

IN THE COURT OF COMMON PLEAS OF WESTMORELAND
COUNTY, PENNSYLVANIA
CIVIL DIVISION

JOHN H. SCHWARTZ,
an individual; and
LOUIS ROBARE
an individual,

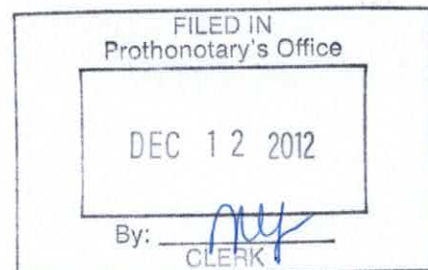
Plaintiffs

vs.

MUNICIPAL AUTHORITY OF
WESTMORELAND COUNTY,
a municipal authority,

Defendant

No. 3210 of 2011



CONSENT DECREE

AND NOW, to-wit, this 12TH day of
December, 2012, it appearing to the court
that the parties have resolved their differences
and desire to enter into a consent decree to set
forth the terms of settlement, IT IS HEREBY ORDERED
as follows:

1. The parties acknowledge that as a purveyor
of public drinking water in the Commonwealth of

Pennsylvania, Defendant Municipal Authority of Westmoreland County (hereinafter referred to as "MAWC") is mandated to follow the provisions of 25 Pa. Code Chapter 109, the PA Department of Environmental Protection Public Water Supply Manual Part VII: Cross-Connection Control/Backflow Prevention, the U.S. Department of Environmental Protection Agency Cross-Connection Control Manual, Defendant's cross-connection control plan filed with and approved by the PA Department of Environmental Protection, Defendant's Rules and Regulations Governing Water Service and Defendant's Policy for Installation of New Water Service Taps and Specifications for Required Meter Settings.

(b) Within sixty (60) days of the date of this Order, Defendant shall designate one employee with sufficient training and experience to be the cross connection control supervisor whose job it shall be to supervise and coordinate implementation and enforcement of the Plan and who

shall immediately commence such implementation and enforcement pursuant to the provisions of this Order.

(c) The employee designated as set forth above shall also implement as soon as possible a program to educate and train all field technicians in basic cross connection issues, the need for back flow preventers and to keep them informed of advances in the field of back flow prevention that impact their work.

(d) Within sixty (60) days of the date of this order, Defendant shall develop a public awareness information program pertaining to the dangers of cross connections and the responsibility of the Defendant to eliminate the dangers. In addition, Defendant shall conduct a yearly mailing informing its customers of their obligations to install appropriate backflow preventers. In addition, Defendant shall prepare a detailed information packet designed to educate their

customers regarding the need for backflow prevention and shall distribute such packet to every customer whenever that customer is the subject of a physical survey being performed by the Defendant.

2. Within sixty (60) days of designating a back flow prevention supervisor, Defendant shall adopt an internal audit procedure for its existing cross connection control program.

3. (a) Within ninety (90) days of the adoption of an audit procedure, Defendant shall complete said audit, breaking down the results according to classification as to industrial, commercial and/or residential, and identifying all such users by classified degree of hazard.

4. (a) Within thirty (30) days of completion of the internal audit, Defendant shall commence a physical survey of every Industrial and Commercial customer to verify its classification as a user, its degree of hazard and its degree of compliance.

Defendant shall complete its physical survey within twenty-four (24) months and shall conduct its survey based upon the priorities set forth in the Manual.

(b) Within thirty (30) days of completion of the internal audit, Defendant shall commence a physical survey of every residential customer that would be seen during any in house service call to verify its classification as a user, its degree of hazard and its degree of compliance. Defendant shall conduct its survey based upon the priorities set forth in the Manual.

(c) Commencing with the completion of the training mentioned in paragraph 1c, Defendant shall instruct all of its field service technicians to report to Defendant the address of every residence the technician observes during working hours with in our service territory, whether or not said residence is being serviced, which has any of the following: 1) swimming pool; 2) lawn irrigation

system; 3) home business; or 4) fire sprinkler.

