a duly authorized agent who shall give satisfactory proof of this authority.
- (C) No Person shall make, or cause to be made, any connection of any property to the Sewerage System until such Person shall have fulfilled each of the following conditions:
- (1) Notified the appropriate Township officials of the desire and intention to connect to the Sewerage System, and shall have satisfied all municipality requirements with respect to such connection;
 - (2) Furnished satisfactory evidence to the Authority that planning approval is in accordance with all applicable requirements of the DEP;
 - (3) Applied for and obtained all state and local approvals and permits, including the Sewer Connection Application and Construction Permit for the work associated with the connection to the Sewerage System;
 - (4) Furnished satisfactory evidence to the Authority that all tapping fees and all other charges imposed by the Authority have been paid, and;
 - (5) Provided the Authority and Township at least forty-eight (48) hours' notice of the time when such connection will be made so that the Authority and Township may oversee and inspect the work of connection and conduct necessary testing.
- (D) Each property shall be connected separately and independently with the Sewerage System. Grouping of more than one sewer Service on a single Sanitary Sewer lateral line shall not be permitted, except as approved by the Authority, in its sole discretion, under unusual circumstances and for good sanitary reasons but then only after special permission of the Authority, in writing, shall have been secured. Cost or expense to Owner shall not be considered good reason for grouping. Location of connection to the sewer lateral shall be subject to approval by the Authority.
- (E) All costs and expenses of connecting any structure to the Sewerage System shall be borne by the Owner and such Owner shall indemnify and save harmless Authority from any and all loss or damage that may be occasioned, directly or indirectly, by Authority as a result of, or caused by the connection with Sewer System, whether said loss or damage is due to, or caused by, or alleged to be caused by, the negligence of Owner or the Authority or the agents, servants, workmen, or contractors of any of them.
- (F) All structures shall be connected to the Sewerage System at the place designated by the Authority. The invert of a sewer lateral at the point of connection shall be at a higher elevation than the invert of the Sewerage System to which the connection is to be made. A proper, secure, and watertight joint, as the Authority shall determine, shall be made of the sewer Service lateral line to the

Sewerage System. All connections of sewer Service line to sewer Service lateral shall be inspected by the Township and/or Authority.

- (G) Every sewer lateral of any property shall be maintained at all times in a sanitary, safe, and structurally secure operating condition by the Owner.
- (H) Every excavation for connection to Sewer System shall be guarded adequately with sufficient barricades and shoring to adequately protect all Persons from damage or injury. All excavations shall be protected in accordance with the Occupational Health and Safety Administration (OSHA) standard practices. Streets, sidewalks, drainage ways, vegetation, and other property disturbed in the course of connecting to the Sewer System shall be restored at the cost and expense of Owner in a manner satisfactory to the Authority and all other governmental entities having jurisdiction.
- (I) The construction of any sanitary sewer pipeline, manhole, pumping station, or installation of laterals shall be made in accordance with the Authority's current Sewer Specifications and Details attached here to as Appendix H. An Owner who desires to connect a structure to Sewer System where no sewer Service lateral has been installed shall do so at the Owner's sole cost and expense, and at no cost and expense to the Authority.
- (J) The installation shall be subject to inspection by the Authority and/or Township prior to the time the trench is backfilled. If the sewer service lateral trench is backfilled prior to inspection Owner shall be required to excavate the trench to expose such lateral for inspection.
- (K) Connection of individual house laterals into the Sewerage System shall not be allowed without written approval by the Authority. Any Owner desiring to connect to the Sewerage System shall make such a request in writing to the Authority and shall submit detailed plans of the proposed connection. The Authority shall not be obligated to provide such connection.
- (L) Before any connection into Sewerage System is made, the Owner who desires to connect agrees in writing to protect, defend, indemnify, and forever hold harmless the Authority from any liability, or claim of liability, on account of any personal injury or property damage, resulting from, or alleged to result from, the connection of the property into Sewer System, regardless of whether the liability, claims of liability, personal injury, property damage, or claim of personal injury or property damage, results from, or is alleged to result from, any carelessness, recklessness, or negligence on the part of the Authority, its officers, agents, workmen, or employees.
- (M) The preferred method of sewage discharge from private connections to the Authority sewer system is by gravity flow. The Authority will only consider the connection of an individual private connection by a grinder pump or low-pressure system when gravity sewer service, in the sole opinion of the Authority, cannot be achieved. The installation of Grinder Pumps shall be at the Owner's expense and in accordance with Section 405.
- (N) Nothing contained in this Section with respect to any approval of the Authority shall relieve any Person from complying with the ordinances of the Township and resolutions of the Authority.

402 CONSTRUCTION PERMITS

- (A) Prior to commencing construction of any facilities which will collect, convey, treat, and/or dispose of sewage, convey sewage to the Authority sewer system, or be offered for dedication to the Authority, a Sewer Connection Application and Construction Permit attached hereto as Appendix B

shall be completed by Owner and approved by the Authority. The Sewer Connection Application and Construction Permit will include a non-refundable application fee. The approval will be granted upon a determination that the proposed construction complies with all statutes, plans, ordinances, resolutions, rules, regulations, and specifications of the Authority, East Brandywine Township, and any governmental entity having jurisdiction over the project subject of the application. The Applicant shall provide such information as determined necessary by the Authority Engineer to demonstrate compliance.

