

# WEST WYNN I AREA ACT 537 SPECIAL STUDY

## WESTTOWN TOWNSHIP CHESTER COUNTY, PENNSYLVANIA



Westtown Township  
1039 Wilmington Pike  
West Chester, PA 19382

Date: September 2013

**URS**

Iron Hill Corporate Center  
4051 Ogletown Road, Suite 300  
Newark, DE 19713

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## **1.0 Background and Summary**

### **1.1 Background**

Westtown Township adopted an Act 537 Special Study to address the sewage needs of existing residences in 2012. The 2012 Special Study evaluated Chester County Health Department (CCHD) repair permitting and sewage system pumping records, as well as soils, lot sizes, and age of sewage systems to identify individual on-lot sewage system conditions and repair feasibility within the eastern portion of the Township. Based upon the available data, the Township's selected alternative for all areas served by on-lot sewage systems was continued on-lot system use with repair or replacement by the property owner as needed, as well as implementation of an on-lot sewage management program (SMP). The selected SMP will entail Township oversight of regular system maintenance as well as detailed inspections of all systems.

Pennsylvania Department of Environmental Protection (DEP) correspondence dated June 7, 2013 approved the 2012 Act 537 Special Study for all areas of the Township except the West Wynn I area. A copy of this letter can be found in Appendix A. The West Wynn I area is comprised of 60 residential lots in the northeast quadrant of the Township which primarily front Charles Road, Diane Drive, Grant Road, and Leslie Lane. The SMP was deemed insufficient by DEP as a means of addressing the long term sewage needs of this area due to smaller lot sizes, prevalence of older sewage systems, and a relatively high incidence of lots which CCHD records indicate to be unsuitable for needed replacement of on-lot systems.

The June 7, 2013 DEP letter requires at least two specific future planning efforts: additional planning for the West Wynn I area to be submitted within 120 days of the DEP action, and Township-wide planning (incorporating the findings of the SMP to update the sewage needs of existing residences) to be submitted within 10 years, assuming SMP data does not indicate an earlier need for specific areas.

In accordance with the above-noted DEP action, the current planning effort is a limited scope Act 537 Special Study to further evaluate on-lot sewage system conditions and wastewater alternatives with respect to the West Wynn I area.

## 1.2 Summary

Based upon data presented in the 2012 Special Study and additional updated information gathered for the current planning effort, 15% of parcels in the West Wynn I area are documented as having likely existing sewage system problems.

Consideration of any public sewage service via conveyance to the Westtown-Chester Creek Wastewater Treatment Plant (WWTP) is constrained by existing sewer capacity restrictions. Based on available data, significant upgrades would be needed to alleviate capacity restrictions in the main interceptor which conveys sewage to the WWTP if any existing neighborhoods were connected. A limited scope sewer extension, as would be needed to serve only West Wynn I, would result in extremely high project costs per residence served.

In consideration of the above, Westtown Township has determined that continued on-lot sewage system use with SMP oversight is appropriate at this time. Additional sewage planning will be prepared for West Wynn I in the future which will incorporate inspection findings from the SMP program and additional technical analysis of the main interceptor capacity.

Discussion of the updated sewage needs analysis and alternatives to address identified sewage needs follows. Significant portions of this discussion rely upon information presented in the 2012 Act 537 Special Study, which should be referenced as applicable.

## 2.0 Sewage Needs Analysis

As discussed in Chapter II of the 2012 Act 537 Special Study, the following sewage needs criteria were previously evaluated for the eastern portion of Westtown Township, including the West Wynn I area:

- Chester County Health Department records – the CCHD issues permits for all on-lot sewage systems and investigates reports of sewage system malfunctions. The CCHD also maintained a database for sewage system pumping activities which was discontinued in August 2012. Detailed lot-specific data regarding incidence of malfunction and on-lot repair feasibility can be identified via the CCHD permitting records, and pumping records can identify lots which may be experiencing sewage system problems as evidenced by pumping more frequently than once per year.

- Age of sewage systems – DEP policies identify areas constructed prior to initiation of current standards for on-lot sewage systems in 1972 as potential sewage needs areas.
- Soils mapping – data which categorizes soils with regard to on-lot sewage system suitability can help identify the likelihood of current or future problems.
- Lot sizes – the size of lots can help identify where sufficient area may exist to install replacement on-lot sewage system absorption areas if needed.

A brief summary of each criterion as applicable to the West Wynn I area follows, with updated information where available.

### 2.1 Chester County Health Department Records

CCHD sewage system repair permitting records documented in the 2012 Special Study included all available data through June of 2012. Based upon updated CCHD records through July of 2013, there are two lots in the West Wynn I area which have since received permits for installation of new absorption areas to address both a malfunction and a failed certification. Both absorption areas were permitted without reducing any minimum isolation distance requirements. No additional CCHD information is available with regard to frequent sewage system pumping activities.

Map 1 illustrates the updated CCHD records for the West Wynn I area in accordance with the categories discussed in the 2012 Special Study, and Table 1 shows the relative incidence of each CCHD data category in the West Wynn I area. A summary of CCHD records by parcel for the West Wynn I area can be found in Appendix B.

**Table 1  
Summary of CCHD Data Categories**

CCHD Data Category	No. of Parcels	% of Total
Absorption Area Repair, No Mitigating Circumstances	9	15.00%
Non Absorption Area Repair (tank replacement)	2	3.33%
No Repair Feasible	4	6.67%
Repair Potential Unresolved	1	1.67%
Frequent Pumping (and not identified as no repair feasible)	4	6.67%
No CCHD Data	40	66.66%
<b>Total No. of Parcels</b>	<b>60</b>	<b>100.00%</b>

The parcels which have been subject to satisfactory absorption area repair, non-absorption area repairs and those for which no CCHD data are available cumulatively comprise 85% of the West Wynn I area. No clear indication of current sewage system absorption area problems is evidenced by parcels in these categories. Indicators of potential existing sewage system problems (no repair feasible, repair potential unresolved, and frequent pumping) collectively comprise 15% of the West Wynn I area.

## 2.2 Age of Sewage Systems

The 2012 Special Study noted that most of the West Wynn I area was originally constructed prior to initiation of current DEP on-lot sewage system regulations in 1972. Where CCHD data indicated new absorption area installations, the age of sewage systems was appropriately adjusted to reflect status as post 1972 installations.

The analysis conducted as part of the 2012 Special Study was updated for the current planning effort in consideration of the following:

- Two new absorption area installations have been permitted by CCHD on lots which were previously designated as having sewage systems older than 1972.
- A search of Chester County Recorder of Deeds information has verified that two of the 4 lots in the northern portion of the West Wynn I area were created as building lots by a plan recorded in 1981. These lots were previously indicated as having a combination of pre and post 1972 sewage systems; post 1972 sewage systems are now indicated.
- Those lots which are not documented by CCHD or Recorder of Deeds records to contain sewage systems or structures of post 1972 construction have been classified as unknown. This determination is supported by the age of available CCHD data, which does not address any repair permitting activity prior to 1999, and the probability that many of these approximately 50 year old homes had new sewage systems installed subsequent to 1972 and prior to 1999.

In total, 11 lots (approximately 18% of the West Wynn I area) are documented to contain post 1972 sewage system. The remaining 49 lots (approximately 82% of the West Wynn I area) contain sewage systems of unknown age. The distribution of these categories is depicted on Map 2.

**Legend**

- Municipal Boundary
- Parcel Boundary
- Stream
- Study Area Boundary

**CCHD Records**

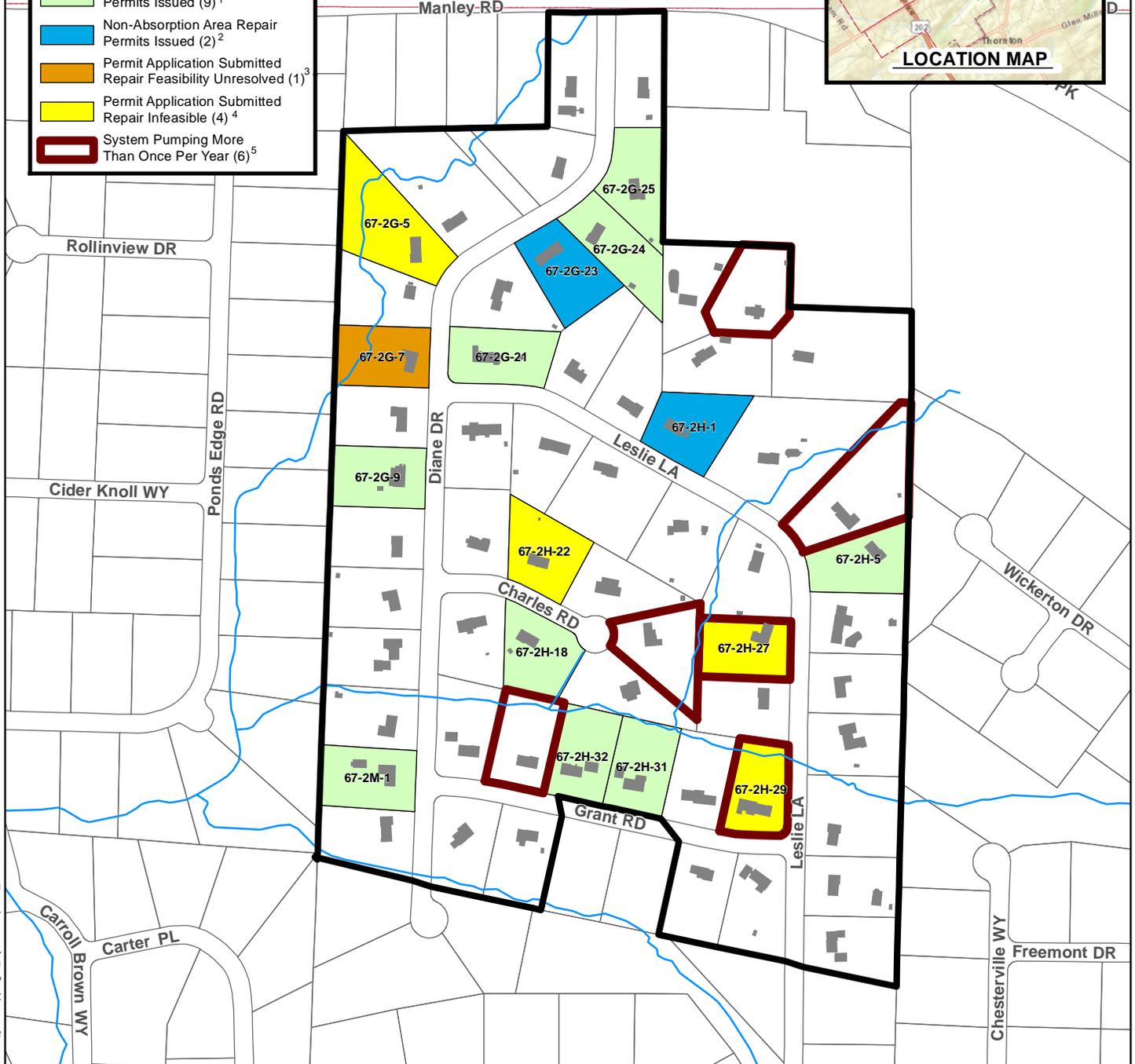
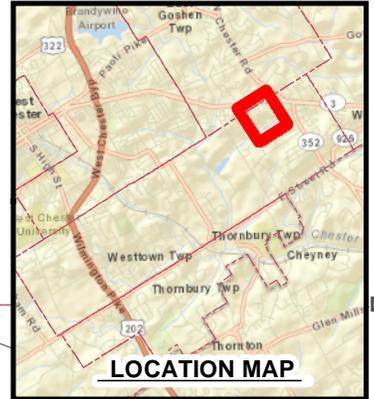
- Absorption Area Repair Permits Issued (9)<sup>1</sup>
- Non-Absorption Area Repair Permits Issued (2)<sup>2</sup>
- Permit Application Submitted Repair Feasibility Unresolved (1)<sup>3</sup>
- Permit Application Submitted Repair Infeasible (4)<sup>4</sup>
- System Pumping More Than Once Per Year (6)<sup>5</sup>

