



# pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SOUTHEAST REGIONAL OFFICE

April 3, 2013

Mr. Robert Layman, Manager  
Westtown Township  
P.O. Box 79  
Westtown, PA 19395

Re: Act 537 Plan Update  
Westtown Township  
Chester County

Dear Mr. Layman:

On December 12, 2012, this office received your Proposed Official Sewage Facilities Plan Update, entitled *Act 537 Official Sewage Facilities Plan Special Study: Sewage Needs of Existing Residences*, as prepared by URS Corporation, dated September 2012 ("2012 Plan"). This Plan is being submitted to the Department of Environmental Protection ("Department") in accordance with the provisions set forth by Section 5 of the Pennsylvania Sewage Facilities Act and Chapter 71, the Administration of Sewage Facilities Program.

We have completed our technical review of the 2012 Plan and have identified the following deficiencies that must be addressed:

1. In the Department's January 26, 2006, approval of the previous Act 537 Plan Update for Westtown Township ("Township") ("2006-Approved Plan"), we approved the implementation of an on-lot sewage management program ("SMP"). That program, as adopted by the Township, indicated:
  - The property owner will retain ownership of the on-lot sewage disposal system.
  - The operation and maintenance of the on-lot sewage disposal system is the responsibility of the property owner;
  - The Township will monitor on-lot sewage disposal system operation by requiring an annual (or other specified period) certification.
  - The Township will require proof of pump-out of septage at least once every 2 years or at the discretion of the certifier.

- The Township will administer a Public Education Program to inform residents of the need for on-lot sewage disposal maintenance and water conservation.

The 2012 Plan describes the financial difficulties that rendered the implementation of the 2006-Approved Plan not possible. The financial difficulties were related specifically to the construction and operation of the gravity sewer system. The 2012 Plan does not explain why the SMP included in the 2006-Approved Plan was never implemented.

It is concerning to the Department that approximately 7 years have passed since the approval of the previous plan and the SMP has yet to be adopted. More than adequate time has elapsed in which the Township could have collected detailed and accurate information concerning the sewage disposal systems in the area being evaluated.

Please explain why the ordinance establishing the SMP was not adopted following the approval of the previous plan.

Based on the 2012 Plan, a "more detailed" SMP will be implemented. The revised SMP will require the following:

- The Township will administer a public education program which will inform residents of the need for and benefits of regular sewage system maintenance.
- Detailed initial sewage system inspections to identify sewage system type, functional status, and maintenance needs will be required to be completed within 3 years of the Township adoption of an on-lot sewage management ordinance.
- Ongoing routine inspections will be required every 3 years after initial inspections to maintain oversight of maintenance and operational measures that impact sewage system function.
- Property owners will be responsible for having on-lot systems pumped at least once every 3 years, unless a modified schedule is deemed appropriate by the Township due to inspection findings, operational conditions, or functional status.

The draft ordinance included in the 2012 Plan indicates that the inspection and pumping schedule will begin based on the effective date of the ordinance. The effective date of the ordinance has not been defined within the ordinance.

Please provide the effective date of the ordinance (e.g.: effective at adoption; effective "x" months after adoption, etc.).

Although the revised SMP appears to require a more detailed initial inspection, we question the extension of inspection and pumping times, especially since the 2012 Plan documents at least some areas of concern for long-term sewage disposal needs.

Please explain why the revised SMP has extended the inspection timeframes from annual certifications to inspections on a 3-year cycle and the pumping time frames from essentially once every 2 years to essentially once every 3 years.

The revised SMP will allow for a modified pumping schedule, as indicated above.

Please indicate if the Township will limit the amount of time that may elapse between pumping events under the modified pumping schedule.

The 2012 Plan indicates that all existing on-lot disposal systems will be required to participate in the SMP.

Please confirm that all on-lot systems within the Township, including those that may be constructed following the implementation of the SMP, will be required to participate in the SMP.

2. Through its adoption of the 2012 Plan, the Township has agreed to provide updated sewage facilities planning for all existing residences in 5 to 10 years. The Department questions the need for an additional 5 to 10 years to evaluate data and determine the feasibility of the continued use of on-lot sewage disposal systems.

Please explain why the Township feels 5 to 10 years of time is necessary to complete this task.

Please provide the information requested above within 30 days of the date of this letter.

Any failure of the municipality to reply by the due date specified above shall constitute a violation of Milestone 2 of the August 16, 2011, Consent Order and Agreement by and between the Department and the Township.

The Department requires an extension of time to our 120-day review period, not to exceed 60 days. We are required by regulation to take action on this Plan by June 10, 2013. We may disapprove the Plan by this date if the deficiencies are not resolved.

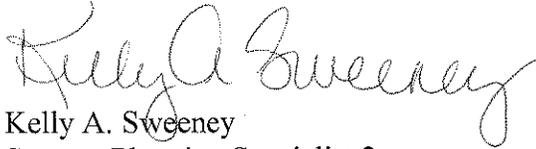
Mr. Robert Layman, Manager

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If there are any questions concerning the information required, or if you would like to schedule a meeting to discuss the information required, please contact me at 484.250.5182.

Sincerely,



Kelly A. Sweeney  
Sewage Planning Specialist 2  
Clean Water

cc: Chester County Planning Commission  
Chester County Health Department  
Mr. Corbett  
Planning Section  
Re 30 (GJS13CLW)93-1