403 INSPECTION OF FACILITIES

- (A) All facilities shall be inspected during construction and installation by the Authority Engineer or other Authority consultants, at intervals determined necessary by the Authority Engineer, to determine compliance with the approved construction plans. The Applicant shall correct any defective or noncompliant work as determined necessary by the Authority Engineer or consultants. The installation of underground facilities will require full-time observation and inspection by the Authority.
- (B) Inspection Costs
- (1) The Applicant/Owner is and shall be responsible for the costs of inspections and related services of the Authority's consultants. Prior to the commencement of construction, the Applicant shall file, with the Authority, an Inspection Fee Deposit Agreement attached hereto as Appendix F as an inspection fund in an amount to be determined by the Authority consultants based on the scope and complexity of the project ('Inspection Fund'). The hourly rates charged by the consultants for inspection shall not exceed those rates charged to the Authority by the same consultants. Invoices for the inspection fees and expenses of the consultants shall be available upon request. The amount of the invoices shall be deducted from the Inspection Fund and used to pay the consultants' invoices. By submitting the Sewer Connection Application and Construction Permit, Applicant authorizes the Authority to withdraw the invoice amounts from the Inspection Fund.
 - (2) If the Inspection Fund reaches a balance of twenty-five percent (25%) or less of its original amount, the Applicant shall deposit additional amounts as determined by the Authority to be necessary to complete the inspections and related services. The Inspection Fund shall be replenished as required by the Authority until the inspections and project are complete. If the Inspection Fund is not replenished, work on the project shall cease and no inspections shall be performed. The amount deposited in the Inspection Fund shall be used only for payment of invoices as identified in these Rules and Regulations. Upon completion of the project, final inspection, and approval of the Authority consultants, and, if applicable, acceptance of dedication of the facilities by the Authority, any balance remaining in the Inspection Fund shall be returned to the Applicant.
 - (3) No construction shall commence until a Sewer Connection Application and Construction Permit are completed, an approval provided, and the Inspection Fund is established with immediately available funds. Violation of these Rules and Regulations shall result in the assessment of an application fee two (2) times the normal fee and subject the violator to the penalties set forth in the Authority Sewer Specifications and Details, as last revised.
 - (4) In the event that the Authority has incurred consultant fees, costs, and expenses in an amount in excess of the amount in the Inspection Fund, the Applicant shall be responsible for payment of the excess fees, costs, and expenses.

404 CONSTRUCTION OF LATERALS

- (A) The construction of all laterals and the making of all connections to the Sewerage System shall be performed in accordance with the provisions of these Rules and Regulations, the provisions of the East Brandywine Township Building Code, the Authority's Sewer Specifications and Details, latest revision, and any other applicable ordinances, rules and regulations of the Township or the Authority which may be adopted from time-to-time.

405 GRINDER PUMPS

- (A) The connection of existing properties or proposed new land development to an existing or proposed sewerage system through the use of sewage Grinder Pumps, their associated force mains, or lowpressure laterals, shall occur only after an Official Plan Revision to the Township's Act 537 Plan approved by both the Township and DEP, designates that the proposed properties be served by such a connection.
- (B) The design and construction of all Grinder Pumps and low-pressure systems and the making of all connections to the Sewerage System shall be performed in accordance with the provisions of Rules and Regulations, the provisions of the East Brandywine Township Building Code, the Authority's Technical Specifications and Details, latest revision, and any other applicable rules and regulations of the Township or the Authority which may be adopted from time-to-time.
- (C) The installation shall be subject to inspection by the Authority and/or Township prior to backfilling. If the Grinder Pump or low-pressure force main is backfilled prior to inspection Owner shall be required to excavate components for inspection.
- (D) The Authority shall bear no responsibility and each Owner served by a Grinder Pump shall bear full responsibility for the purchase, installation, use, maintenance, repair, replacement, and operation of the Grinder Pump and/or its low-pressure force main or laterals, except as otherwise set forth herein.

406 PROVISION OF LAND AREA FOR TREATED EFFLUENT STORAGE AND DISPOSAL

- (A) All new subdivisions and land developments (hereinafter, the "Project"), as defined and regulated by the Land Use Code of East Brandywine Township, shall be self-sustaining relative to the storage and disposal of treated sewage effluent. The Applicant for the Project shall provide storage capacity and land area in compliance with this Section 406. The storage capacity shall, at a minimum, be capable of storing three (3) days of all treated sewage effluent based on the planning approval issued by the Pennsylvania Department of Environmental Protection for the Project, and shall be by means of open lagoons, underground tanks, or other Authority-approved methods. The land area shall be capable of disposing of all treated sewage effluent for the Project based on the planning approval by means of conventional underground seepage beds, drip irrigation, or other Authority-approved methods. The precise location of the storage and land disposal area shall be subject to the approval of the Authority.
- (B) Except as otherwise provided in this Section 406, the storage and land disposal area shall be located on the same parcel as the Project. The land area shall be sized at one and one-half (1.5) times the land area determined necessary in accordance with applicable laws, ordinances and regulations, to dispose of the total effluent generated by the Project based on sewage planning approval in order to provide a safety factor which will ensure an adequate disposal area in perpetuity. The entire storage

and land disposal area shall be purchased (in fee or by easement), designed, permitted, and constructed by and at the expense of Applicant. The design and construction of the storage and disposal facilities shall be in accordance with the rules and regulations of the Authority as adopted from time to time. Upon completion and final approval of the Authority Engineer, the storage and land disposal area and storage and disposal facilities shall be offered for dedication to the Authority at no cost to the Authority.