Notes:

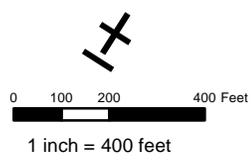
1. Repairs with no Best Technical Guidance (BTG).
2. Tank and delivery line repairs.
3. Incomplete or passing soils testing with no follow-up.
4. Failed soils testing and/or CCHD notes indicating unsuitable site.
5. Based upon CCHD septicage management database records for 2005 - May 2012.

Data Source:

- \*Base data - Chester County GIS Dept, May 2011
- \*Septic Repair Permit Activity - Chester County Health Department, July 2013



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**MAP 1**  
**CHESTER COUNTY HEALTH DEPARTMENT RECORDS**

**WEST WYNN I**  
**ACT 537 SPECIAL STUDY**  
Westtown Township, Chester County, Pennsylvania

PROJECT NUMBER:	20911093
DATE:	7/29/2013
FIGURE NUMBER:	1

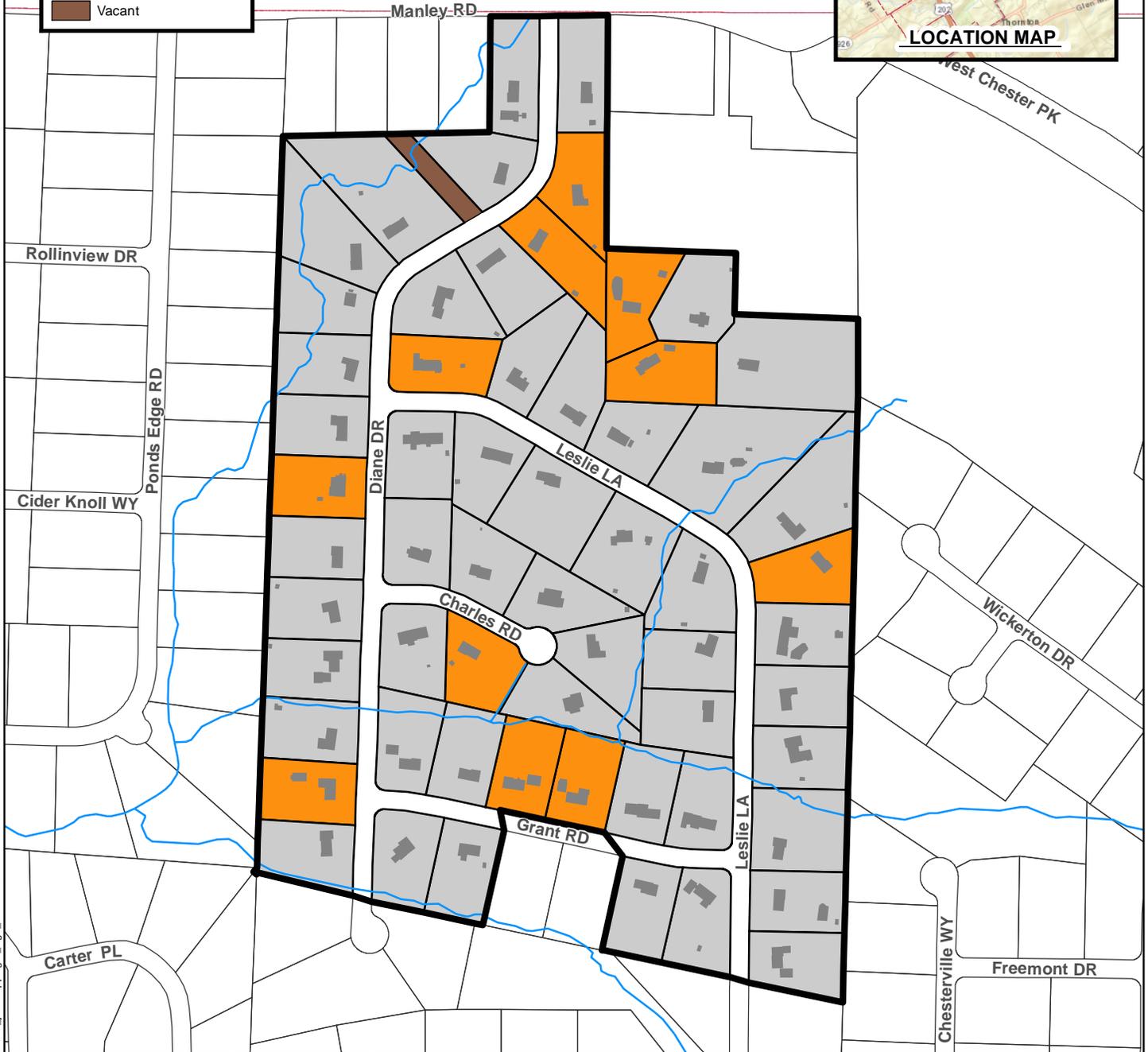
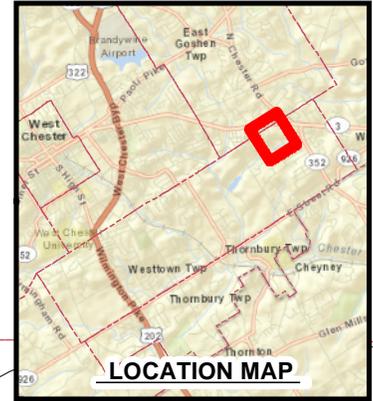
Data Source:  
 \*Base data - Chester County GIS Dept, May 2011  
 \*Age of Sewage Systems - Chester County Health Department &  
 Chester County Recorder of Deeds

**Legend**

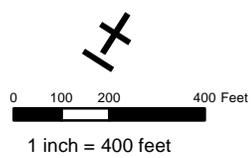
- Municipal Boundary
- Parcel Boundary
- Stream
- Study Area Boundary

**Age of Sewage Systems**

- Post 1972
- Unknown
- Vacant



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**MAP 2**  
**AGE OF SEWAGE SYSTEMS**  
**WEST WYNN I**  
**ACT 537 SPECIAL STUDY**  
 Westtown Township, Chester County, Pennsylvania

PROJECT NUMBER:	20911093
DATE:	7/30/2013
FIGURE NUMBER:	2

### 2.3 Soils

As noted in the 2012 Special Study, soil data and information produced by the National Cooperative Soil Survey, operated by the USDA Natural Resources Conservation Service (NRCS), indicates that the West Wynn I area contains solely soils which are classified urban land. Soil map units described by the NRCS data as urban land are not rated by the NRCS for specific on-lot sewage disposal system suitability. The majority of the soils in these areas have been disturbed by development activities and no determination of on-lot sewage disposal limitations is accordingly provided by the NRCS.

Given the urban lands designation, site specific soils evaluations would be needed to identify suitability for on-lot sewage disposal. The available CCHD records indicate that a total of 14 lots pursued absorption area repairs and associated soils evaluations. Of these, 9 were found to have suitable soils for a replacement sewage system, 1 remains indeterminate, and 4 were found to have unsuitable soils. These findings, while incomplete with regard to the entire West Wynn I area, suggest areas of both suitable and unsuitable soils are present.

It is also noted that several streams traverse the West Wynn I area, and 3 of the 4 lots which CCHD records indicate to have unsuitable soils contain portions of these watercourses. Although no FEMA 100 year flood plains are mapped in the area, unsuitable soils are expected to generally correlate to lower elevation areas proximate to these streams.

### 2.4 Lot Sizes

Lot sizes of less than 1 acre in the West Wynn I area were evaluated in the 2012 Special Study to identify smaller lots which may prove challenging for siting a replacement absorption area. The majority of the area (50 lots, or approximately 83%) has lots of less than 1 acre. Mapping from the prior planning effort illustrates these findings and remains applicable.

In summary, the criteria discussed above indicate that 15% of the West Wynn I area may be experiencing existing on-lot sewage system problems. The available data suggests that the balance of the area may present long term concerns with on-lot system function, primarily due to a prevalence of small lot sizes and potentially unsuitable soils associated with stream corridors. Alternatives to address these conditions are discussed in the following section.

### **3.0 Wastewater Alternatives**

Public sewage and continued on-lot sewage system alternatives are discussed below. Discussion of public sewage alternatives relies primarily upon information from prior Township planning efforts due to the limited time allotted by DEP for preparation of this Special Study.

For the purposes of this planning effort, public sewage alternatives also do not generally consider the four lots in the northern portion of the West Wynn I area which have private easements for access to Manley Road but do not abut any public roadway. In accordance with the Second Class Township Code, Westtown Township can only enforce public sewer connections where the primary structure is located within 150 feet of a public sewer; there are no existing public easements or rights-of-way that would facilitate installation of public sewers within the prescribed distance to structures on these lots.

#### **3.1 Public Sewage Service with Treatment and Disposal at the Westtown-Chester Creek Wastewater Treatment Plant**

The main interceptor which would convey any West Wynn I sewage flows to the Westtown-Chester Creek WWTP does not appear to have capacity to accept any new sewage flows, based upon an analysis of pipe diameters, slopes, and estimated current flows. No comprehensive meter data has been collected to date, but analysis using a flow of 250 gallons per day (GPD) per equivalent dwelling unit (EDU) and a peaking factor of 2.5 indicates that the interceptor has no available capacity to serve any additional connections.

The 2012 Act 537 Special Study included an analysis of a low pressure sewer system alternative to serve West Wynn I as well as other neighborhoods in the same portion of the Township. The main interceptor capacity restrictions were addressed within that alternative by upgrades to the Kirkwood pump station (which presently discharges to the main interceptor upstream of West Wynn I), re-routing the pump station force main to remove pump station flows from areas of the main interceptor that are infeasible to upgrade (these portions are located on residential lots and proximate to existing structures), and upgrading the interceptor between the proposed new force main connection and the WWTP. Map IV-2 and Appendix F from the 2012 Act 537 Special Study illustrates these improvements and estimated costs respectively.

