ENVIRONMENTAL COVENANT

When recorded, return to:
Darrell Ruth
Frog Switch & Manufacturing Company
600 East High Street
Carlisle, Pennsylvania 17013

The Property consists of five parcels, including County Parcel Identification Numbers **02-21-0316-045, 02-21-0316-046, 02-21-0316-047, 02-21-0316-063, and 02-21-0318-353**

GRANTOR: Frog Switch & Manufacturing Company
PROPERTY ADDRESS: 600 East High Street, Carlisle, PA 17013

This Environmental Covenant is executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act No. 68 of 2007, 27 Pa. C.S. §§ 6501 – 6517 (UECA). This Environmental Covenant subjects the Property identified in Paragraph 1, to the activity and/or use limitations in this document. As indicated later in this document, this Environmental Covenant has been approved by the Pennsylvania Department of Environmental Protection (Department).

1. **Property affected**. The property affected (Property) by this Environmental Covenant is located in **Carlisle Borough, Cumberland County**.

The latitude and longitude of the center of the Property affected by this Environmental Covenant is: **40°12'12.37"N ; -77°10'25.25"W**.

The portion of the Property described herein as the Landfill Area has been known by the following name(s): **Frog Switch Landfill**
Frog Switch Residual Waste Landfill

The PADEP Primary Facility Identification Number for the portion of the Property described herein as the Landfill Area is: **300510**

A legal description of the Property is attached hereto as Exhibit A . A legal description of the Landfill Area to which the Activity and Use Limitations set forth in Paragraph 5 applies is attached hereto as Exhibit B. The Cover System described herein is comprised of Cap Areas A, B and C as depicted in the As Built Reclamation Plan, dated as January 18, 2010, attached hereto as Exhibit C. The Biennial Post-Closure Inspection protocol is set forth in Exhibit D. A copy of the Borough of Carlisle, PA's mandatory water connection ordinance in effect at the time of this Environmental Covenant is attached hereto as Exhibit E.

2. **Property Owner / GRANTOR / GRANTEE**. Frog Switch & Manufacturing Company is the Owner of the Property and the GRANTOR and GRANTEE of this Environmental Covenant.

3. The mailing address of the Owner is: 600 East High Street, Carlisle, PA 17013

4. **Description of Contamination & Remedy**. Consistent with the Final Landfill Closure Certification, and as required by 27 Pa. C.S. § 6504(a)(3) and (a)(7) and as allowed by 27 Pa. C.S. § 6504(b)(6), the following briefly describes the contamination of the Property before remedy implementation, the remedy/corrective action undertaken, any administrative record for the environmental response project relating to the Environmental Covenant, the Land Recycling and Remediation Standards Act (Act 2) standard(s) attained; and any other important information.

DESCRIPTION OF CONTAMINATION & REMEDY

The residual waste landfill contains foundry sand and other foundry-related waste. The landfill was mined to reclaim and sell slag and other materials from 1994 until 2009. Following completion of landfill mining, a modified closure plan was implemented in 2013. Frog Switch has conducted quarterly groundwater monitoring and annual inspections of landfill cover, grading, and vegetation for any reportable change in conditions.

The constituent of concern in groundwater has been molybdenum, which has historically exceeded the applicable Act 2 Medium-Specific Concentration (MSC). Four landfill groundwater monitoring wells (MW-1, MW-2, MW-3 and MW-4) were monitored on a quarterly basis from the mid-1990s through May 2024. Groundwater attainment of the Statewide Health Standard (SHS) has been demonstrated for the seventeen target metals monitored with the exception of molybdenum, for which groundwater attainment of the SHS has not been met in monitoring well MW-2. Therefore, the Site Specific Standard (SSS) has been selected for molybdenum in groundwater. Groundwater attainment of the SSS for molybdenum has been demonstrated via the institutional controls set forth in this Environmental Covenant in the form of the activity and use limitations described in Paragraph 5 below.

Based on current site conditions described within the Application for Final Closure Certification for Frog, Switch and Manufacturing Company's Residual Waste Landfill (Permit No. 300510), submitted June 28, 2024, no further remedial action, maintenance, or other intervening activity is necessary to ensure compliance with the applicable regulations, standards and permit conditions with the exception of those outlined in the subsequent sections of this Covenant.

Documentation of the investigation and remediation activities completed to address the soil and groundwater impacts at the Property are maintained and may be reviewed at the Department's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, Pennsylvania 17110-8200.

5. **Activity & Use Limitations**. Consistent with the Final Landfill Closure Certification, the Property is subject to the following activity and use limitations, with which the then current owner of the Property, and its tenants, agents, employees and other persons under its control, shall abide by, unless terminated or modified in accordance with Paragraph 10 below:

LIMITATIONS OF LAND USE

a. Construction within the Landfill Area set forth in Exhibit B is prohibited without prior written approval from the PADEP. Proposed construction activities shall be evaluated by a Professional Engineer licensed in the Commonwealth of Pennsylvania prior to proposal to the PADEP, and shall consider the following:

- Construction in the Landfill Area that compromises the integrity of the Cover System shall be minimized.
- If the Cover System is altered, it needs to be repaired so that there is a stable 12 inches of cover material, positive drainage and a stable vegetative cover.
- Any changes to the surface within the Landfill Area that causes ponding, poor drainage, or infiltration of stormwater runoff shall be prohibited.

b. Excavation or alteration of the Cover System is prohibited without prior approval from the PADEP. Heavily loaded structures, large stockpiles, and other heavy loads shall not be placed on the Cover System.

c. Except for the annual mowing required in the following paragraph, vehicle traffic including light vehiclular and foot traffic within the Landfill Area is prohibited without prior written approval from the PADEP. The limits of the traffic prohibition apply to areas within the Landfill Area where waste has been buried and also where remedial activities have been conducted within the Cover System.

d. Annual mowing shall be conducted to prevent the establishment of woody species within the Cover System.

e. Heavy truck traffic on the Landfill Area and heavy vehicle use of the access roads surrounding the Landfill Area should be avoided to the extent practicable.

f. The Landfill Area shall be monitored for rutting, ponding, and erosion and shall be repaired periodically as necessary to maintain the integrity of the Cover System.

g. Except for the annual mowing required above, the Landfill Area shall remain non-residential and undisturbed withouth the prior written approval of the PADEP.

h. Any future development and/or construction activities within the Landfill Area are subject to prior written PADEP approval.

i. Groundwater on the Property shall not be used for potable or agricultural purposes.

j. The Property shall be inspected by a Professional Engineer every two years during the 10-year bond liability period to document any change in conditions or necessary activity in order to bring the Landfill Area into compliance. The inspections shall follow the Biennial Post-Closure Inspection protocol set forth in Exhibit D hereto.

6. **Notice of Limitations in Future Conveyances**. Unless and until this Environmental Covenant terminates, each "instrument," as that term is defined in 25 Pa. Code § 253.1, hereafter conveying any interest in the Property subject to this Environmental Covenant shall contain a notice of the activity and use limitations set forth in this Environmental Covenant and shall provide the recorded location of this Environmental Covenant.