- (C) If on-site storage and disposal is determined by the Authority to be unfeasible due to location, operational reasons, soil conditions, or other limiting factors, offsite storage and disposal shall be utilized. The off-site area shall comply with the requirements set forth in this Sections 406.
- (D) If on-site and off-site storage and disposal is determined by the Authority to be unfeasible, a fee in lieu of providing storage and disposal area may be considered by the Authority. The fee will be established by Authority Resolution and may be revised from time to time.
- (E) The desire to maximize density or development for the Project as may be permitted by the Land Use Code of East Brandywine Township or economic factors (e.g., land cost) shall not be sufficient justification to not provide storage and disposal on-site or off-site.

407 UNUSED/ABANDONED/RESERVE TREATMENT AND DISPOSAL CAPACITY

- (A) Disposition of Unused Capacity. Upon a determination by the Authority that all or part of the use of collection, conveyance, treatment and/or disposal capacity assigned to a property is no longer needed or has been discontinued and the property is thereafter devoted to a purpose that does not require all or part of the assigned capacity, the unused capacity assigned to the property shall be forfeited automatically and become property of the Authority, and said capacity shall be available to other Users for purchase and use.
- (B) Transfer of Capacity. It shall be unlawful for any individual or entity to sell, transfer or convey collection, conveyance treatment, and/or disposal capacity to another individual or entity for use on any property in East Brandywine Township or any other geographic area served by the Authority.
- (C) The Authority shall amend the Authority records to reflect the Authority's Ownership of the forfeited capacity.
- (D) Reservation of Capacity. The Authority has adopted a reservation of capacity resolution, which may be revised from time to time.

ARTICLE 500
PROHIBITIONS AND RESTRICTIONS ON ALL USERS

501 GENERAL DISCHARGE RESTRICTIONS

- (A) Except as otherwise provided in these Rules and Regulations, no User shall discharge or cause to be discharged to the Sewerage System any Sewage, Industrial Wastewater, or other matter or substance:
- (1) Having a temperature which will inhibit biological activity at the Treatment Plant resulting in Interference, but in no case with a temperature at the introduction into in such quantities that the temperature of the influent to the Treatment Plant, exceeds 104°F.
 - (2) Containing more than 100 mg/l of fat, oil, wax, or grease, or more than 25 mg/l of petroleum oils, non-biodegradable cutting oils, or other products of mineral origin containing substances which will solidify or become viscous at atmospheric pressure at temperatures between thirtytwo (32) and one hundred (100) degrees Fahrenheit.
 - (3) Containing more than 360 mg/l of BOD5 or TSS.
 - (4) Containing any liquids, solids, or gases at concentrations which are, or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the sewerage system or to the operation of the Treatment Plant. Prohibited materials include, but are not limited to, gasoline, fuel oil, kerosene, naphtha, paint products, sulfides, and any other hydrocarbons or other substance having a closed cup flashpoint of less than one hundred and forty (140)degrees Fahrenheit using test methods specified in 40 CFR 261.21.
 - (5) Containing solid or viscous substances at concentrations which will cause obstruction to the flow in a sewer or other Interference such as, but not limited to: ashes, cinders, spent lime, stone dust, sand, mud, straw, shavings, metals, glass, rags, grass clippings, feathers, tar, plastics, wood, whole blood, paunch manure, bentonite, lye, building materials, rubber, asphalt residues, hairs, bones, leather, porcelain, china, ceramic wastes, polishing wastes, or glass grindings or other solid or viscous substances capable of causing obstruction to the flow or other Interference with the proper operation of the Sewerage System.
 - (6) Having a pH stabilized lower than 6.0 or higher than 9.0 or having any other corrosive or scaleforming property capable of causing damage or hazard to structures, equipment, bacterial action, or personnel of the Sewerage System.
 - (7) Containing infectious agents, blood, body fluids, or pharmaceutical substances.
 - (8) Containing Pollutants in sufficient quantity, either singly or by interaction with other Pollutants, to injure or cause Interferences, cause Pass Through, constitute a hazard to humans, animals or plants, create a toxic effect in the receiving waters of the Treatment Plant, or to exceed the limitation set forth in a National Categorical Pretreatment Standard.
 - (9) Containing any noxious or malodorous liquids, gases, or solids which, either singly or by interaction with other wastes are sufficient to create a public nuisance or result in toxic gases, vapors, or fumes in the Sewerage System in a quantity that will cause worker health and safety problems.
 - (10) Containing highly colored Wastewaters or objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
 - (11) Containing radioactive substances of such half-life or concentration as may exceed limits which are prohibited by applicable State or Federal regulations.