Estimated construction, legal, administrative, engineering, and inspection costs for the main interceptor improvements resulted in a total 2012 project cost of approximately \$3,666,000, or \$9,300 per residence for the 392 lots considered in the

prior planning. Total project costs are not generally scalable relative to just a West Wynn I sewer connection; a similar level of main interceptor upgrades would be necessary for West Wynn I alone. The significantly reduced economy of scale would result in project costs of approximately \$65,500 per home for service to only 56 lots in the West Wynn I area. Installation of sewers within the development would increase the project costs per residence.

Development sewer alternatives are discussed below in consideration of the main interceptor capacity concerns.

### 3.1.1 Gravity Sewer System

This alternative would effectively entail implementation of prior Township Act 537 planning approved by DEP in 2006, as applicable to just the West Wynn I area.

The 2006 approved planning proposed an all gravity sewer extension to approximately 900 residences in the eastern portion of Westtown Township. Subsequent 2007 preliminary design efforts included topographic surveys and evaluation of residential building sewer elevations to refine proposed pipe depths, locations, and pump station requirements. These efforts indicated that sewers would need to be in excess of 30 feet deep in places, a depth which is both cost prohibitive and in excess of accepted construction standards. A gravity sewer layout was consequently developed which would have reduced maximum pipe depths to 25 feet, requiring a very limited number of grinder pump connections. Total 2007 costs for this project, including main interceptor upgrades, were estimated to be approximately \$56,221,800, or over \$63,000 per residence. This alternative was deemed cost prohibitive by the Township and could not be implemented.

Implementing only the West Wynn I portion of this alternative would result in yet higher project costs per residence. The 2007 preliminary design efforts relative to just West Wynn I addressed all gravity sewer service to 54 homes at a total estimated cost of approximately \$3,431,000. Based upon construction cost indices published by the Engineering News Record for the Philadelphia region, construction costs have increased approximately 20.8% since 2007. Associated escalation of the 2007 cost estimate results in a 2013 cost of approximately \$4,144,000, or \$76,700 per residence for installation of a gravity collection system. Adding these costs to the downstream main interceptor improvement costs as discussed above would result in a total project cost of approximately \$7,810,000, or \$144,600 per home.

Gravity sewer service with conveyance to the Westtown-Chester Creek WWTP is not economically feasible and this alternative cannot be implemented.

### 3.1.2 Mostly Gravity Sewer System

The Township's 2007 preliminary design efforts pursuant to the 2006 approved Act 537 planning also considered a gravity sewer system with approximately 6% of the 900 residences to be served via grinder pump connections in lieu of gravity sewer connections. This alternative was considered in an effort to reduce costs, in that maximum pipe depths would have been reduced to approximately 20 feet.

Total 2007 estimated project costs were approximately \$47,543,000 (inclusive of main interceptor upgrades), resulting in a total cost of over \$53,000 per residence. The reduced costs were still excessive, and the Township accordingly determined that this alternative could not be implemented.

Implementing only the West Wynn I portion of this alternative would result in yet higher project costs per residence. Associated 2007 estimates to connect 50 homes in the West Wynn I area via gravity sewer and 4 homes via grinder pumps were approximately \$2,608,000. Based upon construction cost indices published by the Engineering News Record for the Philadelphia region, construction costs have increased approximately 20.8% since 2007. Associated escalation of the 2007 cost estimate results in a 2013 cost of approximately \$3,151,000, or \$58,400 per residence. Adding these costs to the downstream main interceptor improvement costs as discussed above would result in a total project cost of approximately \$6,817,000, or \$126,300 per home.

Mostly gravity sewer service with conveyance to the Westtown-Chester Creek WWTP is not economically feasible and this alternative cannot be implemented.

### 3.3.3 Low Pressure Sewer System

As previously noted, the 2012 Special Study considered a low pressure sewer system alternative to serve approximately 392 residences in the West Wynn I area and other nearby neighborhoods. Detailed estimated costs were presented in Appendix F of the 2012 Special Study. The total estimated

project costs of approximately \$12,292,000 (which included main interceptor upgrades and grinder pump purchase for each lot) would have resulted in a cost of approximately \$31,300 per home. Additional homeowner costs of approximately \$4,000 to \$5,000 would also have been incurred for on-lot system abandonment, grinder pump installation, and lateral installation.

The Township determined that the existing on-lot sewage system conditions did not warrant these costs. This determination was based upon evaluation of sewage needs indicators throughout the study area of the 2012 planning, categorized by conditions which suggest existing sewage needs and those which may present long term sewage needs concerns. The existing sewage needs category consisted of the following Chester County Health Department data sets: 1) repair permit application with no repair feasible, 2) repair permit application with repair feasibility unresolved and 3) pumping more than once per year. Properties in the existing sewage needs category comprised approximately 8% of the study area. The Township determined that the significant cost burden of public sewers was not justified when the available data showed only 8% of the homes to be potentially experiencing on-lot system problems.

Although West Wynn I existing sewage needs appear to be more significant relative to the larger area considered in 2012, total costs for low pressure sewer system service would also be much higher if only West Wynn I were served. As described in Appendix F of the 2012 Act 537 Special Study, estimated construction, legal, administrative, engineering, and inspection costs for low pressure sewers (including grinder pump purchase for each lot) in West Wynn I alone were approximately \$1,243,000 to serve 56 lots, or \$22,200 per lot. Adding these costs to the downstream main interceptor improvement costs as discussed above would result in a total project cost of approximately \$4,909,000, or \$87,700 per home.

In the absence of more detailed information regarding existing on-lot sewage system conditions as would be gathered through the SMP inspections, the Township has determined that these extremely high costs are unwarranted.

### 3.2 Public Sewage Service with Treatment and Disposal at the West Goshen Wastewater Treatment Plant

Portions of the East Goshen Township sewer system in the vicinity of the West Wynn I area convey to the West Goshen Township WWTP, and Westtown currently has treatment capacity reserved in the West Goshen WWTP sufficient for West Wynn I. Time constraints inherent in the current planning effort preclude any detailed

technical or financial consideration of this alternative; however, if SMP findings indicate that only West Wynn I is in need of public sewer and future main interceptor studies do not otherwise dictate needed upgrades, further study may be warranted to identify costs and feasibility of conveyance through East Goshen's sewer system to the West Goshen WWTP.

Further consideration of this alternative is subject to additional study of existing main interceptor capacity restrictions and evaluation of SMP inspections to identify potential future flows.

### 3.3 Continued Use of On-Lot Sewage Systems with On-lot Sewage Management Program Oversight

This alternative would provide for continued on-lot sewage system use, with repair, replacement, or increased maintenance by each property owner as needed to address any incidence of malfunction. The SMP as discussed in the 2012 Special Study would provide for detailed inspections to clarify actual system conditions, while also providing a framework for Township oversight of any malfunctions identified. A copy of the draft ordinance describing associated SMP activities can be found in Appendix C.

Inherent in this alternative are the following additional Township actions:

- Collect SMP inspection data for West Wynn I and surrounding neighborhoods which would need to convey through the main interceptor if connected to the Westtown-Chester Creek WWTP in the future. Collection of this data would allow the Township to make an updated determination on the need for public sewer and identify any associated main interceptor capacity increases in a more informed and cost effective manner.
- Meter flows for key main interceptor segments to clearly identify average and wet weather peak flows. An accurate baseline for needed upgrades can thereby be established to facilitate future planning and consider more cost effective solutions as may be relevant if a limited sewer extension project similar to that which would serve only West Wynn I is needed in the future.
- Investigate feasibility of West Wynn I conveyance through neighboring East Goshen Township for treatment and disposal at the West Goshen WWTP. This effort would be undertaken if the SMP inspection findings result in a determination that public sewer service to West Wynn I is necessary and no

significant other public sewage needs are identified which would also warrant consideration of main interceptor upgrades.

- Submit an updated Act 537 Special Study to DEP in the future which captures all studies discussed above and associated determinations regarding the long term sewage needs of West Wynn I.

The available data suggests that 15% of the West Wynn I area may be experiencing existing on-lot sewage system problems. Public sewer alternatives document total potential project costs in excess of \$87,000 per residence if new sewer extensions were constructed to serve only West Wynn I by the Township's WWTP. In the absence of additional information regarding sewage needs and public sewage conveyance alternatives, continued on-lot sewage system use with SMP implementation is the most cost effective alternative for the West Wynn I area.

#### **4.0 Selected Alternative and Implementation Schedule**

##### **4.1 Selected Alternative**

The selected alternative for the West Wynn I area is continued use of on-lot sewage systems with the SMP, as well as additional data collection and planning by the Township as discussed in Section 3.3.

##### **4.2 Implementation Schedule**

Milestones to address the selected alternative are presented in Table 2 on the following page.

**WEST WYNN I AREA ACT 537 SPECIAL STUDY  
WESTTOWN TOWNSHIP, PA**

**Table 2  
Implementation Schedule**

TASK	DATE
Complete Draft West Wynn I Special Study	July 2013
Public Agency Reviews (60 Days)	July – September 2013
Public Comment Period (30 Days)	July – September 2013
Township Adoption and DEP Submission	October 2013
Main Interceptor Metering <sup>(1)</sup>	November 2013 - April 2014
Adopt On-Lot Management Ordinance <sup>(2)</sup>	December 2013
Collect and Analyze SMP Inspection Data <sup>(3)</sup>	January 2014 - March 2015
Prepare Updated Draft Act 537 Special Study <sup>(4)</sup>	April 2015 - May 2016
Agency Reviews and Public Comment Period for Updated Special Study	June - August 2016
Prepare Final Updated Special Study	September 2016
Adopt Updated Special Study and Submit to DEP	October 2016

- (1) Assumes meter data collection through typical wet period of November - April; more or less time may be needed depending upon actual weather conditions.
- (2) Timing per 2012 Act 537 Special Study approved by DEP June 7, 2013; ordinance to be adopted by December 7, 2013 and a copy to be submitted to DEP within 7 days of adoption.
- (3) One year for collection of all SMP inspection findings for West Wynn I and nearby neighborhoods plus 90 days for inspection report submissions and Township evaluations
- (4) Includes evaluation of conveyance to West Goshen WWTP if needed and public meetings with affected residents.

**Appendix A:**

**DEP June 7, 2013 Correspondence**



# pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SOUTHEAST REGIONAL OFFICE

JUN 07 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:

The Department of Environmental Protection (“DEP”) has completed the review of your municipality’s updated official sewage facilities plan entitled *Act 537 Official Sewage Facilities Plan Special Study* (“Special Study”) as prepared by URS Corporation dated September 2012. The Special Study was supplemented by additional information that we received on December 12, 2012, and April 18, 2013.

The review was conducted in accordance with the provisions of the Pennsylvania Sewage Facilities Act.