7. **Compliance Reporting**. After written request by the Department, the then current owner of the Property shall submit to the Department and each Holder identified in Paragraph 2, written documentation stating whether or not the activity and use limitations set forth in Paragraph 5 of this Environmental Covenant are being abided by. In addition, within one month after any of the following events, the then current owner of the Property shall submit to the Department written documentation of (i) the identification of any noncompliance with the activity and use limitations set forth in Paragraph 5 of this Environmental Covenant; (ii) the transfer of the Property, (iii) changes in use of the Property, or (iiii) the filing of applications for building permits for the Property and any proposals for any site work, if the building or proposed site work will affect the contamination on the Property subject to this Environmental Covenant.

8. **Access by the Department**. In addition to any rights already possessed by the Department, this Environmental Covenant grants to the Department a right of reasonable access of the Property in connection with implementation or enforcement of this Environmental Covenant.

9. **Recording & Proof & Notification**. Within 30 days after the date of the Department's approval and execution of this Environmental Covenant, the Frog Switch & Manufacturing Company shall file this Environmental Covenant with the Recorder of Deeds for Cumberland County, and send a file-stamped copy of this Environmental Covenant to the Department or upload a file-stamped copy of this Environmental Covenant to the Waste Management Program through the Department's OnBase records system at the following website: https://www.dep.pa.gov/DataandTools/Pages/Application-Form-Upload.aspx, and send a copy to Cumberland County and Carlisle Borough.

10. **Termination or Modification**.

(a) Except as otherwise provided herein, this Environmental Covenant may only be terminated or modified in accordance with Section 9 or 10 of UECA, 27 Pa. C.S. §§ 6509 or 6510, or in accordance with this Paragraph 10.

(b) This Environmental Covenant may be amended or terminated as to any portion of the Property that is acquired for use as state highway right-of-way by the Commonwealth of Pennsylvania provided that: (1) the Department waives the requirements for an environmental covenant and for conversion pursuant to 27 Pa. C.S. § 6517 to the same extent that this Environmental Covenant is amended or terminated; (2) the Department determines that termination or modification of this Environmental Covenant will not adversely affect human health or the environment; and (3) the Department provides 30-days advance written notice to the current property owner and, as practicable, each person that originally signed the Environmental Covenant or successors in interest to such persons.

(c) This Environmental Covenant shall terminate upon attainment, in accordance with 35 P.S. §§ 6026.101 – 6026.908, with one or a combination of unrestricted use remediation standards for the above-described contamination at the Property. The Department must approve, in writing, such attainment of one or a combination of unrestricted use remediation standards. The termination of the Environmental Covenant shall be recorded pursuant to Paragraph 9 above.

(d) In accordance with 27 Pa. C.S. § 6510(a)(3)(i), Grantor and/or Grantee hereby waives the right to consent to any amendment or termination of the Environmental Covenant by consent; it being intended that any amendment to or termination of this Environmental Covenant by consent in accordance with this Paragraph requires only the following signatures on the instrument amending or terminating this Environmental Covenant: (i) the then current owner of the Property at the time of such amendment or termination and (ii) the Department.

11. **Department's address**. Communications with the Department regarding this Environmental Covenant shall be sent to: Waste Management Program Manager, Department of Environmental Protection, Southcentral Region, 909 Elmerton Avenue, Harrisburg, PA 17110.

12. **Severability**. The Paragraphs of this Environmental Covenant shall be severable and should any part hereof be declared invalid or unenforceable, the remainder shall continue in full force and effect between the parties.

ACKNOWLEDGMENTS by Owner, in the following form:

Frog Switch & Manufacturing Company

Date: 2/24/25 By: _____
Name: Darrell Ruth
Title: President and CEO

APPROVED, by Commonwealth of Pennsylvania,
Department of Environmental Protection

Date: 03/14/2025 By: _____
Name: Carrie Fleming
Title: Program Manager, Waste Management

COMMONWEALTH OF PENNSYLVANIA)
)
COUNTY OF CUMBERLAND) SS:

On this 24 day of February, 2025, before me, the undersigned officer, personally appeared Darrell Ruth who acknowledged himself to be the President and CEO of Frog Switch & Manufacturing Company, the corporation whose name is subscribed to this Environmental Covenant, and acknowledged that he executed same on behalf of Frog Switch & Manufacturing Company for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Laurel Kesling
Notary Public

My term expires: 08/26/2028

Commonwealth Of Pennsylvania - Notary Seal
Laurel Kesling, Notary Public
Cumberland County
My Commission Expires August 26, 2028
Commission Number 1377198

COMMONWEALTH OF PENNSYLVANIA)
)
COUNTY OF DAUPHIN) SS:

On this 14th day of March, 2025, before me, the undersigned officer, personally appeared Carrie Fleming, who acknowledged herself to be the Program Manager, Waste Management Program of Pennsylvania Department of Environmental Protection, Southcentral Region, whose name is subscribed to this Environmental Covenant, and acknowledged that she executed same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Pamela J Hall
Notary Public

My commission expires:

Commonwealth of Pennsylvania - Notary Seal
PAMELA J HALL - Notary Public
Dauphin County
My Commission Expires August 31, 2028
Commission Number 1300419

EXHIBIT A

[Property Legal Description]

EXHIBIT A

[Property Legal Description]

Tax ID 02-21-0316-045:

ALL THAT PARCEL of land situate in the Borough of Carlisle, County of Cumberland and Commonwealth of Pennsylvania, bounded and described according to a survey made by N. M. Lake, Inc., dated September 21, 1977, as follows; VIZ:

BEGINNING at a steel rail at a corner of land of the United States Government and the Frog Switch and Manufacturing Company; thence (1) along the property line of said company and more or less parallel with the railroad track South 64 degrees 03 minutes West 1213.83 feet to an iron pipe at a corner; thence (2) continuing by same land North 10 degrees 28 minutes 50 seconds East 51.07 feet to an iron pipe set in the southeast right of way line of a railroad that has been conveyed to Consolidated Rail Corporation and 15.00 feet Southeasterly from the centerline of a track of railroad of said Rail Corporation; thence (3) along said right of way line on the following four bearings and distances: (a) along the arc of a 492.35 foot radius curve to the right 136.32 feet to an iron pipe near the South end of a steel gate, the chord being 135.89 feet and bearing North 52 degrees 38 minutes 50 seconds East; (b) North 60 degrees 34 minutes 45 seconds East 68.26 feet to a point of curve; (c) along the arc of a 1187.65 foot radius curve to the left 148.81 feet to an iron pipe at a point of tangent 15.00 feet from the centerline of said track, the chord being 148.71 feet and bearing North 56 degrees 59 minutes 20 seconds East; (d) North 63 degrees 53 minutes 45 seconds East 785.00 feet to a concrete monument 50.53 feet southeasterly from the centerline of a track of railroad of said Rail Corporation; thence (4) along land of United States Government South 54 degrees 09 minutes 10 seconds East 104.92 feet to the place of beginning.

