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.

3. In addition to the Authority's right to deem the amount of security forfeited, the Authority also reserves the right to prosecute the seller or purchaser, after having received notice from the Authority of a date by which repairs must be made.

All Temporary Documents of Certification shall automatically expire six (6) months from the date of issuance at which time any security posted shall be forfeited.

D. Properties not served by the RTSA public sanitary sewer system are exempt from testing. Also exempt from testing are new homes that have been constructed in accordance with a valid building permit and have been inspected by the Township Building Inspector and the RTSA personnel and have not been formerly occupied.

E. At the time of the application for the Document of Certification, the Seller of such property, Real Estate Broker or Agent listing said property for sale, shall request that the water company provide a final meter reading to such property and should request from the Authority a No-Lien Letter reflecting the status of sewage liens upon such property and the amount due for current sewage service to the date of the final meter reading.

1. At the time of the final meter reading, sewage service provided to such property by the Authority shall be the responsibility of the Purchaser of the property or Tenant and they shall have made application/notification to RTSA as required by the Rules and Regulations. In the event that such application for continued water service is made on behalf of the Purchaser or Tenant by a duly authorized Agent, the Purchaser or Tenant and such Agent shall be individually and jointly liable and obligated to pay for sewage service provided by the Authority until such time as the Purchaser or Tenant has executed a written application for sewage service.

2. The Seller, or the Real Estate Broker or Agent listing such property for sale, shall, at the time of closing or before, present the final meter reading and No-Lien Letter to the appropriate closing officer and all amounts due to the Authority for sewage service provided prior to the time of the final meter reading shall be paid at the closing.

F. DYE TESTING PROCEDURES

1. When a property requires a dye test, a representative of the property shall contact the Authority to schedule the inspection. Inspections scheduled during normal business hours will be completed within ten (10) days following the date on which the schedule was made.
2. The property representative will be responsible for a payment as outlined in the fee section of these Rules and Regulations, Appendix A of the Resolutions 2021-2 and 2021-3.

3. Property owner must be on site while testing is scheduled. The dye test will be completed by Authority personnel and be conducted on storm water facilities such as area drains, downspouts, sump pumps, etc. Water must be made available at the property to complete the test. If none is available, the Authority will supply the water required for testing.

4. Dye will be placed in these storm water facilities (or other techniques will be utilized) and the Authority personnel will verify that these facilities are not connected to the sanitary sewers. In the event water from an improper source is discovered entering the sanitary sewer during the inspection, the test will be deemed a failure. It will be the responsibility of the homeowner to remove all said improper connections to the sanitary line at their expense.

5. After all repairs have been made the property owner shall contact the Authority to schedule a retest.

G. CLOSED CIRCUIT TELEVISING (CCTV) INSPECTION PROCEDURES

1. CCTV inspection shall be completed on a property at the time of sale of a property located within the boundaries of Rostraver Township

2. If during the course of the lateral inspection a defect is found on any portion of the lateral that is deemed to be owned by the Authority (typically between the main sewer and the property line), those repairs may be made by the Authority at no expense to the property owner.

3. The CCTV inspection on a property will only be mandated if the time between property transfers exceeds three (3) years. If a property transfers again within 3 years of the most recent CCTV inspection, the requirement for this inspection will be waived by the Authority; however, no representation will be made by the Authority that the condition of the lateral has not deteriorated since the time of the last inspection. Under those circumstances, a basic dye test still must be conducted by Authority personnel, and the current property owner or potential buyer may request a new CCTV inspection to be completed by the Authority in accordance with the attached fee schedule.

The basic dye test is meant to identify and direct illegal connections from the system and/or problems with vents, cleanouts, etc. The basic dye test will be completed on every property which is transferred/sold.

4. Procedures

a. When a property requires a CCTV inspection, a representative of the property shall contact the Authority to schedule the inspection. Inspections scheduled during normal business hours will be completed within ten (10) business days following the date on which the schedule was made, weather

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:

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 LINES AND APPURTENANCES

Part 1 – General Requirements

- Item 10 (C.) Record Drawings - shall be amended as follows;

  The first sentence of existing Item 10. Record Drawings (c.), is stricken in its entirety and the following language shall be substituted:

  "One (1) set of 11" x 17" paper drawings, a USB drive containing record drawings and a PDF File submitted to the Authority Manager in the latest version of AutoCAD."

Section 4. The proper officials of the Authority are hereby authorized and empowered to take such additional action as they may deem necessary or appropriate to implement this Resolution.

Section5. If any section, subsection, paragraph, sentence or phrase of this Resolution is for any reason held to be invalid by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Resolution, it being the legislative intent of the Rostraver Township Sewer Authority that the same would have been enacted without such section, subsection, paragraph, sentence or phrase. In the event of such holding, the Resolution shall be considered as effective as if enacted without such section, subsection, paragraph, sentence or phrase.

Section 6. All previous Resolutions and Policies that are inconsistent herewith are repealed to the extent inconsistent herewith.

RESOLVED THIS 27th DAY OF APRIL, 2021

ATTEST:

ROSTRAVER TOWNSHIP
SEWAGE AUTHORITY

William N Callaway
Secretary

Dennis C. Marsour
Chairman