Our review has indicated that portions of the Special Study can be approved, while other portions of the Special Study are not in accordance with the Pennsylvania Sewage Facilities Act and the provisions set forth in the Pennsylvania Code, Title 25, Chapter 71.

DEP hereby grants approval for the following provisions of the Special Study:

1. Westtown Township (“Township”) will implement a Sewage Management Program (“SMP”) for all on-lot sewage disposal systems within the Township. The on-lot management ordinance will be adopted within 6 months of the date of this letter. A copy of the adopted ordinance shall be provided to DEP within 7 days of its adoption.

DEP has the following comments concerning the SMP:

- a. If the Township wishes to phase the implementation of the ordinance to create districts with staggered pumping/inspection dates, we request that the following areas be considered a priority for the implementation of the SMP: Tyson Drive, Hummingbird Farm, Carolyn Drive, Hunt Drive, Kilduff Circle, Farmview, Grandview Acres, Westover Farms, Butternut Lane, Avon Lea, West Lynn Area, Edgewood Chase, and Westtown Farms.

- b. DEP requests that the Township provide an annual status report, identifying the tasks that have been completed under the SMP, the rate of compliance with the SMP, and the enforcement actions taken to obtain compliance with the SMP. We request that the status report be submitted by June 1, annually, and without further notice.
  - c. This approval does not waive any enforcement action available to DEP under any of its statutes or regulations. The Township may be subject to future planning orders if the annual status report reveals excessive noncompliance with the SMP or if DEP becomes aware of immediate sewage disposal needs that cannot be addressed by the continued implementation of the SMP.
2. The Township has committed to preparing an updated Act 537 Plan ("Plan Update") for all existing residences within 5 to 10 years of this action.

DEP has the following comments concerning the Plan Update:

- a. DEP requests that the Plan Update be a comprehensive, Township-wide plan, meeting the requirements of Chapter 71. We recommend that the Township and its consultants schedule a pre-plan of study meeting with DEP to discuss the requirements of the Plan Update.
- b. The Plan Update should evaluate all of the data collected as a result of the SMP.
- c. DEP requests that the Plan Update be adopted by the Township and submitted to DEP by July 1, 2023.
- d. If, in the interim, additional planning is necessary to address sewage disposal needs in a portion of the Township, the Township may prepare a special study to address those needs.

The following provision of the Special Study is hereby denied:

The selected alternative for the West Wynn I area is the implementation of the SMP. West Wynn I is comprised of approximately 60 lots. The majority of the lots are less than 1 acre net, or less than  $\frac{3}{4}$  acre net, if served by public water. The majority of the lots are served by systems that predate the regulations. Eight percent (8 percent) of the lots in this area applied for, but did not receive, a repair permit, including 4 lots for which no feasible repair was available. Ten percent (10 percent) of the systems appear to require pumping more than one time per year.

Mr. Robert Layman, Manager

- 3 -

Consistent with Chapter 71, Section 71.32(d)(1), in approving or disapproving an official plan or official plan revision, DEP will consider whether the plan or revision meets the requirements of Chapter 71. DEP questions how the implementation of only a SMP will resolve the sewage disposal needs in this area, as required by Section 71.12(a).

The portion of the Special Study that focuses on the West Wynn I area is subject to the provisions of Milestone Event 3 of the August 16, 2011, Consent Order and Agreement ("2011 CO&A") by and between DEP and the Township. Within 120 days of the date of this letter, the Township shall submit another plan update for the West Wynn I area. This plan update may be in the form of a special study. Any failure of the municipality to submit the required planning within the time frame specified in this letter shall constitute a violation of Milestone Event 3 and subject the Township to remedies as set forth in the 2011 CO&A. The plan update for West Wynn I should thoroughly evaluate the conditions in this area and the alternatives available and choose an alternative that will adequately address the needs in this area. Alternately, in lieu of completing a plan update for this area, the Township may elect to implement the portion of its approved 2006 Act 537 plan update that pertained to West Wynn I. If the Township elects this alternative, please inform us of your intent to do so within 120 days of the date of this letter and provide a revised implementation schedule to us for our approval. The 2011 CO&A remains in effect until the Township has complied fully with the obligations in paragraphs 3, 4, and 5 of the 2011 CO&A.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717.787.3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800.654.5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717.787.3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

**IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.**

**IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717.787.3483) FOR MORE INFORMATION.**

JUN 07 2013

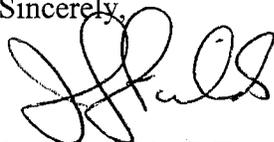
Mr. Robert Layman, Manager

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RECEIVED  
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CORPORAT

If you have any questions, please contact Ms. Kelly A. Sweeney of this office.

Sincerely,



Jenifer Fields, P.E.  
Regional Manager  
Clean Water

cc: Chester County Planning Commission  
Chester County Health Department  
Mr. Corbett – URS Corporation  
Ms. Sweeney  
Ms. Vollero – RCSOB, 11th Floor, Sewage Facilities  
Planning Section  
Re 30 (joh13clw)155-11

## **Appendix B:**

### **Summary of Chester County Health Department Records**

**CHESTER COUNTY HEALTH DEPARTMENT SEWAGE SYSTEM REPAIR PERMITTING RECORDS IN WEST WYNN I AREA**

Parcel No.	Site Address	Permit No.	Permit Status	Application Date	Issued Date	Final Approval Date	Repair Reason	Absorption Area Permitted	Additional File Review Comments
67-2G-21	401 Leslie La	Z126341	Approved	Not specified	11/15/2012	11/19/2012	Unsatisfactory Certification	Subsurface Sand Filter Bed	
67-2G-23	307 Diane Dr	Z015429	Approved	5/19/2006	5/19/2006	6/15/2006		Septic Tank Only	TANK ONLY PERMIT FINALED 6/15/06; CCHD DATABASE SHOWS > 1 PUMP/YR, BUT ONLY 1 PUMP SINCE PERMIT FINALED
67-2G-24	305 Diane Dr	Q20057	Approved	8/13/1999	8/13/1999	9/28/1999	Malfunction	Standard Bed	
67-2G-25	303 Diane Dr	R18361	Approved	12/1/2003	12/1/2003	12/17/2003	Malfunction	Standard Trench	
67-2G-5	308 Diane Dr	T021343	Not issued	4/13/2004			Malfunction		FAILED ESM PERC, NO ADDITIONAL INFO
67-2G-7	312 Diane Dr	T008828	Not issued	10/16/2003			Unsatisfactory Certification		LZ@84+", PERC FAILED @ 12"/36", PERC PASSED @ 60", NO ADDITIONAL INFO
67-2G-9	402 Diane Dr	Z042695	Issued	Not specified	7/1/2013		Malfunction	Standard Bed	
67-2H-1	501 Leslie La	R35149	Approved	9/21/2000	9/21/2000	10/24/2000	Malfunction	Septic Tank Only	
67-2H-18	1504 Charles Rd	O17182	Approved	4/9/1997	4/9/1997	5/12/1997	Not specified	Subsurface Sand Filter Bed	
67-2H-22	1503 Charles Rd	T018739	Not issued	10/12/2004			Malfunction		NO SUITABLE SITE PER CCHD, NO DRIP MICROMOUND SUITABILITY PER CPSS, DEP SFTF PERMIT APP SUBMITTED BUT NOT APPROVED
67-2H-27	419 Leslie La	Z112000	Not issued	11/10/2011			Unsatisfactory Certification		LZ <20" , NO PERC PER PERMIT DATA; SYSTEM PUMPED 8 TIMES FROM 5/12/05 THRU 5/31/12 PER CCHD DATABASE
67-2H-29	1511 Grant Rd	Z64673	Not issued	8/6/2008			Unsatisfactory Certification		NO SUITABLE SITE PER CCHD, CPSS TP'S INDICATE SUITABLE FOR DRIP BUT SEO NOTES SAY INSUFFICIENT AREA FOR DRIP; PUMPED 7 TIMES FROM 12/1/05 THRU 1/16/12 PER CCHD DATABASE
67-2H-31	1507 Grant Rd	Z056922	Approved	5/5/2010	10/18/2010	11/16/2010	Unsatisfactory Certification	Standard Bed	
67-2H-32	1505 Grant Rd	Q19688	Approved	9/27/1999	9/27/1999	10/7/1999	Unsatisfactory Certification	Standard Bed	
67-2H-5	415 Leslie La	T008783	Approved	10/29/2003	10/29/2003	12/15/2003	Unsatisfactory Certification	Standard Trench	
67-2M-1	412 Diane Dr	Z057223	Approved	1/7/2009	1/7/2009	3/25/2009	Malfunction	Standard Bed	SYSTEM PUMPED 9 TIMES FROM 10/6/05 THRU 2/6/09 PER CCHD DATABASE; NEW AA FINALED 3/25/09, NO SUBSEQUENT PUMPING

**Appendix C:**

**Draft On-Lot Sewage Management Program Ordinance**

**WESTTOWN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE No. \_\_**

**AN ORDINANCE GOVERNING MUNICIPAL MANAGEMENT  
OF ON-LOT SEWAGE DISPOSAL FACILITIES IN  
THE TOWNSHIP OF WESTTOWN, COUNTY OF CHESTER, PA**

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of Supervisors of the Township of Westtown, County of Chester, Commonwealth of Pennsylvania, and it is hereby enacted and ordained by its authority as follows:

Section 1. Short Title: Introduction; Purpose

- A. This Ordinance shall be known and may be cited as “An Ordinance providing for an On-Lot Sewage Management Program for Westtown Township.”
- B. In accordance with the Second Class Township Code (53 PS §65101, et seq.), the Clean Streams Law (Act of June 27, 1937, P.L. 1987, No. 394 as amended, 35 P.S. §§691.1 to 691.1001), and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. §750.1 *et seq.* known as Act 537), it is the power and the duty of Westtown Township to provide for adequate sewage treatment and disposal facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for Westtown Township indicates that it is necessary to formulate and implement a sewage management program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.
- C. The purpose of this ordinance is to provide for the regulation, inspection, maintenance and rehabilitation of On-lot Sewage Disposal Systems; to further allow intervention in situations which may constitute a public nuisance or hazard to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

Section 2. Definitions

- A. Act 537: The Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.1 et seq., known as the “Pennsylvania Sewage Facilities Act.”
- B. Authorized Agent: A person with demonstrated knowledge and experience regarding On-lot Sewage Disposal System design, operation, and maintenance who is authorized to function within specified limits as an agent of Westtown Township to administer or enforce the provisions of this Ordinance.
- C. Board: The Board of Supervisors, Westtown Township, Chester County, Pennsylvania.