CONTAINING 98,890.93 square feet, more or less, or 2.270 acres, more or less.

Tax ID 02-21-0316-046:

ALL THAT CERTAIN tract or land, situate in the Borough of Carlisle, Cumberland County, Pennsylvania, more particularly bounded and described as follows:

BEING Lot Nos. 1 to 16, inclusive, in Block No. 1 of the Plan of Lots of J. H. Bosler and G. M. Bosler, trading as J. H. and G. M. Bosler as recorded in Miscellaneous Book 15, Page 514, in the Office of the Recorder of Deeds in and for Cumberland County, Pennsylvania.

Tax ID 02-21-0316-047:

[Legal Description to be obtained by survey]

Tax ID 02-21-0316-063:

ALL THAT certain tract of land situated partly in the First Ward of The Borough Of Carlisle and partly in North Middleton Township, County of Cumberland and Commonwealth Of Pennsylvania, BEGINNING at a point at the northeast corner of North and Spruce (Spencer) Streets; Thence by the eastern line of said Spruce (Spencer) Street north six (6) degrees east two hundred fifty four (254) feet to a point; Thence by land of The Pennsylvania Railroad Company north fifty-eight (58) degrees east four hundred eighty (480) feet to a point; THENCE by land formerly of J.H. Bosler and G.M. Bosler, south six (6) degrees west five hundred twenty two (522) feet to a point in the north line of North Street Extended; thence by said line north eighty four (84) degrees west four hundred thirty (430) feet to the place of BEGINNING, containing four (4) acres, more or less.

Tax ID 02-21-0318-353:

PROPERTY 1:

ALL THAT CERTAIN tract of land situate and being in the Borough of Carlisle, County of Cumberland, Commonwealth of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a post corner of the Trindle and the Poor House Roads; thence along the said Trindle Road South 80 1/2 degrees East 56.8 perches to a post; thence by land now or formerly of J. H. and G. M. Bosler, et al, North 9 1/2 degrees East 64.7 perches to a post; thence by land now or formerly of The Gettysburg and Harrisburg Railway Company South 62 3/4 degrees West 35.8 perches to a post; thence by land of same South 49 3/4 degrees West 16.6 perches to a post; thence by same South 40 degrees West 32.7 perches to a post, at the Poor House Road; thence by said Poor House Road South 26 1/4 degrees West 3 perches to the place of BEGINNING.

CONTAINING 13 acres and 139 perches strict measure with all the buildings and improvements thereon.

PROPERTY 2:

ALL THOSE CERTAIN tracts of land situate in the Borough of Carlisle, Cumberland County, Pennsylvania more particularly bounded and described as follows:

TRACT NO. 1: Bounded on the South by East High Street; on the West by an alley; on the North by an alley; on the East by land of J. M. Wilson; and containing 30 feet in front on East High Street and extending in an even width 240 feet, more or less, in depth to the alley on the north aforesaid. BEING Lot No. 1, Block 5, on the aforementioned plan of lots of J. H. and G. M. Bosler.

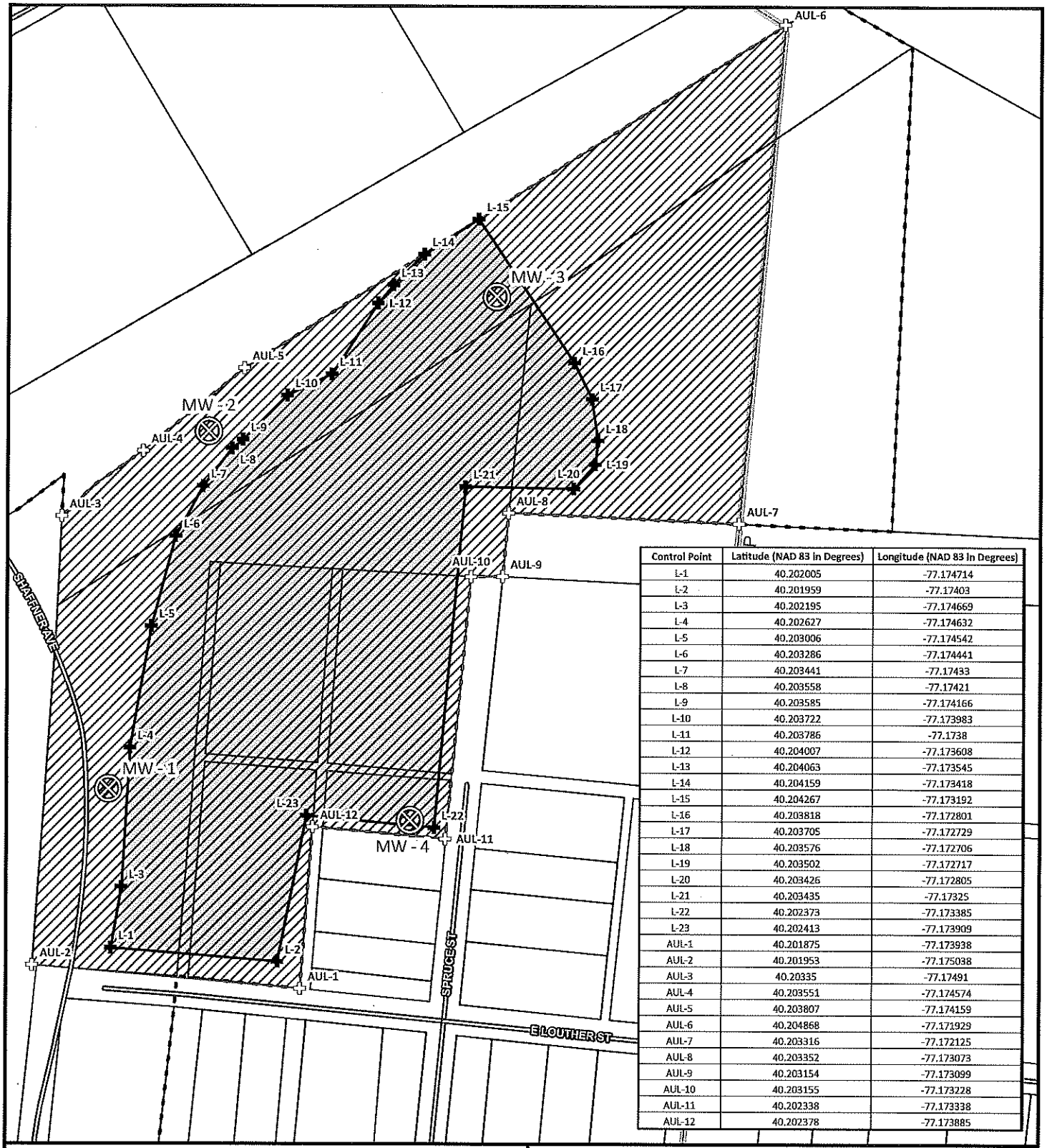
TRACT NO. 2: Bounded on the north by East Louther Street; on the East by land of J. H. Bosler's heirs; on the South by an alley; on the West by land of Carlisle Manufacturing Company; and containing 30 feet in front on East Louther Street and extending in depth 240 feet. BEING Lot No. 18, Block No. 5, on the aforementioned plan of Lots of J. H. and G. M. Bosler.