- (12) Prohibited by any permit, statute, rule, regulation, and resolution issued or promulgated by any public agency, including the State and the EPA.
- (13) Containing any substance which will cause the Treatment Plant to violate its NPDES Permit or the receiving water quality standards.
- (14) Containing any substance which shall cause the Treatment Plant to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act or be in noncompliance with any criteria, guidelines, or regulations affecting sludge use or disposal promulgated pursuant to the Solid Waste Control Act, or State Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
- (15) Containing non-biodegradable complex carbon compounds.
- (16) Constituting a Slug Load.
- (17) Containing storm water, surface water, groundwater, roof runoff, foundation drain water, or drainage from the fields.
- (18) Containing any Garbage which has not been properly shredded or having particles greater than one-half (1/2) inch in size.
- (19) Containing pesticides, unless upon written request, special permission is obtained from the Authority.
- (20) Waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with the Wastewater treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the Treatment Plant.
- (21) Waters or wastes containing total solids of such character and quantity that unusual attention or expense is required to handle such materials at the Treatment Plant, except as may be approved by the Owners of the Sewerage System and the Treatment Plant.

502 TRUCKED OR HAULED WASTEWATER

- (A) Tank truck or hauled waste discharges to the Sewerage System are prohibited. The Authority may consider, on a case-by-case basis, requests for hauled Sanitary Sewer discharge to the Authority's Applecross Treatment Plant.

503 HOLDING TANKS

- (A) The design, installation, and/or use of any Holding Tank on any property within the public sewer service area shall be as required by Title 25, Chapter 73.62 of the Pennsylvania Code and as required by this Section.
- (B) No Holding Tanks shall be used or installed on any property unless or until a Holding Tank Permit (attached hereto as Appendix GF) has been issued in accordance with the provisions of these Rules and Regulations and the provisions of Title 25, PA Code Chapter 73.
- (C) All Holding Tank Permit Applications require an administration/inspection fee and financial security as indicated on the permit application.
- (D) The use of Holding Tanks within the Township is restricted and shall only be permitted if one of the following conditions are met:
 - (1) To replace a previously approved or permitted Conventional Sewage System that is malfunctioning and non-repairable; provided that public sewer is not available, and that the

Township Sewage Enforcement Officer has determined that a Conventional or Alternate Sewage System as defined by Title 25, Chapter 73 of the Pennsylvania Code cannot be utilized on the property or lot due to soil conditions or site related limitations beyond the control of the landowner, or

- (2) As a temporary sewage facility for the holding of Sanitary Sewerage at a new non-industrial site which is designated by the Official Plan for the installation of public sewage facilities within two years from the date the Holding Tank Permit Application is submitted, or
 - (3) Recreational vehicle dump sites. The use of Holding Tanks at recreational vehicle sites is permitted and shall be limited to the storage of Sanitary Sewage. No other waste, chemicals, noxious materials, deleterious substance harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation shall be introduced into any Holding Tank at any time.
- (E) Restrictions on Use and Operation: In addition to conditions attached to the issuance of a Holding Tank Permit, all Holding Tanks shall comply with the following use and operation restrictions:
- (1) An agreement specifying the use and operations of the Holding Tank and a pump & haul plan shall be prepared by the Person applying for a Holding Tank Permit and submitted to the Authority for review and approval. The agreement shall include provisions indemnifying, defending and holding harmless the Authority from any liability related to the Holding Tank.
 - (2) All Holding Tanks shall be constructed in accordance with Title 25, PA Code Chapter 73.31 and Chapter 73.62, or latest edition.
 - (3) Holding Tanks shall be equipped with an alarm device and an automatic dialer which sends an electronic message to the contractor responsible to pump the tank when the tank reaches seventy-five percent (75%) capacity. The alarm and automatic dialer shall be tested for proper operation by the pump and haul contractor each time the tank is pumped. The alarm and dialer shall be repaired immediately if necessary.
 - (4) Except for tanks serving a single structure, all Holding Tanks and the pumping and removal of Sanitary Sewage shall be located and occur at least three hundred (300) feet from any occupied structure. All Holding Tanks shall be screened from view from adjacent properties by means of a fence or landscaping approved with the permit.
 - (5) Odors from the Holding Tank or pump and haul operation shall not be discernible beyond the property line of the property where the tank is located. In the event odors are discernible beyond the property line, the permit holder shall develop and implement a plan, approved by the Authority, for the mitigation of odors.
 - (6) Except in emergency circumstances, Holding Tanks shall be pumped by the contractor only from 8:00 AM to 5:00 PM prevailing time, Monday through Friday, except legal holidays.
 - (7) Vehicles used to pump and haul sewage from the Retaining Tank shall be equipped with factory installed mufflers which shall be in proper operating condition at all times. Vehicles shall remain at the pump and haul site for the minimum time necessary for the pumping operation.
 - (8) Overflows or spills from the Holding Tank or resulting from the pump and haul operation shall be immediately contained and cleaned up by the Holding Tank Permit holder and the contractor. The Holding Tank Permit holder and contract holder shall notify the DEP upon discovery of any spill or overflow. The Authority shall also be notified. Within twenty-four (24) hours of the discovery of the overflow or spill, the permit holder shall send a written notification to the Authority reporting at a minimum, the location of the discharge, the amount of sewage discharged, the cause of the accident and the remedial measures taken to contain and clean up

the spill or overflow, and the action to be taken to prevent future overflows or spills. (F)
Violations

- (1) Any Person who violates any provisions of this Section 503 or fails to comply with the terms or conditions of a permit issued hereunder shall be subject to the penalty and provisions of Article 900.