- D. Community Onlot Sewage System: A sewage system which serves two or more lots, or two or more equivalent dwelling units, and uses a system of piping, tanks, or other facilities for collecting, treating, and disposing of sewage into a soil absorption area, retaining tank, or cesspool.
- E. Department: The Department of Environmental Protection of the Commonwealth of Pennsylvania (DEP).
- F. Individual Residential Spray Irrigation System (IRSIS): An individual sewage system which serves a single dwelling and which treats and disposes of sewage through using a system of piping, treatment tanks, and soil renovation through spray irrigation.
- G. Individual Onlot Sewage System: A sewage system which serves a single lot and a single equivalent dwelling unit, and uses a system of piping, tanks, or other facilities for collecting, treating, and disposing of sewage into a soil absorption area, spray field, retaining tank, or cesspool.
- H. Initial Treatment Unit: Term used to describe the on-lot disposal system receiving unit to which sewage is delivered from a sewage generating facility. The term includes, but is not limited to, septic tanks, aerobic treatment units, and cesspools.
- I. Liquid Waste: Septage pumped from septic tanks, cesspools, holding tanks, privies, or chemical toilets which does not include any toxic, industrial, or hazardous wastes.
- J. Liquid Waste Hauler: Any person engaged in the business of pumping and transporting liquid waste within Chester County using vehicles licensed by the Chester County Health Department.
- K. Lot: A parcel of land, undivided by any street or dedicated future street right-of-way. Such parcel shall be separately described by metes and bounds, the description of which is recorded in the office of the Recorder of Deeds of Chester County by deed description or is described by an approved subdivision plan recorded in the office of the Recorder of Deeds of Chester County.
- L. Maintenance Contractor: A private independent contractor who has been given training by the original equipment manufacturer on the operations of applicable sewage system components, has been authorized by the manufacturer to service said components, or has demonstrated technical expertise in the field of on-lot sewage system maintenance. All Maintenance Contractors shall be approved by the Township to provide such maintenance services within the borders of the Township.
- M. Malfunction: A condition which occurs when an On-Lot Sewage Disposal System discharges sewage onto the surface of the ground, into ground waters of this Commonwealth, into surface waters of this Commonwealth, backs up into a building connected to the system or in any manner causes a nuisance or hazard to the public health or pollution of ground or surface water or contamination of public or private drinking water wells. Systems shall be considered to be malfunctioning if any condition noted above occurs for any length of time during any period of the year.

- N. Retaining Tank: A watertight receptacle that receives and retains sewage and is designed and constructed to facilitate the ultimate disposal of the sewage at another site. This term is synonymous with the term Holding Tank.
- O. Official Sewage Facilities Act 537 Plan: A comprehensive plan for the provisions of adequate sewage disposal systems, adopted by the Board and approved by the Pennsylvania Department of Environmental Protection, pursuant to the Pennsylvania Sewage Facilities Act.
- P. On-Lot Sewage Disposal System: Any Community Onlot Sewage System or Individual Onlot Sewage System as defined herein.
- Q. Person: Any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term “person” shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.
- R. Rehabilitation: Work done to modify, alter, repair, enlarge or replace an existing On-Lot Sewage Disposal System.
- S. Septage: The residual scum, sludge, and other materials pumped from, but not limited to, Initial Treatment Units, other treatment tanks, Retaining Tanks, pump tanks, and the systems they serve.
- T. Sewage: Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation or which constitutes pollution under the Act of June 22, 1937 (P.L. 1987, No. 394), known as “The Clean Streams Law,” as amended.
- U. Sewage Enforcement Officer (SEO) — A person certified by DEP who is employed by the Chester County Health Department. Such person is authorized to conduct investigations and inspections, review permit applications, and do all other activities as may be provided for such person in the Sewage Facilities Act, the rules and regulations promulgated thereunder and this or any other ordinance adopted by the Township or Chester County Health Department.
- V. Sewage Management Program: A comprehensive set of legal and administrative requirements encompassing the requirements of this ordinance, the Sewage Facilities Act, the Clean Streams Law, the regulations promulgated thereunder and such other requirements adopted by the Board to effectively enforce and administer this Ordinance.
- W. Township: The Township of Westtown, Chester County, Pennsylvania.

The definition of any term defined herein is specific to this ordinance. Any term which is not defined herein shall have that meaning attributed to it under the Sewage Facilities Act and Regulations promulgated thereto, also solely for the purposes of this ordinance..

### Section 3. Applicability

- A. From the effective date of this ordinance, its provisions shall apply to all portions of the Township served by On-Lot Sewage Disposal Systems. Within such an area or areas, the provisions of this ordinance shall apply to all persons owning any property serviced by an On-Lot Sewage Disposal System and to all persons installing or rehabilitating On-Lot Sewage Disposal Systems.

### Section 4. Permit Requirements

- A. No building permit shall be issued for a new building which will utilize an On-lot Sewage Disposal System until an On-lot Sewage Disposal System permit has been issued by the Chester County Health Department SEO. Proof of On-lot Sewage Disposal System permit issuance shall be presented to the Township in the form of a properly executed permit signed by the Chester County Health Department SEO.
- B. No occupancy permit shall be issued for a new building which will utilize an On-lot Sewage Disposal System until the sewage disposal system has been installed and the completed installation is approved by the Chester County Health Department SEO. Proof of On-Lot Sewage Disposal System final installation approval shall be presented to the Township in the form of a properly executed permit signed by the Chester County Health Department SEO.
- C. No building or occupancy permit shall be issued for and no work shall begin on any alteration or conversion of any existing structure if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure, until either the structure's owner receives a permit from the Chester County Health Department SEO for alteration or replacement of the existing sewage disposal system or until the structure's owner and the appropriate officials of the Township receive written notification from the Chester County Health Department SEO that such a permit will not be required. The Chester County Health Department SEO shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.
- D. Sewage permits may be issued only by a Sewage Enforcement Officer employed by the Chester County Health Department.

### Section 5. Inspections

- A. Initial inspections.
  - 1. Each person owning a building served by an On-Lot Sewage Disposal System shall employ a Maintenance Contractor to complete an initial inspection for the purpose of determining the type, condition, and maintenance needs of each On-lot Sewage Disposal System. All such inspections shall be completed within three (3) years of the effective date of this ordinance, although the Board may define subsets of the Township where initial inspections shall be completed in shorter prescribed periods in order to facilitate administration.
  - 2. Initial inspections may be conducted concurrent with the pumping requirements of Section 7.A or Section 7.B, as applicable.

3. A written inspection report signed by the Maintenance Contractor shall be furnished to the Township by the person owning the property served by the On-Lot Sewage Disposal System within thirty (30) days of the inspection. All written inspection reports shall be on a form provided by the Township.
4. Initial inspection requirements may be waived if a person owning a lot served by an On-lot Sewage Disposal System has had a new system installed in accordance with all Chester County Health Department and DEP standards within one year prior to the effective date of this ordinance. Copies of all approved Chester County Health Department permit data, including plot plan, design specifications, percolation test reports, and installation inspection reports must be submitted to the Township to qualify for a waiver from the initial inspection requirements.

B. Routine inspections.

1. Each person owning a building served by an On-Lot Sewage Disposal System shall employ a Maintenance Contractor to complete routine inspections for the purpose of evaluating ongoing condition and maintenance needs of each On-lot Sewage Disposal System in the Township.
2. Routine inspections shall be completed every three (3) years after either the date of initial inspection or a new On-lot Sewage Disposal System installation pursuant to Section 5.A.4, as applicable. Routine inspections shall also be completed every three (3) years after final installation approval by the Chester County Health Department SEO for all On-lot Sewage Disposal Systems constructed after the effective date of this ordinance.
3. Routine inspections may be conducted concurrent with the pumping requirements of Section 7.A or Section 7.B, as applicable.
4. A written inspection report signed by the Maintenance Contractor shall be furnished to the Township by the Person owning the property served by the On-Lot Sewage Disposal System within thirty (30) days of the inspection. All written inspection reports shall be on a form provided by the Township.

Section 6. Operation

- A. Only normal domestic wastes shall be discharged into any On-Lot Sewage Disposal System. The following shall not be discharged into the System:
1. Industrial waste.
  2. Automobile oil and other non-domestic oil.
  3. Toxic or hazardous substances or chemicals, including but not limited to, pesticides, disinfectants (excluding household cleaners), acids, paints, paint thinners, herbicides, gasoline and other solvents.

4. Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps, french drains, air conditioner condensate discharges, and dehumidifier discharges.
  5. Wastewater resulting from hair treatment at a multi-chaired beauty shops.
  6. Any non-biodegradable materials.
- B. The Township may require other operation or maintenance procedures to ensure proper On-Lot Sewage Disposal System performance.

#### Section 7. Maintenance

- A. Each person owning a building served by an On-Lot Sewage Disposal System shall have the Initial Treatment Unit pumped within three years of the effective date of this ordinance by a Chester County Health Department licensed Liquid Waste Hauler. Thereafter, the property owner shall have the System pumped at least once every three years. Receipts from the Chester County Health Department licensed Liquid Waste Hauler shall be submitted by the property owner to the Township within the prescribed pumping periods.
- B. The required pumping frequency may be modified at the discretion of the Board of Supervisors or the Township's Authorized Agent if the Initial Treatment Unit is undersized, if an inspection reveals solids or scum in excess of 1/3 of the liquid depth of the Tank, if the hydraulic load on the system increases significantly above average, if a garbage grinder is used in the building, if the system malfunctions or for other good cause shown.
- C. All On-lot Sewage Disposal System pumping shall be performed in accordance with Chapter 504 of the Chester County Health Department regulations and shall also conform to the following minimum standards, unless other standards are specified by an equipment manufacturer:
1. At all times, the pumper truck operator's personal safety, as well as protection of the environment and the landowner's property, shall receive the highest priority.
  2. Initial Treatment Units shall only be pumped from or through the manhole or access port (i.e., the largest tank opening).
  3. Initial Treatment Units shall not be pumped from or through the observation or inspection port.
  4. When necessary to break up solids, backwashing with clean water or material of a similar nature already on board the pumper truck may be employed. Mechanical means (scraping, raking, etc.) are not necessary but may be employed, provided that appropriate safeguards are taken to prevent injury.
  5. When backwashing, care shall be taken not to fill or refill the Initial Treatment Units to a level greater than 12 inches below the elevation of the outlet pipe, where applicable.
  6. No liquids or solids are to be discharged into or through the outlet pipe, where applicable.
  7. Initial Treatment Units shall be deemed to be cleaned when all organic solids are removed and the total average liquid depth remaining is less than one inch.
  8. At all times, and in all phases of operations, the Liquid Waste Hauler shall comply with all laws and regulations regarding the activities associated with On-Lot Sewage Disposal System maintenance and disposal of materials removed therefrom.