TRACT NO. 3: Bounded on the South by East High Street; on the West by L. R. Brenneman et al; on the North by an alley; on the East by property of Mathias Gouse; and containing 90 feet in front on East High Street and extending in even width 250 feet in depth to the alley. BEING Lot Nos. 2, 3 and 4, Block No. 5, on the aforementioned plan of lots of J. H. and G. M. Bosler.

TRACT NO. 4: Bounded on the North by East Louther Street; on the East by land of G. M. Bosler's heirs; on the South by an alley; on the West by land of The Frog Switch and Manufacturing Company; and containing 90 feet in front on East Louther Street and extending in an even width 240 feet to said alley. BEING Lot Nos. 19, 20 and 21, Block No. 5, on the aforementioned plan of lots of J. H. and G. M. Bosler.

EXHIBIT B

[Landfill Area Diagram and Description]



Control Point	Latitude (NAD 83 In Degrees)	Longitude (NAD 83 In Degrees)
L-1	40.202005	-77.174714
L-2	40.201959	-77.17403
L-3	40.202195	-77.174669
L-4	40.202627	-77.174632
L-5	40.203006	-77.174542
L-6	40.203286	-77.174441
L-7	40.203441	-77.17433
L-8	40.203558	-77.17421
L-9	40.203585	-77.174166
L-10	40.203722	-77.173983
L-11	40.203786	-77.1738
L-12	40.204007	-77.173608
L-13	40.204063	-77.173545
L-14	40.204159	-77.173418
L-15	40.204267	-77.173192
L-16	40.203818	-77.172801
L-17	40.203705	-77.172729
L-18	40.203576	-77.172706
L-19	40.203502	-77.172717
L-20	40.203426	-77.172805
L-21	40.203435	-77.17325
L-22	40.202373	-77.173385
L-23	40.202413	-77.173909
AUL-1	40.201875	-77.173938
AUL-2	40.201953	-77.175038
AUL-3	40.20335	-77.17491
AUL-4	40.203551	-77.174574
AUL-5	40.203807	-77.174159
AUL-6	40.204868	-77.171929
AUL-7	40.203316	-77.172125
AUL-8	40.203352	-77.173073
AUL-9	40.203154	-77.173099
AUL-10	40.203155	-77.173228
AUL-11	40.202338	-77.173338
AUL-12	40.202378	-77.173885

Activity and Use Limitation Control Point

Landfill Control Point

Monitoring Well

Road

Landfill Boundary

Activity and Use Limitation

Client Owned Property

Parcel Boundary

Municipal Boundary

1/6/2025

The Frog, Switch & Manufacturing Company

600 East High Street

Exhibit B

Carlisle Borough & North Middleton Township, Cumberland County, PA

Project No. 0355800098

N W E S

0 150 Feet

1 inch = 150 feet

RETTEW

\\EgnyteDrive\rettew\Shared\Projects\03558\0355800098\GIS\MapDocs\0355800098 Mapping\0355800098 Mapping.aprx: Drawn By: Mia.Baresse

EXHIBIT C

[As Built Reclamation Plan – Cap Areas A, B, and C]

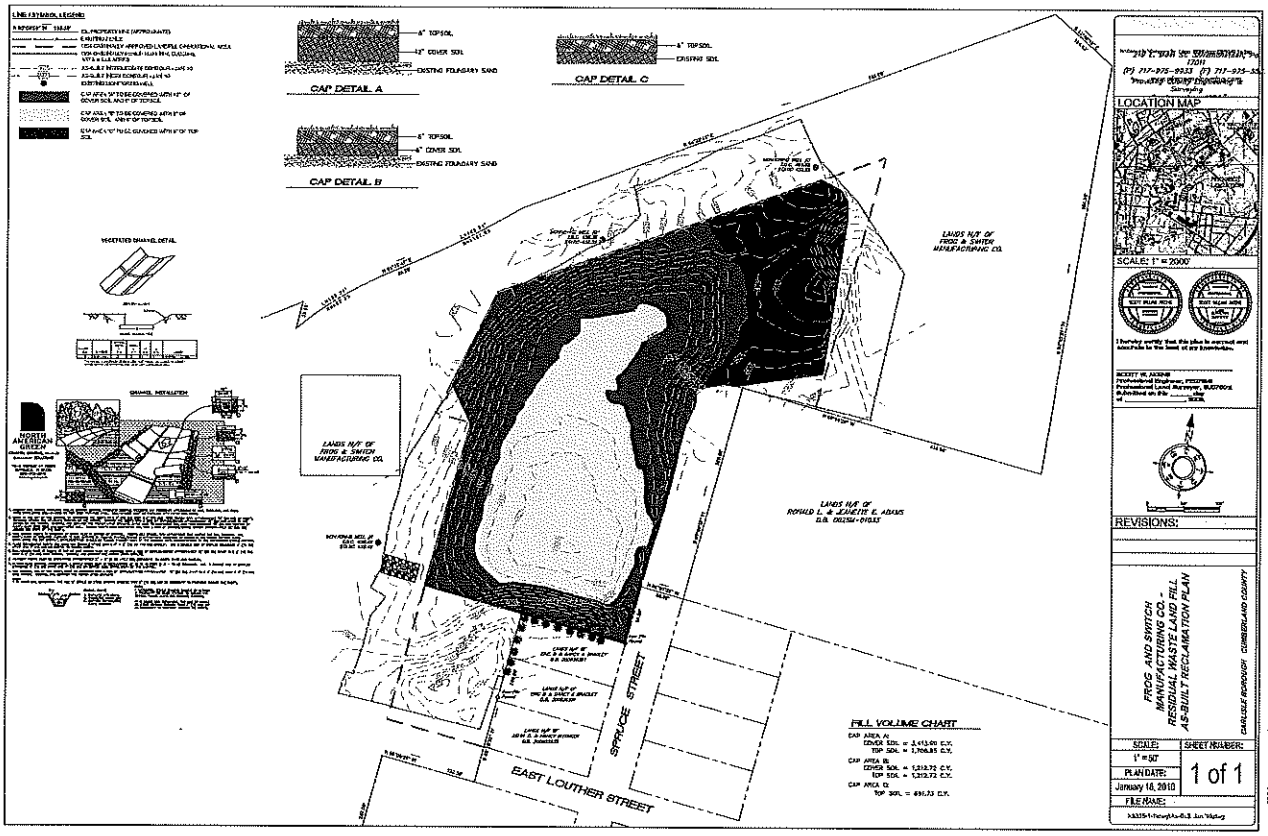

CAP DETAIL A
CAP DETAIL B
CAP DETAIL C
LANDS N/F OF FROG & SWITCH MANUFACTURING CO.
LANDS N/F OF ROYALD L. & JEANETTE E. ADAMS
SPRUCE STREET
EAST LOUTHER STREET
FILL VOLUME CHART
LOCATION MAP
SCALE: 1" = 2000'
REVISIONS:
FROG AND SWITCH MANUFACTURING CO. - RESIDUAL WASTE LAND FILL AS-BUILT RECLAMATION PLAN
CARLISLE BOROUGH CUMBERLAND COUNTY
SCALE: 1" = 50'
SHEET NUMBER: 1 of 1
PLAN DATE: January 18, 2010
FILE NAME:

