RESOLUTION 2021-05

ROSTRAVER TOWNSHIP SEWAGE AUTHORITY

AMENDING THE ROSTRAVER TOWNSHIP SEWAGE AUTHORITY RULES AND REGULATIONS

WHEREAS, the Rostraver Township Sewage Authority (hereinafter "Authority"), is incorporated under the Municipalities Authorities Act, Act of May 2, 1945, P.L. 382, as amended, 53 Pa.C.S.A. 55601, et seq.; and

. WHEREAS, the Authority owns and operates a complete sanitary sewage collection system ("Sewage System") in certain portions of Rostraver Township and Westmoreland County, Pennsylvania; and

WHEREAS, the Authority deems it necessary to modify its Rules and Regulations with regard to Time of Sale regulations and procedures and the updating various other sections;

NOW, THEREFORE, BE IT RESOLVED by the Rostraver Township Sewage Authority, Effective July 1, 2021 as follows:

Section 4 - The Authority hereby amends Section 4; Applications and Contracts for Connection and Service. Specifically, Subsection 4.09 of its Rules and Regulations originally adopted by Motion on May 22, 2013 shall be amended as follows;

> Section 4.09 shall be stricken in its entirety and the following language shall be substituted.
>
> Property Transfers and Defect Discovery – For all property sold within the Township a No-Lien Letter Application, A Dye Test Application and a Lateral Inspection Application must be submitted to the Authority Office. Please see Section 5 of these Rules and Regulations for additional information on Time of Sale Testing.

Section 5 - The Authority hereby inserts in its entirety, Section 5; Time of Sale Testing Requirements as follows;

For all property sold within the Township you are required to complete a No-Lien Letter Application, a Dye Test Application and a Lateral Inspection Application. Please contact the Rostraver Township office for any questions at 724-930-7667 during regular business hours. (Monday through Friday, 8 am to 4 pm).

OBLIGATIONS OF SELLER/PURCHASER

If a sale of a home/business occurs, a no-lien letter must be secured and both a dye test and sanitary sewer lateral test must be performed; (if a Lateral Inspection has already been performed within a 3-year period or the home is newly constructed; a new inspection is not required. Note: The Buyer has the right to request that a lateral testing be performed. Rostraver Township Sewage Authority only certifies the condition of the lateral as of the date of the most recent inspection, and cannot warrant that changes have not occurred since that date.
IMPORTANT: Should a CCTV lateral inspection not be required; A Dye Test is mandatory for every sale. The cost for a No Lien Letter/Dye Test Certificate is Fifty ($50.00)..

A dye test is performed to determine whether non-sanitary sewer water flows are entering the sanitary sewer system (i.e. from roof leaders, driveway drains, or foundation drains, etc). A sanitary sewer lateral test is performed to determine the condition of a property owner's lateral, whether it may be compromised, thereby allowing unwanted water inflow into the sanitary sewer system, and/or sanitary sewage infiltration into the soils.

The Rostraver Township Sewage Authority will adjust rates for the combined dye test/sanitary sewer lateral video inspection at time of property sale as follows:

The base fee for the combined dye test/lateral video inspection will be One Hundred Seventy-Five ($175.00) Dollars for up to 100' of lateral inspected. Any lateral greater than 100' in length will have an additional inspection charge of fifty ($0.50) cents per foot (due after the inspection has been completed). Should the inspection be requested to be done outside of regular business hours or after 2:00 pm. on week-days, or at any time within seven (7) days of the proposed property closing, the combined fee for the first 100' of lateral inspection will be Two Hundred Seventy-Five ($275.00) Dollars. The cost for the Authority no-lien letter is Twenty Five ($25.00) Dollars.

Should applicant choose to use a third (3rd) party to complete the required testing (dye testing and CCTV lateral inspection), a fee of $50 will apply for the time and inspection by Authority personnel of work being done.

Please see Appendix A as reference in Resolution 2021-2 and 2021-3 for time of sale testing requirements.

In order for property owner to address any observed defects in a timely fashion, it is recommended that this inspection be done as soon as possible upon property listing. Failure to comply with the Authority's Rules & Regulations can result in a delayed real estate closing, penalties and fines including legal costs.

TEMPORARY CERTIFICATION DOCUMENTS

If an inspection or repairs/replacement of sewer lateral cannot be performed due to weather conditions and the closing date cannot be altered, an agreement may be entered into for a Temporary Certification. The Seller/Closing Company must provide a minimum of $4,000 to be escrowed and withheld the time of the closing for any repairs.

REPAIRS/REPLACEMENT TO LATERAL

The Authority has identified local plumbers that are willing to provide quotes to property owners requiring lateral repairs and/or replacement. A listing of plumbers is available at the RTSA Office. These plumbers are NOT endorsed nor affiliated with the Authority.