- D. Any person owning a building served by an On-Lot Sewage Disposal System which utilizes any components or technologies deemed by DEP to require more detailed operation and maintenance requirements than provided for in this ordinance, including but not limited to Individual Residential Spray Irrigation Systems (IRSIS), Alternate Systems, or Experimental Systems shall be further subject to the maintenance responsibilities recommended by DEP for said system. The Township may impose additional requirements as deemed necessary to provide for the increased oversight inherent in these cases, including but not limited to collection of an annual fee and additional financial security.
- E. Surface contouring shall be required as necessary to direct surface water and drainageways away from all components of On-Lot Sewage Disposal Systems.
- F. Additional maintenance activity may be required as needed including, but not limited to, providing reasonable access to Initial Treatment Unit, cleaning and unclogging of piping, servicing and the repair of mechanical and electrical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, etc.

#### Section 8. System Rehabilitation

- A. No person shall operate or maintain an On-lot Sewage Disposal System in such a manner to constitute a Malfunction. Any suspected Malfunction shall be reported to the Chester County Health Department SEO, who shall make a final determination as to functional status and rehabilitation measures required. Any person owning a building served by an On-lot Sewage Disposal System determined to be in a state of Malfunction by the Chester County Health Department SEO shall perform all corrective measures required by the SEO to abate the Malfunction. The Chester County Health Department SEO shall have the authority to require abatement of any Malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's Initial Treatment Unit, expanding the existing disposal areas, replacing the existing disposal area, replacing the system with a Retaining Tank, frequent pumping, or any other alternative appropriate for the specific site.
- B. In the event other remedies described in this Section fail to abate a Malfunction, the Chester County Health Department's Sewage Enforcement Officer and/or the Township's Authorized Agent may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water using devices and appliances in the structure may be required to be retrofitted with water saving appurtenances or they may be required to be replaced by water conserving devices.
- C. Should none of the remedies described in this Section be totally effective in eliminating the Malfunction of an existing On-Lot Sewage Disposal System, the property owner is not absolved of responsibility for that Malfunction. The Township and the Chester County Health Department may require action by the property owner to lessen or mitigate the Malfunction to the extent necessary.
- D. There may arise geographic areas where numerous On-Lot Sewage Disposal Systems are known or are suspected to be Malfunctioning. A resolution of these area-wide problems may necessitate

detailed planning and a revision to the portion of the Sewage Facilities Plan pertaining to areas affected by such Malfunctions. When a DEP authorized Official Sewage Facilities Plan Revision has been undertaken, mandatory repair or replacement of individual malfunctioning sewage disposal systems within the area affected by the revision may be delayed, pending the outcome of the plan revision process. However, immediate corrective action may be compelled whenever a Malfunction, as determined by the Chester County Health Department and/or the Department, represents a serious public health or environmental threat.

#### Section 9. Retaining Tanks

- A. Retaining Tanks shall only be utilized as a remedy for a Malfunctioning On-Lot Sewage Disposal System when it has been determined by the Chester County Health Department SEO and the Township that no other remedy is viable.
- B. Retaining Tank installation and use shall be subject to all the requirements of Pa Code Title 25, Chapter 71.63 (relating to Retaining Tanks) and the requirements of the Chester County Health Department.
- C. Any person owning a building served by a Retaining Tank shall annually provide to the Township a copy of a maintenance contract with a Liquid Waste Hauler licensed by the Chester County Health Department. The contract shall provide for regular removal of the Retaining Tank contents in accordance with Section 11 and with a frequency sufficient to prevent the contents from overflowing on the ground surface. The contract shall also specify the Chester County Health Department license number of the Liquid Waste Hauler and the disposal site(s) of the Retaining Tank contents.
- D. Retaining Tanks shall only be permitted to serve a building without a Malfunctioning On-Lot Sewage Disposal System when approved by the Board, the Chester County Health Department, and DEP. Board approval shall be further predicated upon a satisfactory operation and maintenance agreement specific to each use, to which both the Township and the property owner shall be party. The Township may impose additional requirements as deemed necessary, including but not limited to collection of financial security and an annual fee.
- E. Retaining tank use shall be further subject to the provisions of the Code of the Township of Westtown, Chapter 132, Article II which governs holding tank use.

#### Section 10. Liens

- A. The Township, upon written notice from the Chester County Health Department's Sewage Enforcement Officer that an imminent health hazard exists due to failure of property owner to maintain an On-Lot Sewage Disposal System, shall have the authority to perform, or contract to have performed, the work required by the Chester County Health Department's Sewage Enforcement Officer. The owner shall be charged for the work performed and, if necessary, a lien shall be entered therefor in accordance with applicable law.

### Section 11. Disposal of Septage

- A. All Septage originating within the Sewage Management District shall be disposed of in accordance with the requirements of the Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§6018.101 et seq.) and all other applicable laws and at sites or facilities approved by DEP.
- B. Pumper/haulers operating within the Township shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§6018.101–6018.1003), all other applicable laws, and Chester County Health Department regulations.

### Section 12. Administration

- A. The Township shall fully utilize those powers it possesses through enabling statutes and ordinances to effect the purposes of this ordinance.
- B. The Township shall employ or contract with qualified individuals to carry out the provisions of this ordinance. Those employees and/or contractors shall include an Authorized Agent and may include an administrator and such other persons as may be necessary. The Township may also contract with private qualified persons or firms as necessary to carry out the provisions of this ordinance.
- C. The Township's Authorized Agent shall have the right to enter upon land for the purpose of administering the provisions of this ordinance. The Township shall provide a written notice to the property owner no less than fourteen (14) days prior to any entry upon property for these purposes, unless the Township, Chester County Health Department or DEP has determined that potential an imminent public health hazard exists, in which case the Township may conduct such actions at any reasonable time. The Township's Authorized Agent shall have a photographic proof of identification and shall present same to the property owner upon request whenever entering upon land to administer the provisions of this ordinance.
- D. All records pertaining to sewage permits, building permits, occupancy permits and all other aspects of the Sewage Management Program shall be made available for inspection consistent with the provisions of the Open Records Law.
- E. The Board shall establish all administrative procedures necessary to properly carry out the provisions of this Ordinance.
- F. The Board may by resolution establish a fee schedule, and authorize the collection of fees, to cover the cost to the Township of administering this Ordinance.

### Section 13. Appeals

- A. Appeals from final decisions of the Township or any of its Authorized Agents under this Ordinance shall be made to the Board in writing within thirty (30) days from the date of written notification of the decision in question.

- B. The appellant shall be entitled to a hearing before the Board at its next regularly scheduled meeting, if a written appeal is received at least fourteen (14) days prior to that meeting. If the appeal is received within fourteen (14) days of the next regularly scheduled meeting, the appeal shall be heard at the following regularly scheduled meeting. The Board shall thereafter affirm, modify, or reverse the aforesaid decision. The hearing may be postponed for a good cause shown in writing by the appellant or the Township. Additional evidence may be introduced at the hearing provided that it is submitted with the written notice of appeal.
- C. A decision shall be rendered in writing within thirty (30) days of the date of the hearing.
- D. Hearings under this subsection shall be conducted pursuant to the Act of December 2, 1968 (P.L. 1133, No. 353) known as the "Pennsylvania Local Agency Act".

#### Section 14. Penalties

- A. In addition to a proceeding under any other remedy available to the Township at law or in equity for a violation of any provision of this Ordinance or any rule or regulation promulgated under this Ordinance or any order issued by the Township or any permit issued by the Chester County Health Department and/or the Township pursuant to this Ordinance, the Township, after notices and hearing, may assess a civil penalty against any person for that violation. All proceedings by the Township to impose civil penalties pursuant to this section shall be governed in all respects by the provisions of §13.1 of Act 537 (35 P.S. §750.13a) which are incorporated herein by reference in their entirety.

#### Section 15. Repealer

- A. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

#### Section 16. Severability

- A. If any section or clause of this ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.

#### Section 17. Effective Date

- A. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of Westtown Township.

Duly Enacted and Ordained this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by the Board of Supervisors of the Township of Westtown, Chester County, Pennsylvania, in lawful sessions duly assembled.

ATTEST:

BY:

\_\_\_\_\_

\_\_\_\_\_

Secretary

\_\_\_\_\_

\_\_\_\_\_

Chairman of the Board of Supervisors

DRAFT

## **Appendix D**

### **Westtown Township Planning Commission Correspondence**



July 29, 2013

Mr. James S. Lees Jr., Chairman  
Westtown Township Planning Commission  
Westtown Township  
P.O. Box 79  
Westtown, PA 19395

**Re: Westtown Township Act 537 Plan Special Study  
West Wynn I Area**

Dear Mr. Lees:

Enclosed please find seven (7) copies of the draft Act 537 Special Study for the West Wynn I area of Westtown Township, for review and comment by the Westtown Township Planning Commission.

This document has been prepared pursuant to the June 7, 2013 Pennsylvania Department of Environmental Protection (DEP) letter which disapproved the Township's 2012 Act 537 planning effort with respect to the West Wynn I area. Updated information is accordingly provided regarding the sewage needs of existing residences in this area and alternatives to address the identified sewage needs.

Please note that written comments from the Planning Commission should be submitted to the Board of Supervisors in order to fulfill DEP requirements for Planning Commission review. On behalf of the Board of Supervisors, we respectfully request any such Planning Commission comments at your earliest convenience. These comments, as well as those from other review agencies (Chester County Planning Commission and Chester County Health Department) and any comments received pursuant to a public notice, must be reviewed and revisions made to the Special Study as necessary prior to approval by the Board of Supervisors and submission to DEP. The final adopted Special Study must be received by DEP no later than October 5, 2013.

Thank you for your assistance and please feel free to contact me should you have any questions.

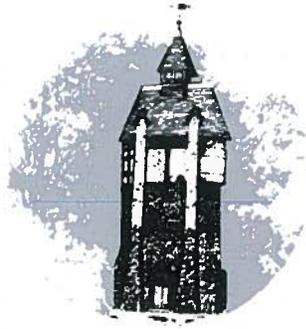
Sincerely,

**URS Corporation**

Stan Corbett  
Senior Planner

cc: Bob Layman, Westtown Township Manager

20911093.00001



## WESTTOWN TOWNSHIP

1039 Wilmington Pike  
West Chester, PA 19382  
610-692-1930  
email: [supervisors@westtown.org](mailto:supervisors@westtown.org)

Post Office Box 79  
Westtown, PA 19395  
FAX 610-692-9651  
[www.westtownpa.org](http://www.westtownpa.org)

August 16, 2013

Board of Supervisors  
Westtown Township  
Westtown, Pennsylvania

Re: West Wynn I Area  
Act 537 Special Study  
July 2013 Draft

Dear Supervisors:

The Planning Commission reviewed this study at its meeting on August 7, 2013 and recommends, by a vote of five to two, its approval by the Board of Supervisors.

Sincerely yours,

WESTTOWN TOWNSHIP PLANNING COMMISSION

Elaine L. Adler, Secretary

**Appendix E:**

**Chester County Planning Commission Correspondence**



July 29, 2013

Mr. Ronald Bailey, AICP  
Chester County Planning Commission  
601 Westtown Road, Suite 270  
West Chester, PA 19380

**Re: Westtown Township Act 537 Plan Special Study  
West Wynn I Area**

Dear Mr. Bailey:

Enclosed please find one copy of the draft Act 537 Special Study for the West Wynn I area of Westtown Township, for review and comment by the Chester County Planning Commission.