EXHIBIT D

[Biennial Post-Closure Inspection Protocol]

BIENNIAL POST-CLOSURE INSPECTON PLAN

The Biennial Post-Closure Inspection Plan will be included in the filed Environmental Covenant for the landfill property. The post-closure system inspections shall cover the entire landfill, with particular attention paid to cover soil stability, adequate vegetation, existence of woody vegetation, rodent holes, and stormwater management (including the maintenance of positive stormwater drainage from the landfill cover). The inspections shall be conducted biennially for a period of 10 years following the approval of the Final Landfill Closure Certification and may be performed at a greater frequency if warranted by site conditions, or at the written direction of the PADEP. The landfill surface will be inspected for signs of settlement, erosion, drainage irregularities, gullies, rills, or any signs of concentrated water flow. In addition, any surface expressions of leachate will be noted in the Post-Closure Inspection Form.

The results of inspections will be recorded in Post-Closure Inspection Forms and Form 19R (Certification of Facility Construction Activity) which certifies that the landfill cover system and stormwater management still meet the requirements of Title 25 Pa Code Waste Regulations 271.342 Final Closure Certification and the approved final closure certification report.

In the event that significant deficiencies or irregularities are discovered during the course of the inspection, the then current owner of the Property shall immediately make repairs in a manner that is consistent with the approved landfill construction certification. The PADEP will be immediately notified upon discovery of any deficiencies that compromise the function of the closure system, and these items will be corrected within 30 days of their observance unless otherwise directed by the PADEP. Observations of deficiencies in the closure system and the activities to correct those deficiencies will be completely documented in the Post-Closure Inspection Form.

EXHIBIT E

[Mandatory Connection Ordinance – Borough of Carlisle, PA]

Borough of Carlisle, PA
Wednesday, November 13, 2024

Chapter 251. Water

Article II. Rules and Regulations

§ 251-7. Observance of rules.

These rules and regulations are a part of the contract of every consumer within the limits of the Borough of Carlisle, and every such consumer, by the taking of water, agrees to be bound thereby.

§ 251-8. Mandatory connection and application.

[Amended 3-14-1985 by Ord. No. 1475, approved 3-14-1985; 8-9-2001 by Ord. No. 1955, approved 8-13-2001]

A. No structure or building which is equipped with plumbing fixtures and utilized for human occupancy or habitation shall be connected to a private well. There is excluded from this prohibition any structure or building so equipped, which building or structure is both existing and serviced by a private well upon the effective date of this section, and all lot lines of the tract upon which such structure or building is erected are more than 300 feet from the nearest public water supply system. Every structure equipped with plumbing fixtures and utilized for human occupancy or habitation shall be provided with a potable supply of cold water in the amounts and at the pressures specified in this chapter. Hot water shall be provided for permanent residences and hot or tempered water shall be provided for structures in which people are employed. The following are exempt from this mandatory connection requirement under the specified circumstances:

   (1) Other uses not for human consumption. Owners may have their own supply of water for uses other than human consumption or agricultural purposes, such as geothermal systems, lawn watering and car washing, provided, further, that such separate supply shall not be interconnected with the public water facilities and shall not be available for human consumption or agricultural use.
   [Amended 3-10-2005 by Ord. No. 2032, approved 3-10-2005]

B. Any property owner introducing a service line or lines from the Borough's main into his or her premises or an extension or alteration to any existing service pipe or fixture, shall first make a written application on the form furnished by the Borough, stating fully the purpose for which the new service or extension is desired. The application shall be signed by the owner of the premises, or his or her duly authorized agent, which application shall, together with the rules and regulations of the Borough promulgated in this chapter, regulate and control the service of water to such premises.

§ 251-9. Application for water service.

[Amended 3-10-2005 by Ord. No. 2032, approved 3-10-2005; 2-14-2019 by Ord. No. 2325, approved 2-14-2019]

Any owner of property desiring a supply of water shall make application to the Borough, which application shall be properly approved by the Borough or its duly authorized agent before the water will be turned on. The owner making application (the "applicant") will be considered the consumer under this

contract and will be responsible for all water bills and the proper observance of the rules and regulations of the Borough.

§ 251-10. Special permit for consumer to supply water to another.

[Amended 3-14-1985 by Ord. No. 1475, approved 3-14-1985; 2-14-2019 by Ord. No. 2325, approved 2-14-2019]

No owner of any premises supplied with water by this Borough shall be allowed to supply any other person, family or premises with water except by special written permit from the Borough.

§ 251-11. Connections required; time limit; connection with other sources restricted.

[Amended 3-14-1985 by Ord. No. 1475, approved 3-14-1985; 3-10-2005 by Ord. No. 2032, approved 3-10-2005]

A. Each and every property within the Borough shall be connected to the public water system when available. The public water system shall be considered available to a structure or building when any lot line of the tract upon which such structure or building is erected is within 300 feet of the main or system. When the public system is available, but not adjacent to the property to be served, it shall be extended, at the owner's expense, in accordance with established criteria, through the entire frontage of the property being served.

B. The Borough may order and the property owner shall install water service, within 60 days after notice to the owner thereof from the Borough to make connection to the public water system when available. Every property and/or consumer shall be connected to the public water system with a distinct and separate service line and curb stop.

C. When the public water system is available, all plumbing fixtures that provide water for drinking, bathing or culinary purposes or for the processing of food, medical or pharmaceutical products shall be connected to the public system. Water service not furnished by the Borough may not be connected or cross-connected with the Borough facilities except upon written permission of the Borough and only if backflow preventers have been installed in compliance with any other applicable Borough Code requirements.

§ 251-12. Installation of service lines.

[Amended 3-14-1985 by Ord. No. 1475, approved 3-14-1985]

It shall be the responsibility of each applicant for a new water service line hookup to:

A. Pay the appropriate fees, including but not limited to the tap-on kit fee.

B. Secure all necessary permits, including but not limited to a street or highway occupancy permit.[1]
[1] *Editor's Note: See Ch. **223**, Streets and Sidewalks, Art. IV.*

C. Do or cause to be done the necessary excavation and backfilling to accomplish the work.

D. Install or cause to be installed all service line pipe from the corporation cock at the main into the premises.

E. Install or cause to be installed the curb stop and service box just inside the curb or, in the absence of curb, at the property line or as otherwise directed by the Borough Engineer.

F. Keep or cause to be kept the curb box raised to finished grade, straight and free of dirt, gravel, cement or other debris to allow access to the curb stop. [2]

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Original Subsection B, regarding maintenance of service pipe, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

§ 251-13. Service lines from curb to premises.