In the event that the lateral is found to be defective based on criteria established in the Rules & Regulations, the entire pipe must be replaced or relined with limited exceptions for spot repairs. In most cases, lateral defects that are identified within RTSA easements and under roads will generally be repaired by the Authority at no direct cost to the property owner.

PROPERTY TRANSFER REQUIREMENTS (DYE TESTING AND LATERAL INTEGRITY INSPECTION)

It is in the best interest of the Authority, it's customers and the environment to inspect and maintain the entirety of the sanitary sewer system. Such testing/inspection are condition-precedents to any sale of property. The Authority herein establishes dedicated procedures for dye testing and televising of lines; all such testing/inspection.

A. DEFECT DISCOVERY: TRANFER OF PROPERTY (SALE), DYE TESTING AND CLOSED-CIRCUIT TELEVISING (CCTV) INSPECTION REQUIREMNET - Testing/inspection requirement shall occur at time of sale of any property within Rostraver Township. Dedicated procedures exist for dye testing and closed-circuit televising of lateral lines to ensure and maintain the integrity of its sanitary sewer system. The Authority herein establishes dedicated procedures for dye testing and televising of laterals. All testing/inspection is performed by RTSA personnel or by RTSA authorized representative.

B. Any person completing a Property Sale of real estate located within the Rostraver Township shall make application on a form furnished by the Municipal Authority for a Document of Certification. The Document of Certification, is an official statement stating that there are no illegal storm surface water connections into the

sanitary sewer connections on the property to be sold, and that there is sufficient pipe integrity pursuant to standards announced below of the sanitary lateral. The application for a Document of Certification shall be submitted to the Authority for any Property Sale involving real estate on which a building or other improvement exists and which receives public sanitary sewer service through RTSA. Said Document of Certification must be completed by the Authority's designated agent for the required tests and inspection.

Authority personnel (or a contracted and authorized agent of the Authority) will perform a dye test and/or closed-circuit television inspection on the property to be sold. That individual shall complete the appropriate portions on the form and certify that the property has been tested and the results of such tests. When an illegal storm or surface water connection is discovered by means of the above-mentioned dye testing, and/or if a material defect is discovered, NO Document of Certification will be executed until the illegal connections/defects are removed and certification of such removal is verified by Authority personnel or their designated agent(s).

C. A Temporary Document of Certification may be issued at the Municipal Authority's sole discretion when either:

1. Applicant proves to the satisfaction of the Authority that time of sale testing cannot be performed because of weather conditions. When such is the case, the applicant shall provide the Municipal Authority with security in the amount of Four Thousand ($4,000.00) Dollars (or an amount mutually agreeable to all parties including RTSA, seller, buyer and closing agent) to guarantee that the required inspections will be performed and potential defects corrected. In addition, the applicant shall provide a signed, written acknowledgment, in a form acceptable to the Authority, from the purchaser agreeing to correct, at purchaser's sole expense, any violations that may be discovered as a result of required inspections. Nothing in this subsection shall prohibit any purchaser from requiring the applicant to reimburse the purchaser for any costs incurred provided, however, primary liability shall run with the land and no such agreement shall affect municipality's/authority's enforcement powers.

2. When an illegal storm or surface water connection is and/or a lateral defect is discovered and the necessary remedial activities to correct such connection would require a length of time due to weather conditions or to create a practical hardship for the applicant, applicant may apply for a Temporary Document of Certification. Such Temporary Document of Certification may only be issued when the applicant provides the Authority with all of the following: (i) security in the amount not less than the estimated repair costs in a form acceptable to the Authority; and (ii) an agreement by the purchaser in a form acceptable to the Authority to be responsible for all cost over-runs related to the remedial work.

permitting.

b. The property representative will be responsible for a payment for required inspections as outlined in the fee section of these Rules and Regulations prior to the work being initiated.

c. It is the policy of the Authority that a representative for the property be present during the entire inspection.

d. Access to the lateral to complete the CCTV inspection will typically be made through a "fresh air" vent or clean out. In an instance where a "fresh air" vent or clean out is not available, adequate means of access to the entire lateral must be provided by the property owner at their expense. Such alternative access may need to be installed by a plumber.

e. CCTV inspections will typically be completed from the building to the main sewer. During the CCTV inspection, the Authority may utilize water injection into the ground in the vicinity of the sanitary sewer lateral to determine if leakage is present. If in the event leakage is observed coming from under the foundation, the Authority reserves the right to inspect the sanitary sewer piping under the building floor.

f. Inspections will in most cases be completed by Authority personnel utilizing Authority CCTV equipment. During the completion of the test, the NASSCO pipe assessment standards will be used to determine pipe defects. Any defects found to have a Level 3 or higher shall be deemed a failure. Multiple Level 2 defects (greater than 3 in number) in a given lateral may also be deemed a failure.

g. If a failure exists, it is the requirement of the property owner to replace/reline the Lateral Sanitary Sewer at their own expense. Work shall be in accordance with these Rules and Regulations. Inspection of all work shall be completed by Authority personnel. Any fees pertaining to these inspections shall be the responsibility of the homeowner. All work must be completed within thirty (30) days of the deemed failure unless a time extension is granted by the Authority. After the repairs are complete, a re-inspection must be scheduled.

h. After the repairs are made, the property representative must arrange for a re-inspection by RTSA. If the subsequent inspection passes, a Document of Certification will be issued.