(G) Decommissioning of Holding Tanks.

- (1) The decommissioning of Holding Tanks must be completed within sixty (60) days of the following:
 - (a) connection to public sewer,
 - (b) elimination of the source of sewage, or
 - (c) determination by the Authority that the Holding Tank has not been installed, operated, or maintained in accordance with the Rules and Regulations herein.
- (2) For any Holding Tank, the Owner or operator of the tank shall remove all supporting mechanical, electrical, or electronic equipment, plumbing, piping, and conduit from the exterior of the tank and the surrounding areas and lawfully remove the tank from the premises.
- (3) The Owner or operator of the Holding Tank shall notify the Authority within ten (10) days of the Holding Tank decommissioning and request an inspection.

ARTICLE 600
FATS, OIL and GREASE PROHIBITIONS

601 APPLICABILITY

- (A) The requirements of this section shall apply to all Users of the Sewer System that discharge FOG into the Sewer System including all Food Service Establishments.

602 SCOPE AND PURPOSE

- (A) To minimize the accumulation of FOG in the Sewer System. FOG discharged into the Sewer System from industrial or commercial establishments, particularly Food Service Establishments are subject to the conditions and requirements of these Rules and Regulations and this Article 600.

603 FOOD SERVICE ESTABLISHMENT REQUIREMENTS

- (A) All Food Service Establishments and other Users utilizing and generating FOG and discharging Wastewater to the Sewer System are subject to the following requirements:
- (B) Grease Interceptor: All Food Service Establishments are required to install, operate, and maintain a Grease Interceptor of an approved type and size necessary to maintain compliance with the discharge limitation of these Rules and Regulations. All Grease Interceptors must meet the requirements of the East Brandywine Township Plumbing Code in effect at the time of installation.
- (C) Implementation: All Food Service Establishments must obtain approval from the Authority for the size and design of the Grease Interceptor during the building permit application process. All Grease Interceptors shall be readily and easily accessible for cleaning and inspection. Any Food Service Establishments existing on the effective date of these Rules and Regulations determined by the Authority to have a reasonable potential to discharge Wastewater to the Sewer System with concentrations of FOG in excess of the discharge limitation will be notified of their obligations to maintain their existing, conforming, grease facilities or to install a Grease Interceptor within the specified period set forth in the notification letter.
- (D) Owner shall reimburse Authority for all expenses related to inspections, reinspection, design review and change in determinations.

(D) Variance from Grease Interceptor Requirements

- (1) Grease Interceptors required under this Section shall be installed unless the Authority determines, in writing, that the installation of an indoor Grease Trap or other alternative Pretreatment technology may be installed in lieu of a Grease Interceptor because the installation of a Grease Interceptor would not be reasonably feasible.
- (2) The user bears the burden of demonstrating that the installation of a Grease Interceptor is not reasonably feasible. The Authority may authorize the installation of an indoor Grease Trap or other method where the installation of a Grease Interceptor is not feasible due to space constraints or other considerations.

- (3) If the user believes the installation of a Grease Interceptor is not reasonably feasible, they shall submit to the Authority a written request for a determination, containing the following information:
 - (a) A plan showing the location of Sewer System, Private Lateral, Building Drain, easements, and building. Plans shall provide all necessary dimensions.
 - (b) A plumbing diagram showing all existing and proposed plumbing and s at the site.
 - (c) An explanation as to why the installation of a Grease Interceptor is not reasonably feasible.
 - (d) A description and design of a plan for any alternative technology (other than a Grease Interceptor) proposed to be installed to trap, separate, and hold FOG from Wastewater and prevent it from being discharged into the Sewer System. All alternative Pretreatment technology must be appropriately documented.
 - (e) A plan for regular maintenance of the alternative pretreatment technology.
- (4) All alternative Pretreatment technology must be appropriately sized and approved by the Authority.

(E) Grease Interceptor Requirements

- (1) Grease Interceptor sizing, and installation shall conform to the East Brandywine Township Plumbing Code in effect at the time of the installation.
- (2) Grease Interceptors shall be constructed in accordance with design approved by the Authority and shall have a minimum of two compartments with fittings designed for grease retention.
- (3) Grease interceptors shall be installed at a location where they shall be easily accessible for inspection, cleaning, and removal of intercepted grease. The Grease Interceptor may not be installed in any part of the building where food is handled. Location of the Grease Interceptor must meet the approval of the Authority.
- (4) All such Grease Interceptors shall be serviced and emptied of accumulated waste content as required in order to maintain Minimum Design Capability or effective volume. These devices should be inspected at least monthly.
- (5) Grease Interceptors shall be kept free of solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could settle in the tank and thereby reduce the effective volume of the device.
- (6) During the first year of operation after installation, Grease Interceptors shall be pumped out, cleaned, and inspected at least semi-annually, or when seventy-five percent (75%) of the system capacity is reached, whichever is more frequent. After the first (1) year of use, Grease Interceptors must be pumped out, cleaned and inspected at least annually or when no more than seventy-five percent (75%) of the system capacity is reached, whichever is more frequent. After two (2) years of use, the frequency may be reduced, upon written approval of the Authority, if adequate documentation can be shown that a reduced frequency is sufficient to comply with the provisions of this section.
- (7) The User shall notify the Authority at least twenty-four (24) hours in advance of the above maintenance and the User or their maintenance contractor shall submit electronic records of the periodic maintenance within five (5) business days.
- (8) The User shall maintain a written record of inspection and maintenance for as long as the interceptor is in use. All such records will be made available for on-site inspection by representative of the Authority during all operating hours.
- (9) Sanitary wastes are not permitted to be connected to sewer lines intended for Grease Interceptor Service.
- (10) Access manholes, with a minimum diameter of twenty-four (24) inches, shall be provided over each Grease Interceptor chamber and sanitary tee. The access manholes shall extend at least to

finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspection, grease removal, and Wastewater sampling activities. Grease Interceptors shall be subject to inspection by the Authority during normal business hours of the User.

(F) Grease Trap Requirements

- (1) In the event that the Authority approves the installation of a Grease Trap in lieu of a Grease Interceptor, such Grease Trap shall comply with the provisions of this section. Grease Traps must be installed in the waste line leading from sinks, drains, and other fixtures or equipment in Food Service Establishments where FOG may be introduced into the Sewage System in concentrations greater than 100 mg/l.
- (2) Grease Trap sizing and installation shall conform to the East Brandywine Township Plumbing Code in effect at the time of installation.
- (3) No Grease Trap shall be installed, which has a stated flow rate of more than fifty-five (55) gallons per minute, nor less than twenty (20) gallons per minute, except when specially approved by the Authority.
- (4) Grease Traps shall be maintained in efficient operating conditions by periodic removal of the accumulated FOG. No such collected grease shall be introduced into the Building Drain, Private Laterals, Sewer Connection, or Sewer System.
- (5) For the first (1) year of operation after installation, the trap shall be pumped, cleaned, and inspected at least quarterly, or when seventy-five percent (75%) of the capacity of the system is reached, whichever is more frequent. Thereafter, traps must be pumped, cleaned, and inspected at least annually, or when no more than seventy-five percent (75%) of the capacity of the system is reached, whichever is more frequent.
- (6) The User shall notify the Authority at least twenty-four (24) hours in advance of the above maintenance, The User or their maintenance contractor shall submit electronic records of the periodic maintenance within 5 business days.
- (7) The User shall maintain a written record of inspection and maintenance for as long as the Grease Trap is in use. All such records will be made available for on-site inspection by representative of the Authority during all operating hours.
- (8) No food waste disposal unit or dishwasher shall be connected to or discharged into any Grease Trap.
- (9) Wastewater in excess of one hundred-forty (140) °F/ (60°C) shall not be discharged into a Grease Trap.

ARTICLE 700
PROHIBITIONS AND RESTRICTIONS ON INDUSTRIAL WASTEWATER

701 GENERAL

No Industrial Wastewater shall be discharged into the Sewerage System in violation of Article 700 hereof and unless the Person discharging the same shall have obtained an Industrial Waste Discharge Permit, except as authorized by the Authority in accordance with the provisions of these Rules and Regulations.

702 PERMIT REQUIRED

In order to control the admission of Industrial Wastewater for discharge into the Sewerage System, the written approval of the Authority must be obtained prior to the discharge of such waste and as evidenced in writing by an Industrial Waste Discharge Permit.

703 PERMIT APPLICATION

The application for an Industrial Wastewater Discharge shall include the completion of the Authority's Industrial Pretreatment Program Wastewater Discharge Survey, which shall include, at a minimum, the following information:

- (A) Name and address of the Industrial Facility;
- (B) Name and title of responsible official and name and title of Person preparing the application; (C) Location of facility;
- (D) The type of industry and nature of the business conducted in such facility;
- (E) Description of process or processes which produce Industrial Wastewater;
- (F) Description of types and characteristics of Industrial Wastewater, volume and rates of flow and methods of measuring the same, frequency and duration of discharge;
- (G) The volume of Industrial Wastewater and Sewage discharged by each facility:
 - (1) to Sanitary Sewers;
 - (2) to Storm Sewers.
- (H) For existing discharges of Industrial Wastewater, a chemical analysis of the waste, including parameters for all constituents that may be present in the discharge;
- (I) The average daily number of employees employed or to be employed in each facility by shifts;
- (J) The source of water supply of each Industrial Facility and the volume of water used by each Industrial Facility daily, specified separately as to each source,
- (K) Description of proposed or existing Pretreatment facilities and a schematic diagram of such facilities;

- (L) An indication as to whether or not the proposed discharge will comply with this Rules and Regulations;
- (M) Such additional information as is deemed applicable to ascertain the volume, nature and composition of the waste so discharged or as may be required by the Authority, or the Authority Engineer.

704 CHANGE IN OPERATIONS

Any User that plans to change operations so as to materially alter the characteristics and volumes of Industrial Wastewater discharged to the Sewerage System, either directly or indirectly, shall file an application for an Industrial Waste Discharge Permit.