[Amended 3-14-1985 by Ord. No. 1475, approved 3-14-1985]

A. The property owner or applicant shall at his own expense dig and fill the trench and furnish and install the service line from the curb stop to the premises to be supplied. Consumer's service line shall be constructed of material specified in the Borough's Plumbing Code[1] and shall be at a location approved by the Borough Engineer and shall be equipped, at an accessible point within the premises, with a stop-and-waste cock of a pattern and material approved by the Borough.[2]
   [1] *Editor's Note: See Ch 175, Plumbing.*
   [2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

B. Consumer's service line shall not:

   (1) Occupy the same trench with or be placed within 18 inches of any sewer pipe or any facility of any other public utility.

   (2) Be placed within three feet of any open excavation or vault.

   (3) Pass through any premises other than those served by such consumer's service line.

   (4) Be laid at a depth of less than four feet below the surface of the ground.

C. A watertight seal shall be maintained at the point the supply line passes through the foundation or structural wall of a building that is being served.
   [Amended 3-10-2005 by Ord. No. 2032, approved 3-10-2005]

§ 251-14. Notice to Borough when service is to be installed.

[Amended 3-10-2005 by Ord. No. 2032, approved 3-10-2005]
The property owner upon proper application and payment of all fees for water service shall contact the Public Works Department to schedule a date and time when the Borough will install the required water tap.

§ 251-15. Responsibility for maintenance of service line.

[Amended 3-14-1986 by Ord. No. 1475, approved 3-14-1985; 3-10-2005 by Ord. No. 2032, approved 3-10-2005]

A. It shall be the responsibility of the Borough, following installation of a water service line by a property owner, to maintain that portion of the service line pipe from the corporation cock at the main to and including the inlet connection of the curb stop.

B. It shall be the responsibility of the property owner to maintain that portion of the service line including the curb valve, outlet connection of the curb valve and service pipe into the property serviced. The property owner is also responsible to keep or cause to be kept the curb box raised to grade, straight and free from dirt, gravel, cement or other debris, to allow Borough access to the curb stop at all times.

C. At any time when deemed applicable by the Borough especially when work is being performed by the Borough, obsolete or deteriorated service line shall be removed at the owner's expense and replaced with a line to be constructed of materials specified in the Borough's Plumbing Code.

§ 251-16. Tampering with valves or hydrants; violations and penalties.

[Amended 12-14-1978 by Ord. No. 1308, approved 12-14-1978; 3-10-1988 by Ord. No. 1576, approved 3-10-1988]

Under no circumstances shall any person not authorized by the Borough open, close or tamper with the stopcocks or valves or fire hydrants in any public waterline. Any person who shall violate this provision shall, upon conviction thereof, be subject to a fine not to exceed $600 for each such violation, plus costs, and, in default thereof, to imprisonment for a period not to exceed 30 days. In addition to said penalties, the Borough may collect by all lawful means any expenses which it has incurred as a result thereof.

§ 251-17. Two or more consumers on single service line.

[Amended 6-30-1975 by Ord. No. 1191, approved 6-30-1975]

A. In case two or more consumers are supplied with water from the same service pipe, a distinct and separate stop-and-waste cock and curb stop will be provided for each consumer.
[Amended 3-10-2005 by Ord. No. 2032, approved 3-10-2005]

B. When two or more consumers are supplied through a single service, any violation of these rules by either or any of said consumers shall be deemed a violation as to all, and the Borough may take such action as may be taken against a single consumer, except that such action shall not be taken until the innocent consumer who is not in violation of these rules has been given reasonable opportunity to attach his pipes to a separately controlled service connection.

C. In cases where two or more separately owned buildings are supplied through a single service and/or where one owner has a single service serving two or more buildings, the Borough, at its discretion, may order the owners) to install separate service lines to each building. Any such order shall be in writing and the owner shall have up to one year for the work to be done. The provisions of this subsection shall not apply where Council may find it in the best interest of the Borough to require the immediate separation of services as part of any subdivision plan approval.
[Added 3-14-1985 by Ord. No. 1475, approved 3-14-1985]

§ 251-18. Billing.

A. Meter readings.

(1) The Borough will read its meters at regular intervals as determined from time to time by the Borough Manager and will render bills for the measured consumption on that basis.
[Amended 3-10-2005 by Ord. No. 2032, approved 3-10-2005; 5-8-2008 by Ord. No. 2103, approved 5-10-2008]

(2) In no event shall actual readings of a meter by the Borough be postponed for more than a period of eight months, and it shall be the responsibility of the owner to make the meter available for reading at reasonable business hours so as to enable the Borough to avoid such a contingency. Should the owner fail to do so, he or she shall be required to provide a remote reading device or external meter, at his or her expense, in a place accessible at all times to the Borough; in default of such provision by the owner, the Borough may refuse to provide further water service.
[Added 4-14-1977 by Ord. No. 1251, approved 4-14-1977]

B. Bills for metered water service will be according to consumption indicated by the meter registration. In the absence of known reliable meter registration due to failure of the meter to properly function or

to other reasonable cause, the bill will be according to estimated consumption on the basis of meter registration during similar preceding periods.

C. Bills for private fire protection will be rendered on an annual basis and will be based upon the size of the connecting pipeline from the Borough system, as defined in § **251-1B.**
[Amended 3-14-1985 by Ord. No. 1475, approved 3-14-1985; 3-10-2005 by Ord. No. 2032, approved 3-10-2005]

D. Bills for flat-rate service will be rendered on an annual basis.
[Amended 3-14-1985 by Ord. No. 1475, approved 3-14-1985]

E. It is the responsibility of the property owner for all charges incurred for water service.
[Added 3-10-2005 by Ord. No. 2032, approved 3-10-2005]

F. The Borough may mail or deliver the bills and notices to consumer at his or her address given in the application and service contract, and the Borough shall not otherwise be responsible for the delivery thereof. The Borough may allow a property manager or property management company (as those terms are defined in § **197-12**) to be mailed or delivered bills for water service in the name of the owner provided the owner provides the completed form and documents noted in § **197-13** for approval by the Borough. This same procedure may be used for the issuance of stormwater management fee bills at the request of the owner.[1]
[Amended 3-10-2005 by Ord. No. 2032, approved 3-10-2005; 8-8-2019 by Ord. No. 2341; approved 8-8-2019]

[1] *Editor's Note: Former Subsection G, regarding billing to tenants of owner's in delinquency, added 3-14-1985 by Ord. No. 1475, approved 3-14-1985, was repealed 2-14-2019 by Ord. No. 2325, approved 2-14-2019.*

§ 251-19. Procedure for questioning accuracy of bills.

Any consumer, upon receipt of a bill, having reason to doubt its accuracy, may bring or mail the bill, within 10 days of billing, to the Borough for investigation.

§ 251-20. When water bills are due.

[Amended 3-14-1985 by Ord. No. 1475, approved 3-14-1985; 3-10-2005 by Ord. No. 2032, approved 3-10-2005]
All bills for service are due and payable at the Borough offices as of the date indicated on the consumer's bill.