Upon receipt of such information, Defendant shall take all appropriate steps, including but not necessarily limited to telephone calls and physical inspections, to ascertain whether said is a non-compliant hazardous facility.

(d) Immediately upon determining from the physical survey that any customer is a non-compliant hazardous facility (as defined by the Manual or any applicable statutes, regulations and codes), Defendant shall immediately commence enforcement procedures. Any hazardous facility found to be non-compliant because of lack of device or assembly to control any cross connection hazard at the meter shall be dealt with in strict compliance with the provisions of the Manual.

5. After completion of the physical survey, Defendant, following the provisions of the Manual, shall design and commence implementation of a program for enforcement of cross connection control

for all its remaining Industrial, Commercial and Residential non-compliant customers.

6. Within twelve (12) months of the date of this Order, Defendant shall develop an annual self-assessment auditing tool, similar to the auditing tool set forth in Exhibit A, attached hereto and incorporated by reference herein, and in compliance with the provisions of the Manual.

7. (a) If at any time after the date of this Consent Decree Defendant acquires knowledge from any reliable source whatsoever that a user may be a non-compliant hazardous facility, Defendant shall immediately take all investigative steps at its disposal to determine the degree of that user's compliance.

(b) If at any time after the date of this Consent Decree, Defendant acquires knowledge that a user is a non-compliant hazardous facility, Defendant shall immediately commence enforcement procedures. Any hazardous facility found to be

non-compliant because of lack of device or assembly to control any cross connection hazard at the meter shall be dealt with in strict compliance with the provisions of the Manual.

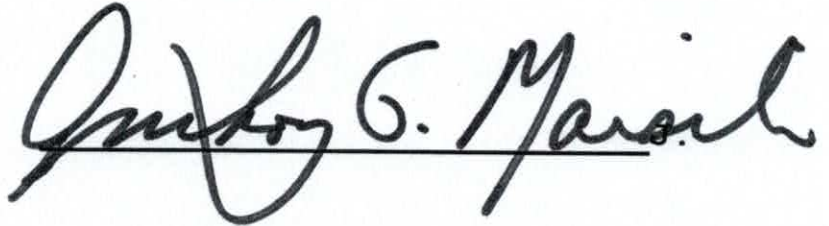
(c) For a period of thirty six months following the date of this decree, Defendant shall provide to Plaintiff quarterly reports of the progress it has made in complying with the provisions of this decree. Said reports shall contain sufficient information to enable Plaintiff to ascertain the progress Defendant has made with compliance.

8. (a) For purposes of enforcement, the court shall retain jurisdiction of this matter for a period of three (3) years unless amended by further order of court.

(b) At any time hereafter, if Plaintiff believes that Defendant has failed to perform its obligations as set forth herein, Plaintiff may seek

supplemental equitable relief from this court.

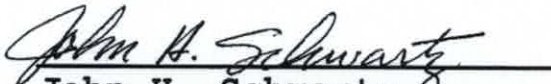
BY THE COURT:




ATTEST:

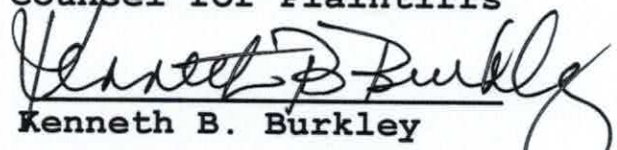
Prothonotary

CONSENTING:


John H. Schwartz,
Plaintiff



Louis Robare
Plaintiff


David J. Millstein,
Counsel for Plaintiffs


Kenneth B. Burkley
Counsel for Defendant

On Behalf of
Municipal Authority of
Westmoreland County,
Defendant

Title or Position


On Behalf of
Municipal Authority of
Westmoreland County,
Defendant

CHAIRMAN
Title or Position