705 PRETREATMENT

- (A) As not all waste can be satisfactorily treated at the Treatment Plant, Pretreatment may be required before acceptance into the Sewerage System. Any waste containing substances that are not compatible with treatment or reduction by the treatment processes employed or are amenable only to such a degree that the Treatment Plant effluent cannot meet the degree of treatment required by Regulatory Agencies having jurisdiction over such waste will require Pretreatment to the degree as required by the terms of the Industrial Waste Discharge Permit.
- (B) Where Pretreatment facilities are provided for any waters or wastes, they shall be constructed and be maintained continuously in satisfactory and effective operation by the Discharger at his expense. No Pretreatment facilities shall be constructed until they have been approved in writing by the Authority.

706 PERMIT CANCELLATION

The Authority reserves the right to cancel any Industrial Waste Discharge Permit issued by the Authority upon the discharger's violation of the conditions of these Rules and Regulations or the Industrial Waste Discharge Permit. The Authority has the right to amend the permit when required by appropriate Regulatory Agencies, or by technical revelations. The Industrial Waste Discharge Permits will be written for a one (1) year period. If the Authority elects not to cancel the permit on or before its anniversary, the permit will automatically renew itself for another period of one (1) year.

707 SAMPLING MANHOLE

- (A) Adequate means shall be provided in each lateral carrying Industrial Wastewater to the Sewerage System for periodic sampling. A suitable manhole shall be installed in the Private Lateral discharging the waste into the Sewerage System, to facilitate observation, sampling, and measuring of the waste being discharged. The Authority may also require sampling, metering, and/or measuring devices.
- (B) Such manhole shall be constructed in accordance with plans and specifications approved by the Authority. The manhole shall be installed and maintained in a safe condition, at the expense of the discharger, and be so located as to be accessible at all times to authorized representatives of the Authority without consent of the discharger. Samples for the determination of all physical and chemical characteristics and concentrations of the waste shall be collected in such a manner as to

be representative of the waste, using the current edition of "Standard Methods for the Examination of Water and Wastewater" as a basis.

708 ADDITIONAL REQUIREMENTS

- (A) Any authorized representative of the Authority bearing proper credentials and identification, shall be permitted to enter upon any private property discharging Industrial Wastewater into the Sewerage System at any time, for the purpose of observation, measuring, or sampling.
- (B) The User is liable for any cost, damage, injury, and/or fines on or to the Authority as a result of their Industrial Wastewater discharge.
- (C) Every Person discharging any Industrial Wastewater mixture into the Sewerage System shall keep and maintain records of the data required to be furnished in the application for an Industrial Waste Discharge Permit as defined above and such Records shall be available for inspection during regular business hours by authorized representatives or employees of the Authority upon presenting written credentials of their authority and such representatives or employees shall be permitted to make and retain copies of such records.
- (D) The Industrial Wastewater discharged into the Sewerage System shall be sampled and analyzed by and at the expense of the discharger and results of laboratory analyses shall be submitted to the Authority within fifteen (15) days. Analytical parameters shall be determined by the Authority. As a minimum, frequency of sampling and analysis shall be quarterly. Discharges having a significant contribution to the system, or which are variable in composition, will require more frequent monitoring, possibly monthly, weekly, or daily.
- (E) The laboratory analyses shall be made on a composite wastewater sample. The sample shall be representative of the source. Samples shall be collected to ensure that analytical results represent the actual sample composition. The choice of analytical laboratory shall be subject to approval by the Authority.

ARTICLE 800
ENFORCEMENT

801 IMMEDIATE SUSPENSION BY AUTHORITY OF DISCHARGE PRESENTING IMMINENT DANGER BY ANY USER

- (A) The Authority may order the suspension of discharge of Wastewater by any User when such suspension is necessary, in the opinion of the Authority, in order to stop an actual or threatened discharge which presents an imminent danger or harm to people or to the environment or of Interference with the Wastewater treatment process (“Dangerous Discharge”). Any User notified of an order to suspend a Dangerous Discharge shall comply therewith immediately. In the event of a failure of the User to comply voluntarily with the suspension order, the Authority may take such steps as it deems necessary, including immediate severance of the Sewer Connection, to affect the suspension of discharge of the User’s Wastewater into the Sewerage System.
- (B) The User shall submit a detailed written statement to the Authority describing the causes of the actual or threatened Dangerous Discharge and the measures taken to prevent any future occurrence within fifteen (15) days of the date of the first such discharge or threat of discharge. Nothing herein shall be construed to prohibit the Authority from seeking injunctive relief hereunder or at common law or taking other enforcement action in connection with a Dangerous Discharge.
- (C) The Authority may permit reinstatement of the discharge of Sanitary Sewage upon proof satisfactory to itself of the elimination of the imminent and substantial danger referred to above.

802 TERMINATION OF SERVICE OF ANY USER

Any User, who violates any provision of these Rules and Regulations, applicable State and Federal regulations, or an Industrial Waste Discharge Permit if applicable, is subject, in addition to any civil or criminal penalties which may be imposed, to having their Service terminated and/or their Industrial Waste Discharge Permit revoked.

803 NOTIFICATION OF VIOLATION BY ANY USER

Whenever the Authority finds that the User has violated or is violating these Rules and Regulations, an Industrial Waste Discharge Permit, or any prohibition, limitation, or requirement contained herein, the Authority may serve upon such Person a written notice stating the nature of the violation. The notice may require a response in the form of a plan, explanation, compliance schedule, or other appropriate response within a specified time period. Compliance with any such requirement is mandatory. Provided, however, no notice is required by Authority to commence enforcement action under this Article 800.