§ 251-21. Multiple meters.

[Amended 3-14-1985 by Ord. No. 1475, approved 3-14-1985]
All requests for water service shall be granted on the basis of one meter of record for each curb stop installed on the outside of a building. In the case of multiple-unit buildings in which it is impractical to provide a separate curb stop for each unit, one meter of record may be granted by the Borough, provided that the owner of said building agrees to be billed for all water registered by the meter of record.

§ 251-22. Regulations for metered service.

[Amended 3-14-1985 by Ord. No. 1475, approved 3-14-1985[1]]

A. Ownership of meters. Each consumer shall initially purchase from the Borough the meter required for his service. The consumer shall grant to the Borough the right of access to the meter for reading, inspection, tests and repairs.[2]

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

B. Damage to meters; access thereto; right of Borough to repair or replace. The consumer shall be responsible for damage to the meter caused by frost, hot water or negligence on the part of the consumer. The Borough shall be responsible for damage to the meter due to other causes. The Borough shall have the right to repair or replace the meter, in its discretion. Any meters replaced at Borough expense shall become the property of the Borough.[3]

[3] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

C. Location of meters. The Borough shall determine the location of all meters. If placed within the building, the consumer shall provide free of charge and expense an easily accessible place in the cellar near the entrance of service pipes to the cellar, with a stop-and-waste cock at the inlet side of the meter and a stop-and-waste cock at the outlet side of the meter; if the Borough decides that the meter is to be placed outside of a building, it shall be placed in a meter box with a suitable stop-and-waste valve, all of which shall be furnished and installed by the consumer with the approval of the Borough as to type of equipment.

D. Water meters three inches or greater in size. All water meters three inches or greater in size shall be installed and maintained to comply with the following regulations:
[Added 5-13-1999 by Ord. No. 1893, approved 6-3-1999]

(1) All new meters installed after the effective date of this subsection shall be equipped with screens and test plugs.

(2) All meters shall be installed to provide adequate clearance for the installation of a test plug downstream of the meter. For all meters presently in service which are not equipped with test plugs, the Borough shall have the right to install one by tapping the service line. In those instances where service is shut off during the time period the tap is being made, a minimum tapping distance clearance of two feet shall be provided. Where service is not to be interrupted during the installation of such tap, a minimum tapping distance clearance of five feet shall be provided.

(3) All service lines shall be installed to provide a straight portion of line having a length not less than five times the meter's diameter immediately upstream of the meter, and a straight portion of line having a length not less than three feet in length immediately downstream of the meter.

(4) Each meter installation shall have a working valve upstream of the meter and downstream of the meter test plug. The owner shall maintain each of said valves in good working order at all times, so that flow to the meter and test plug may be mechanically stopped for testing purposes.

(5) Any customer desiring to have water service continue during Borough testing procedures must provide a bypass route at the customer's expense. Flow through the bypass shall be controlled by means of valves acceptable to, and sealed by, the Borough, which valves shall be maintained by the customer in good working order. It shall be a violation of this Subsection for any person, other than authorized Borough personnel, to tamper with a bypass valve.

(6) For all meter installations made after the effective date of this subsection, the type (compound or turbo) and size of the proposed meter shall be approved by the Borough, which approval shall be in its sole discretion.

(7) The Borough retains the right to conduct routine tests of all meters on an annual basis and at such other times as the Borough determines that a meter may not be reading accurately.

E. No connections or outlets permitted between main and meter. No connections or outlets shall be permitted on any service pipe supplying any premises between the street main and the meter. All water used shall pass through the meter.

F. Accuracy of newly installed meters. Each water meter, whenever installed, shall have been tested for accuracy by the Borough or by the manufacturer and certified by such manufacturer as meeting the American Water Works Association's standards of accuracy within one year previous to its installation. It shall be inspected by the Borough for proper connections, mechanical condition and suitability of location within 60 days after installation.

G. Accuracy and testing standards. Water meter standards for registration accuracy and testing, used by the Borough, shall meet the standards periodically established for each by the American Water Works Association (hereafter referred to as "AWWA").

H. Meter test records. Whenever a water meter is tested, the original test record shall be kept indicating the information necessary for identifying the meter, the reason for making the test, the reading of the meter before being disturbed and the accuracy of the meter, together with all data taken at the time of the test. This record shall be sufficiently complete to permit the convenient checking of the methods employed and the calculations made. A record shall also be kept, preferably numerically arranged, indicating the date of meter purchase when purchased after July 1, 1914, the name of the manufacturer, its size, its identification, its various places of installation, with dates of installation and removal, and the dates and general results of all tests.

I. When meter tests required. The Borough shall make a test of the accuracy of registration of any water meter upon request of the consumer for whom such meter shall be furnished. When a consumer desires personally or by a representative to witness the testing of a meter, such consumer may require the seal of the meter to be broken in his or her presence or that of his or her representative. If the meter tested upon such request shall be found to be accurate within the limits specified in Subsection **G**, the fee specified in Subsection **J** of this section shall be due to the Borough; but if not so found, then the cost thereof shall be borne by the Borough. A report of such test shall be made to the consumer.[4]

[4] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

J. Fees for testing meters established. A separate fee is hereby established to recover costs incurred by the Borough each time a test is run to determine the accuracy of a meter-reading device. Borough Council shall set from time to time separate feels) to cover the cost of testing water meters of various sizes.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

§ 251-23. Adjustment of bills for meter error.

A. If, upon test of the accuracy of registration of any water meter, the meter is found to be operating out of the range of acceptable AWWA limits of accuracy, then an adjustment of bills may be made as follows:
[Amended 3-14-1985 by Ord. No. 1475, approved 3-14-1985]

(1) Fast meters. In cases where a meter is found to be registering fast, the Borough shall refund to the consumer the overcharge, based upon the corrected meter reading for a period equal to 1/2 the time elapsed since the last previous test, but not to exceed three months. If the period of registration error can be definitely fixed, the overcharge shall be computed for such period. If the meter has not been tested in accordance with this chapter, the period for which it has been in service beyond the regular test period shall be added to the three months in computing the refund.

(2) Slow meters. In cases where a meter is found to be registering slow, the Borough may render a bill for the estimated water consumed, but not covered by bills previously rendered, beginning only with the most recent billing cycle. If the period of the registration error can be definitely fixed, the charge may be computed for such period.[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

B. Nonregistering meters. If a meter is found not to have registered for any period, the Borough shall compute the water used by taking the average of the water used for the nearest meter-reading

period immediately preceding and the meter-reading period immediately following the date when the meter was found to be not registering, which amount shall be assumed to be the amount of water used by the consumer during the billing period in which the meter was found not to have registered. Exceptions will be made to this rule only where the facts clearly show that the stated method does not give the correct consumption for the period.

C. A meter shall not be considered accessible if it cannot be conveniently repaired, if it cannot be approached by way of a safe walkway, if the approach thereto and meter area are not sufficiently lighted or if the meter area is not free of obstructions to a meter reading. In the event that a meter is not accessible, the Borough may require the owner to relocate the meter or to provide a remote reading device, at the Borough's option and at the owner's expense.
[Added 4-14-1977 by Ord. No. 1251, approved 4-14-1977]

§ 251-24. Regulations applicable to flat-rate consumers.