This document has been prepared pursuant to the June 7, 2013 Pennsylvania Department of Environmental Protection letter which disapproved the Township's 2012 Act 537 planning effort with respect to the West Wynn I area.

Updated information is accordingly provided regarding the sewage needs of existing residences in this area and alternatives to address the identified sewage needs.

Thank you for your assistance and please feel free to contact me should you have any questions.

Sincerely,

**URS Corporation**

Stan Corbett  
Senior Planner

cc: Bob Layman, Westtown Township Manager

20911093.00001



# THE COUNTY OF CHESTER



## COMMISSIONERS

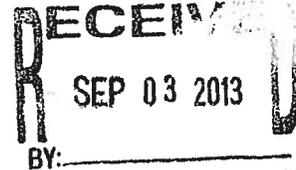
Ryan Costello  
Kathi Cozzone  
Terence Farrell

RONALD T. BAILEY, AICP  
Executive Director

## PLANNING COMMISSION

Government Services Center, Suite 270  
601 Westtown Road  
P.O. Box 2747  
West Chester, PA 19380-0990  
(610) 344-6285 Fax: (610) 344-6515

August 27, 2013



Thomas Haws, Jr., Chairman  
Westtown Township Board of Supervisors  
1039 Wilmington Pike  
West Chester, PA 19382

Re: Westtown Township West Wynn I Area Act 537 Special Study

Dear Mr. Haws:

The Chester County Planning Commission (CCPC) has reviewed the Draft 537 Plan dated July 2013 as required by Section 71.31(b) of the Pennsylvania Sewage Facilities Act (Act 537). The Plan was prepared by URS Corporation. The Plan was received on July 31, 2013.

This Plan was prepared to address the June 7, 2013 PA DEP letter, which disapproved the Township's 2012 Act 537 Plan, as it related to the West Wynn I Area. This Special Study, which is an addendum to the 2012 Plan indicates that the Township requires more time to thoroughly investigate and verify the status of the systems located within the West Wynn I area. The Chester County Planning Commission continues to maintain that there are areas within the Township that will require public sewer due to the future need and available access to the public system.

The Chester County Planning Commission, in agreement with the Chester County Health Department's comments, support this effort to further study the West Wynn I Study Area and define the most suitable solution for both the Township and the residents. As with the August 2012 Act 537 Plan, **we support this as an interim plan for the Township until further evaluation is completed.**

The following comments are offered based on review of the document:

A. Consistency with the County Comprehensive Plan – *Landscapes2*:

1. The West Wynn I area is primarily defined as the Suburban Landscape, with a small portion located in the Natural Features Overlay. The Act 537 Plan is somewhat consistent with the policies of *Landscapes2*, as they relate to the Suburban Landscape, including *Landscapes2* Policy UI 2.5 which states: "Maintain, upgrade, or expand existing public sewer and water facilities to support redevelopment and new development in designated growth areas, where consistent with local land use planning, while discouraging the extension of those facilities in the rural, agricultural and natural landscapes." While the Special Study is only somewhat consistent with the policies set forth for the Suburban Landscape, because of known and suspected malfunctioning systems, smaller lot sizes, and some residents that may still utilize Well water. The CCPC understands that Westtown Township intends to use this Special Study to help further define the areas that may or may not require public sewer in the future for these reasons. As presented, the Special Study is somewhat consistent with the goals and policies of *Landscapes2*.

Page: 2

August 27, 2013

Re: Westtown Township West Wynn I Area Act 537 Special Study

2. *Watersheds*, the water resources element of the County comprehensive plan, identifies Objective 7.2 of Goal 7, "concentrate planned utility service areas to support designated growth areas," to be achieved through key strategies such as the extension of community wastewater facilities in Suburban Landscapes. Westtown Township detailed in the 2012 Act 537 Plan that they intended to expand the public sewer services area only where necessary. Therefore the goals for wastewater in Westtown Township are still somewhat consistent with those of *Watersheds*.

B. Selection of Alternative:

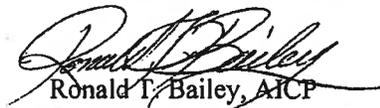
The selected alternative for Westtown Township is to continue use of on-lot systems until further evaluation is completed, and to implement a septage management plan and ordinance to gather information for future public sewer needs. The proposed alternative is supported by *Landscapes2* and adopted regional and local plans that support projected future demands, avoid capacity shortfalls, protect natural resources, and provide safe and reliable utility services." As proposed, this Special Study is somewhat consistent with the goals and policies of *Landscapes2*.

C. General Comments:

1. The CCPC supports the comments made by the Chester County Health Department in their letter, dated August 14, 2013.
2. The CCPC supports the need for more time for Westtown Township to thoroughly investigate and verify the status of existing facilities within the West Wynn I area, so that they may make the most appropriate decision based on needs.
3. The Special Study indicates that based on the information gathered to date approximately 15 percent of the study area may be experiencing existing on-lot sewage system problems. There is also a prevalence of small lot sizes (less than one acre, or in areas with public water service, less than ¼ acre) with potentially unsuitable soils associated with stream corridors traversing the neighborhood. This restriction of replacement areas may result in the need for Westtown Township to consider public sewer for this Study Area.

We hope that these comments will be of assistance as the Township prepares this Special Study for submission of this proposed plan to the PA DEP. The Planning Commission feels that this study areas will likely require public sewer due to both need and available access to the public system, should there be a non-cost prohibitive way to do so. If you have any questions, please contact Carrie Conwell at 610-344-6285.

Sincerely,

  
Ronald T. Bailey, AICP  
Director

RTB/CC/yg

cc: Elizabeth Mahoney, PA DEP  
Ralph DeFazio, Chester County Health Department  
Robert Layman, Manager, Westtown Township ✓  
Stan Corbett, URS Corporation



September 18, 2013

Mr. Ronald Bailey, AICP  
Chester County Planning Commission  
Government Services Center  
601 Westtown Road, Suite 270  
West Chester, PA 19380

**Re: Westtown Township West Wynn I Area Act 537 Special Study**

Dear Mr. Bailey:

We are in receipt of your letter dated August 27, 2013 which indicated Planning Commission support of the Westtown Township Act 537 Special Study for the West Wynn I area as an interim plan and provided additional comments regarding the Act 537 Special Study.

Most comments indicated general consistency with Chester County planning documents, concurrence with previous Chester County Health Department comments, and support for more time to thoroughly investigate and verify existing sewage system conditions in West Wynn I. No response is necessary for these comments. General comment 3 may warrant clarification, however, and this comment is re-iterated below with a response on behalf of Westtown Township in bold italic text.

C.3. The Special Study indicates that based on the information gathered to date approximately 15 percent of the study area may be experiencing existing on-lot sewage system problems. There is also a prevalence of small lot sizes (less than one acre, or in areas with public water less service, less than  $\frac{3}{4}$  acre) with potentially unsuitable soils associated with stream corridors traversing the neighborhood. This restriction of replacement areas may result in the need for Westtown Township to consider public sewer for this study area.

***Westtown Township recognizes the potential long term on-lot sewage system concerns noted above. The Township will consider these factors in concert with the on-lot sewage management program inspection findings to identify the need for public sewer service within the future planning discussed in the current Act 537 Special Study.***

Thank you for your comments, and we trust the response above will assist with clarifying any concerns of the Planning Commission.

Sincerely,

**URS Corporation**

Stan Corbett  
Senior Planner

cc: Mr. Bob Layman, Westtown Township Manager

**Appendix F:**

**Chester County Health Department Correspondence**



July 29, 2013

Mr. Ralph DeFazio  
Chester County Health Department  
601 Westtown Road, Suite 288  
West Chester, PA 19380

**Re: Westtown Township Act 537 Plan Special Study  
West Wynn I Area**

Dear Mr. DeFazio:

Enclosed please find one copy of the draft Act 537 Special Study for the West Wynn I area of Westtown Township, for review and comment by the Chester County Health Department.

This document has been prepared pursuant to the June 7, 2013 Pennsylvania Department of Environmental Protection letter which disapproved the Township's 2012 Act 537 planning effort with respect to the West Wynn I area.

Updated information is accordingly provided regarding the sewage needs of existing residences in this area and alternatives to address the identified sewage needs.

Thank you for your assistance and please feel free to contact me should you have any questions.

Sincerely,

**URS Corporation**

Stan Corbett  
Senior Planner

cc: Bob Layman, Westtown Township Manager

20911093.00001



# THE COUNTY OF CHESTER



COMMISSIONERS  
Ryan A. Costello  
Kathi Cozzone  
Terence Farrell

CHESTER COUNTY HEALTH DEPARTMENT  
Chester County Government Services Center  
601 Westtown Road, Suite 290  
West Chester, PA 19380-0990  
610-344-6225 FAX: 610-344-6727  
[www.chesco.org/health](http://www.chesco.org/health)

MARGARET C. RIVELLO, M.B.A.  
County Health Director

August 14, 2013

RECEIVED

AUG 16 2013

Robert Layman, Manager  
Westtown Township  
1039 Wilmington Pike  
West Chester, PA 19382

RE: West Wynn I Area, Act 537 Special Study

Dear Mr. Layman:

Chester County Health Department (CCHD) received the above referenced Act 537 Special Study on July 31, 2013. This plan was prepared by URS Corporation and dated July 2013. This Special Study has been reviewed in accordance with the requirements of Title 25, Environmental Protection, Chapter 71, Administration of Sewage Facilities Planning Programs, § 71.31.(b). This Special Study has been submitted for review as required by PA DEP in response to their review of the August 2012 Special Study Plan. We offer the following comments:

This Special Study appears to be an addendum or clarification to the 2012 Special Study Plan. This plan specifically targets the West Wynn I neighborhood of Westtown Township. CCHD is quite familiar with the West Wynn I area. We agree that site specific conditions make it questionable whether adequate sewage facilities to serve these properties could be located. We also note that, though some lots have not been able to locate a suitable site for replacement on-lot sewage disposal facilities, those that were able to make a suitable replacement are now severely limited by available area should replacement again become necessary in the future.

As the analysis indicated, the locations of the West Wynn I neighborhood and potentially available infrastructure to provide sewerage collection and treatment, the individual costs to address this study area alone do appear to be impractical.

Westtown Township is suggesting that they need more time to thoroughly investigate and fully verify the status of all existing sewage facilities within their borders so that they can take appropriate actions based on documented needs. We would agree, at this point in the process that would be the best course of action.

We would like to point out that over the years there have been many sewage absorption area replacements in the nearby Grandview Acres development. Though suitable

replacement sites have been found, this area is becoming increasingly restricted by lack of available area and the continued existence of active and inactive water supply wells. It may not be long at all before this area is in need of alternative sewage facilities options. The thorough study envisioned by the Township would verify the true potential need in this area.