804 LEGAL ACTION BY THE AUTHORITY

If any Person violates the provisions of these Rules and Regulations, Federal, or State Pretreatment requirements, or any order related to sewer Service, the Authority may commence enforcement by any available civil or criminal action, including an action for appropriate legal and/or equitable relief in the Court of Common Pleas of Chester County. In any such proceeding, the Authority may seek to collect any delinquent sewer rentals and all penalties thereon, together with any costs and/or attorney’s fees due and payable, any damages and costs incurred pursuant to Article 800 hereof, and any fines imposed under Article 900 hereof.

ARTICLE 1000
MISCELLANEOUS PROVISIONS

1001 EFFECTIVE DATE

These Rules and Regulations shall become effective immediately upon adoption.

1002 APPLICABLE LAW

Any subject regulated by the MAA or other law or regulation applicable to the Authority and not regulated by these Rules and Regulations shall be regulated by MAA or other applicable law or regulation; and all Users shall comply with the MAA or other applicable law or regulation.

1002 VALIDITY

The provisions of these Rules and Regulations are severable and if any provision or part thereof shall be held illegal, invalid, or unconstitutional, it shall not affect or impair any remaining provisions or parts of these Rules and Regulations. These Rules and Regulations would have been adopted if such invalid or unconstitutional provisions had not been included therein. To the extent any provision of these Rules and Regulations is inconsistent with or contrary to the provisions or requirements of MAA or other applicable law or regulation, the provisions of the MAA shall control. To the extent any provision of these Rules and Regulations is less stringent or restrictive than provisions or requirements of the MAA or other applicable law or regulation, the more stringent or restrictive provision or requirements shall control and be applicable.

1003 REPEAL OF INCONSISTENT RESOLUTIONS

All resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent of the inconsistency.

RESOLVED this 13th day of January 2026

East Brandywine Township Municipal Authority



Michael Corbin, Chairman

ATTEST



Gabrielle Brown, Municipal Authority Recording Secretary

ARTICLE 900
PENALTIES

901 FINES TO BE ESTABLISHED BY AUTHORITY FOR VIOLATION BY ANY USER

In addition to any other remedy available under these Rules and Regulations, any Person who shall violate any provision of these Rules and Regulations shall, upon conviction thereof, be sentenced to pay a fine of not less than five-hundred dollars (\$500.00) not more than five-thousand dollars (\$5,000.00) for each offense together with the cost of prosecution and shall be imprisoned to the extent allowed by law for the punishment of summary offenses. Enforcement of this penalty shall be by 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 Authority Solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pennsylvania Rule of Criminal Procedure Number 83(c) (relating to trial in summary cases). Every day that a violation of these Rules and Regulations continues shall constitute a separate offense. All fines and penalties collected for the violation of these Rules and Regulations shall be paid over to the Authority treasury.

902 ACTION TO ENFORCE AUTHORITY'S RESOLUTIONS APPLICABLE TO ANY USER

The Authority shall take any action permitted by law to enforce any provision of these Rules and Regulations against any User.

903 LIABILITY FOR DAMAGE TO SEWERAGE SYSTEM

In the event that any Person discharges its Wastewater into the Sewerage System which causes or threatens to cause damage to the Authority, the Authority Sewerage System and/or any Treatment Plant or to any employee thereof, or discharges any substance that damages or threatens to damage any Treatment Plant, the Treatment Plant processes or operations, or the quality or composition of the Treatment Plant sludge, that Person shall be liable for the damage thereof; said liability shall include all costs incurred by the Authority including, but not limited to, costs of restoration or replacement, disposal, remediation, fines, legal and engineering fees, and natural resources damages. The cost of the damage shall be determined by the Authority, and the Person shall be billed therefor. Legal action may be taken to enforce collection, and/or the Authority may terminate the Person's connection to the Sewerage System.

Appendix A
Sewer Service Areas Map

Appendix B
Sewer Connection Application and Construction Permit

Appendix C Professional Services Agreement

Appendix D
Developers Improvement Agreement

Appendix E Financial
Security Agreement

Appendix F Inspection Fee
Deposit Agreement

Appendix G Holding Tank Permit Application

Appendix H
Industrial Pretreatment Program Wastewater Discharge Survey

Appendix I
Sewer Specifications and Details

CERTIFICATE

I, Gabrielle Brown, the undersigned, Administrator of East Brandywine Township Municipal Authority (the "Authority"), certify that the foregoing is a true and correct copy of Resolution No. 4 of 2026, which was duly adopted by affirmative vote of a majority of all members of the Board of the Authority at a meeting of said Board duly convened and held according to law on January 13, 2026, at which meeting a quorum was present; that said Resolution has been duly recorded in the minutes of the Board of the Authority; and that said Resolution is in full force and effect, without amendment, alteration or repeal, as of the date of this Certificate.

I further certify that the Board of the Authority met the advance notice requirements of Act No. 1986-84 of the General Assembly of the Commonwealth of Pennsylvania, approved July 3, 1986, as amended, by advertising said meeting and by posting prominently a notice of said meeting at the principal office of the Authority or at the public building in which said meeting was held, all in accordance with such Act.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Authority, this 13th day of January 2026.



Gabrielle Brown, Authority Administrator