A. The officers and agents of the Borough shall have the right at all reasonable times to enter the premises where water shall, have been introduced, for any purpose connected with the use of the water and the interests of the Borough.

B. It shall be the duty of consumers to maintain the pipes, hydrants, spigots and other water outlets in good repair so that water may not be wasted unnecessarily.

C. No trough or other vessel of capacity greater than 20 gallons shall be used at any hydrant to contain water unless by special permission of the Borough Council.

D. Any fraudulent misrepresentation in regard to the use of water or the number of fixtures or any willful or negligent waste of water shall be deemed a cause of discontinuance of service after due notice.[1]

[1] *Editor's Note: Original § **251-25**, Deposits, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. **1**, General Provisions, Art. I).*

§ 251-25. Private fire protection service.

A. An exclusive fire protection service line shall be required for automatic sprinklers or other automatic fire protection devices now or hereafter installed and connected to the Borough water system. All costs incurred to install the separate fire service line shall be paid by the owner of the building connected.
[Added 3-14-1985 by Ord. No. 1475, approved 3-14-1985]

B. Such private fire protection service as may be afforded to a metered consumer through his service line for general service will not be the subject of private fire protection service charges. Private fire protection service to a metered consumer provided in excess of the above shall be through a separate service line used solely for such purposes and subject to the fire protection service rate.
[Amended 3-14-1985 by Ord. No. 1475, approved 3-14-1985]

C. The Borough may install and maintain a meter on said fire service line at a place suitable and acceptable to the Borough. The site or place in which the meter is installed, including the cost of the meter and shutoff valves, shall be at the expense of the consumer.

D. All water passing through the fire service line or meter on the private fire protection service line, except water used in the extinguishing of fires, for which no charge shall be made, and except water used for testing of fire protection equipment (provided that said test shall not exceed 15 minutes of water flow unless the Borough agrees to a longer period), for which no charge shall be made, if prior notice is given to the Borough so that the meter may be read promptly, shall be subject to consumption charges equal to those set forth in the schedule of metered rates.

E. No connection or cross-connection shall be made between consumer's private fire protection service facilities and any point of opening communicating with the Borough's facilities, other than the Borough's private fire protection service line, or to any other independent source of water supply, without written approval of the Borough.

F. Private fire hydrants shall not be installed and located except with the written consent of the Borough.
[Amended 3-14-1985 by Ord. No. 1475, approved 3-14-1985]

§ 251-26. Abatement of charges for vacancy of premises.

No abatement of charges shall be allowed for vacancy of premises except from the date that notice has been given to the Borough that the premises are unoccupied, in which event the Borough will shut off the water and no charge for water will be made during the period of such vacancy. The fee described in § **120-23D** will apply when service is reconnected.
[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

§ 251-27. Discontinuation of service by Borough.

Water service may be discontinued by the Borough after five days' notice to the consumer for any of the following reasons:

A. Use of water by a consumer or with his or her consent for any purpose or at any location or property other than that described in the application.

B. Failure of a consumer to maintain and repair his or her service line between the curb and the meter.

C. Waste of water by the consumer or with his or her consent.

D. Failure of a consumer to pay a bill for water service pursuant to the terms of § **251-1A(2)**.[1]
[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

E. Vacancy of the premises.

F. Violation by a consumer or with his or her consent of any of these rules and regulations.

§ 251-28. Discontinuation of service on request of customer.

A consumer desiring the discontinuance of water service shall give notice to the Borough Office.
[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

§ 251-29. Emergency discontinuance.

The Borough may, without notice if any emergency reasonably requires it, discontinue water service in order to make necessary repairs or connections or to meet any other emergency. The Borough will give notice of discontinuance of service if it is reasonably possible to do so.

§ 251-30. Fee for restoration of service.

[Amended 3-14-1985 by Ord. No. 1475, approved 3-14-1985]
A fee, payable in advance, shall be paid to the Borough for turning on water in restoration of service after discontinuance for any of the reasons specified in § **251-27** of this chapter. Said fee(s) shall be set

from time to time by Borough Council and shall be based on the actual cost incurred to restore water service.

§ 251-31. Extension of street mains.

A. The installation of all waterlines within any proposed development shall be the responsibility of the developer and/or owner in accordance with Chapter **226**, Subdivision and Land Development, and with the Pennsylvania Municipalities Planning Code.[1]
[1] *Editor's Note: See 53 P.S. § 10101 et seq.*

B. When it becomes necessary to extend waterlines in areas of the Borough where land development and subdivision plan security is no longer held by the Borough to tie together existing waterlines in order to provide service to already existing residences, the cost of extending said lines shall be borne by the owners of property benefited by the new availability of water service. In such cases the Borough may elect to do the work and to assess a front-foot fee, to be determined by dividing the total cost of the project by the total curb length of all properties abutting the street in which the new line has been installed. The Borough may collect such fee and assess such interest in the same manner as other municipal claims are collectible under law.

C. All plans requiring the extension of Borough waterlines shall be approved and signed by the Borough Engineer.

§ 251-32. Liability for payment of water bills.

A. The owners of all property located within the limits of Carlisle shall be liable for the payment of all bills for water supplied at any property owned by them regardless of who may occupy said property or of the fact that the charge was entered on the books of the Borough against a person other than the owner.
[Amended 2-14-2019 by Ord. No. 2325, approved 2-14-2019]

B. Should any bill for water rent remain unpaid for 45 days after the same shall become due and payable, the Borough of Carlisle is hereby authorized to file a municipal lien against said property. Said municipal lien shall be indexed in the municipal lien docket in the office of the Prothonotary of Cumberland County.[1]
[Amended 3-10-2005 by Ord. No. 2032, approved 3-10-2005]
[1] *Editor's Note: Former Subsection C, regarding suspension of billing of a responsible party, as amended, was repealed 2-14-2019 by Ord. No. 2325, approved 2-14-2019.*

§ 251-33. Municipal liability.

[Amended 6-30-1975 by Ord. No. 1191, approved 6-30-1975]

A. The Borough shall not be liable for any damage or injury to any person or property caused by the discontinuance of water service for any of the reasons enumerated in § **251-29** of this article or for the purpose of making necessary repairs and connections to meet any emergency, or caused by the failure of consumers to maintain consumer's service line or caused by water escaping from consumer's line or caused by the total or partial failure of water service or pressure for any cause, whether within or beyond the control of the Borough. The Borough shall be under no liability for damage or injury by fire to any person or property caused by the total or partial failure of water service or pressure for any cause, whether within or beyond the control of the Borough.

B. No agent or employee of the Borough shall have authority to bind it by any promise, agreement or representation not provided for in these rules and regulations.

§ 251-34. Recoverability of charges and penalties.

All charges and penalties provided for in this article shall be recoverable by the Borough Solicitor as other debts due the Borough are by law recoverable.