H. APPEAL PROCEDURES

1. In the event the property representative wishes to appeal a failure decision, the following rules shall apply:

a. The Authority hereby creates an Appeals Board pursuant to Resolution No 2021-4 to hear technical disputes from persons who disagree with the results of an inspection of the sewer lateral ("Appellants") conducted pursuant to Sections XIII and XIV of these Rules and Regulations or the amount and type of work to be done as a result of the inspection.

b. The sole grounds for a challenge to said inspection shall be whether the findings of the inspection are appropriate or whether the amount and type of work ordered to be completed is appropriate. No challenges shall be heard that are based upon financial concerns or a homeowner's inability to pay for any indicated repairs. Any request to the Authority by a property owner for a time extension for performing repairs due to financial hardship will be considered on a case by case basis by the Authority Board outside of this Appeals process.

c. The Appeals Board shall consist of 3 (three) members (the "Members"), appointed by the Authority Board.

d. The terms of the Members shall be at the will of the Authority Board and shall be for a period of indefinite length.

e. The Authority Board shall name one of the Members as Chairman of the Appeals Board; the duties of the Chairman shall include, but not be limited to, the following:

2. Conduct and lead any review hearing brought hereunder;
Determine the place and time of meeting for such a review;

a. Appellants desiring to bring a matter in front of the Appeals Board shall provide written notice of such desire to the Authority no later than 20 days from the receipt of the results of an inspection of the sewer lateral on the effected property. A hearing will be scheduled as soon as possible, but in no event greater than 30 days from receipt of the written request.

b. Appellants may attend a hearing with the representation of counsel and may, at their cost, provide means by which the hearing will be recorded.

c. Appellants shall be provided a reasonable amount of time, but in any event, not to exceed 30 minutes, to present evidence and arguments in front of the Appeals Board.

d. Within 3 (three) business days of the hearing, the Appeals Board shall render a written decision on the matter.

e. The decision of the Appeals Board shall be based on the vote of 2 of the 3 Members. However, all 3 Members must be present for voting, unless special

circumstances dictate otherwise.

f. The decision of the Appeals Board shall be final.

g. The Appeals Board shall provide a written summary of the hearing to the Appellant and the Authority Board on a form to be established by the Authority Board.

Section 9 - Sewage Bills and Payments, specifically 9.17 Vacant Properties shall be amended as follows;

9.17.5 – Insert in its entirety

"In the case of demolition of a home/structure or removal of a mobile home, the owner will be responsible to cap off the sanitary sewer lateral at the curb. The owner must notify the Authority and a representative must be on site to inspect the capping of the lateral."

9.17.6 Current 9.17.5 shall become 9.17.6

The vacant property status/exemption described herein is available only to residential properties. Commercial properties are specifically excluded.

Section 11 – Sewer Line Extensions and Systems including Pump Stations

11.04.05 – As Built Drawings

The First sentence of existing Item 11.04.05 As Building Plans is stricken in its entirety and the following language shall be substituted:

Subsequent to the completion of the work, the applicant shall submit to the Authority "One (1) set of 11" x 17" reproducible as-built drawings, a USB drive containing as-built drawings and a PDF File submitted to the Authority Manager in the latest version of AutoCAD."

11.10 – Inspection (NEW SECTION)

Thirty days after completion of the work, an inspection by the Authority shall be conducted prior to the connection to the trap, unless the building drain and the sanitary sewer lateral are to be inspected at the same date, and prior to any backfilling. All lines shall be capped prior to inspection. The inspection shall consist of an air test of 5 lbs. for 5 minutes without any loss of pressure, or a

hydrostatic test where no water is lost from a filled sanitary sewer lateral for 5 minutes, a visual inspection of the pipe and the recording of pertinent information relating to the installation of the pipe. Inspection will not be scheduled until all Applications for Service (Tap-In Permit) have been submitted and approved. If the sewer lines do not pass inspection, a fee will be levied and must be paid before re-inspection of the sanitary sewer lateral will be scheduled.

Prior to consideration of the Authority to take over the newly installed line(s) and appurtenances, any outstanding fees (engineering or legal) must be paid in full.

If the main sewer line passes the final testing/inspection, the Authority may then consider taking over the newly constructed line. The Manager shall prepare a Resolution for consideration by the Board at a Public Meeting. If adopted, the Manager will notify the developer/resident of such.

APPENDIX 1 – SPECIFICATIONS FOR CONSTRUCTION OF SANITARY SEWER