In the process of reviewing this Special Study, CCHD representatives did meet with the consultant to discuss the concept of this plan. CCHD concurs that the requested opportunity to conduct a thorough, rigorous evaluation of existing sewage facilities throughout Westtown Township ought to be considered by PA DEP.

Thank you for the opportunity to review and discuss this plan. Please contact me with any questions at 610-344-6239, or [rdefazio@chesco.org](mailto:rdefazio@chesco.org).

Sincerely,



Ralph E. DeFazio  
Environmental Health Supervisor  
Chester County Health Department

cc: Elizabeth Mahoney, PA DEP  
Stan Corbett, URS Corporation  
Chester County Planning Commission  
Heidi Hoegger, CCHD  
file



August 21, 2013

Mr. Ralph DeFazio  
Chester County Health Department  
Chester County Government Services Center  
Water and Sewage Division  
601 Westtown Road, Suite 290  
West Chester, PA 19380-0990

**Re: Westtown Township Act 537 Special Study  
West Wynn I Area**

Dear Mr. DeFazio,

We are in receipt of your letter dated August 14, 2013 which provided comments on the draft Westtown Township Act 537 Special Study for the West Wynn I area.

Your comments are re-iterated below, with responses inserted where necessary in bold italic text on behalf of Westtown Township:

- This Special Study appears to be an addendum or clarification to the 2012 Special Study Plan. This Plan specifically targets the West Wynn I neighborhood of Westtown Township. CCHD is quite familiar with the West Wynn I area. We agree that site specific conditions make it questionable whether adequate sewage facilities to serve these properties could be located. We also note that, though some lots have not been able to locate a suitable site for replacement on-lot sewage disposal facilities, those that were able to make a suitable replacement are now severely limited by available area should replacement again become necessary in the future.

***Yes, the current Special Study is effectively an update to the 2012 planning effort with regard to the West Wynn I area and accordingly relies upon some data from the prior planning. The Township acknowledges future on-lot sewage disposal limitations where usable lot area has already been, at least partially, consumed by replacement sewage systems. This condition was discussed in the 2012 planning and will be considered again within the future Act 537 planning proposed by the current Special Study.***

- As the analysis indicated, the locations of the West Wynn I neighborhood and potentially available infrastructure to provide sewerage collection and treatment, the individual costs to address this study area alone do appear to be impractical.

***No response needed.***

- Westtown Township is suggesting that they need more time to thoroughly investigate and fully verify the status of all existing sewage facilities within their borders so that they can take appropriate actions based upon documented needs. We would agree, at this point in the process that would be the best course of action.

***No response needed.***

- We would like to point out that over the years there have been many sewage absorption area replacements in the nearby Grandview Acres development. Though suitable replacement sites

have been found, this area is becoming increasingly restricted by lack of available area and the continued existence of active and inactive water supply wells. It may not be long at all before this area is in need of alternate sewage facilities options. The thorough study envisioned by the Township would verify the true potential need in this area.

***Although the Grandview Acres area is not subject to the current Special Study, the Township recognizes the on-lot system challenges resulting from small lots, wells, and prior absorption area replacements in this area. As noted within the CCHD comment above, the Township has already committed to a thorough on-lot sewage management program with lot-by-lot sewage system inspections and follow-up Act 537 planning to consider these challenges more fully.***

- In the process of reviewing this Special Study, CCHD representatives did meet with the consultant to discuss the concept of this plan. CCHD concurs that the requested opportunity to conduct a thorough, rigorous evaluation of existing sewage facilities throughout Westtown Township ought to be considered by PA DEP.

***No response needed.***

Thank you for your timely comments, and we trust the responses above will satisfactorily address Chester County Health Department concerns.

Sincerely,

**URS Corporation**



Stan Corbett  
Senior Planner

cc: Mr. Bob Layman, Westtown Township Manager

20911093.00001

## **Appendix G:**

### **Public Notice, Comments, and Responses**

# Proof of Publication of Notice in the Daily Local News

## Under Newspaper Advertising Act No. 587, Approved May 16, 1929

**State of Pennsylvania**  
**County of Chester**

{ ss:

{ No.

Term, 2013

Patricia Sigda, Legal Representative of the Daily Local News Company, a corporation, of the County and State aforesaid, being duly affirmed, deposes and says that the Daily Local News, a newspaper of general circulation, published at 250 N. Bradford, Ave., West Chester, PA, County and State aforesaid, was established November 19, 1872, and Incorporated December 11, 1911, since which date the Daily Local News has been regularly issued in said county, and that the printed notice or publication attached hereto is exactly the same as printed and published in the regular editions and issues of the said Daily Local News on the following dates viz:

August 2 A.D. 2013

Affiant further deposes that he/she is the proper person duly authorized by the Daily Local News Company, a corporation, publishers of said Daily Local News, a newspaper of general circulation, to verify the foregoing statement under oath and that affiant is not interested in the subject matter of the aforesaid notice or advertisement. **PUBLICATION** The foregoing statements as to time, place and character of publication are **PUBLIC NOTICE**

In accordance with the requirements of Title 25, Chapter 71 of the Pennsylvania Code, Westtown Township is accepting written comments on the Westtown Township Act 537 Special Study for the West Wynn's area. This Special Study provides an analysis of the sewage needs of existing residences in the West Wynn's area served by on-lot sewage systems and considers the following major alternatives: (1) connection to public sewer and (2) continued use of on-lot sewage systems. Implementation of an on-lot sewage management program and additional sewage planning in the future based upon the on-lot management program data to be collected. The alternative that Westtown Township has selected is continued use of on-lot sewage systems. Implementation of an on-lot sewage management program and additional sewage planning in the future based upon the on-lot management program data to be collected. The entire Special Study can either be reviewed at the Westtown Township office, 1039 Wilmington Pike, West Chester, PA, Monday - Friday between 8:30am and 4:30pm or on the Westtown Township website at <http://www.westtownpa.org/public-sewer-information.php>. All comments must be in writing and submitted within 30 days of the date of publication of this notice to:

Mr. Robert Layman  
Township Manager  
Westtown Township  
P.O. Box 79  
Westtown, PA 19395  
rlayman@westtown.org

*Patricia Sigda*

affirmed to and subscribed before me this 2

day of August, 2013

*Beverly A. Wolfe*  
Notary Public

STATE OF PENNSYLVANIA  
**My Commission Expires:**  
Beverly A. Wolfe, Notary Public  
East Bradford Twp., Chester County  
My Commission Expires June 04, 2017  
Member, Pennsylvania Association of Notaries  
Pam Coleman

Westtown Township

P.O. Box 79

Westtown, PA 19395

To DAILY LOCAL NEWS COMPANY, Dr.  
For publishing the notice or publication attached  
hereto on the above stated dates .....\$  
Probating same .....\$  
Total .....\$

### Publisher's Receipt for Advertising Costs

The Daily Local News Company, a corporation, publishers of the Daily Local News, a newspaper of general circulation, hereby acknowledges receipt of the aforesaid notice and publication costs and certifies that the same has been duly paid.

DAILY LOCAL NEWS, a Corporation, Publishers of the DAILY LOCAL NEWS, a newspaper of General Circulation.

**From:** Helen Harding [<mailto:matzomum1@yahoo.com>]

**Sent:** Thursday, August 22, 2013 9:51 AM

**To:** [blayman@westtown.org](mailto:blayman@westtown.org)

**Subject:** on lot management sewers

*Dear Mr Layman:*

***SERIOUSLY!!!! Lets face it, the Board illegally got the DEP involved without any public notice. Now that we are stuck in this muck, you have us all dragging along for this redundancy.***

***No matter what you call it, how you explain it, or how you dress it up, NO ONE CAN AFFORD IT.***

***You may want to inform the Board, that the township will have to pay for mine if this goes through and just put a lien on my home. I'm sure I'm not the only one that doesn't have this money.***

***REALLY for 2 homes? It would be cheaper for the township to buy these properties and grow grass. Would make a nice open space for the remaining home.***

***Sincerely,  
helen harding  
1511 Overhill Rd***

**From:** Helen Harding [<mailto:matzomum1@yahoo.com>]

**Sent:** Thursday, August 22, 2013 9:58 AM

**To:** [blayman@westtown.org](mailto:blayman@westtown.org)

**Subject:** sewers

*To Mr Layman:*

*PS: to my previous letter,*

***MOST IMPORTANTLY, WE--- REALLY DON'T NEED IT.***

From: Nina Wible [<mailto:ninawible@verizon.net>]

Sent: Saturday, August 24, 2013 7:01 AM

To: [rlayman@westtown.org](mailto:rlayman@westtown.org)

Subject: Sewer

Hello Robert,

I saw the public notice regarding West Wynne. Please explain what it means.

Will I be able to continue to have an on lot septic?

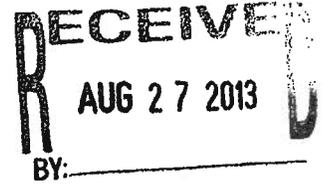
Thank you,

Nina Wible

501 Leslie Lane

August 25, 2013

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



Dear Mr. Layman,

This letter is in response to the public notice posted online and in the paper during the month of August 2013 regarding Westtown Township, sewers and specially the West Lynn area. I have written before in support of the on lot waste program. I have addressed technical, logistic and financial burdens of this issue in the past so will not repeat them here

Given a review of these same factors, continued use of on-lot sewage systems, implementation of an on-lot sewage management program, and additional sewage planning in the future based upon the on-lot management program data to be collected is the current course to be followed. Having lived in the township for 25 years I have cared for my own sewage system with regular care with excellent results. It is my opinion that remaining with on lot systems is reasonable and an excellent choice at this time. The transfer to sewer is a huge burden to the township, and the residents alike, during a difficult economy period and unnecessary step at this time given a simpler effective alternative.

Respectfully submitted,

  
Joseph Becker

Parcel 67-3-144.48  
1062 Edgewood Chase Dr.  
Glen Mills, PA 19342-9506

**From:** Susan Sam <[wcsam@aol.com](mailto:wcsam@aol.com)>  
**Date:** August 25, 2013, 6:32:51 PM EDT  
**To:** [blayman@westtown.org](mailto:blayman@westtown.org)  
**Subject:** on-lot sewage management

I support " continued use of on-lot sewage systems, implementation of an on-lot sewage management program, and additional sewage planning in the future based upon the on-lot management program data to be collected"

NOT 1) connect to public sewers".

Susan G Sam  
1601 West Lynn Drive  
West Chester, PA 19382

Dear Mr. Layman,

We are all one Township whether we live in Edgewood Chase or West Wynn I. I would like to be informed as to everything going on with Act 537. We deserve to know all information regarding the DEP and this Act as it will affect all of us.

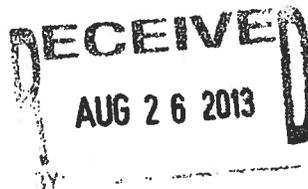
Also I support continued use of on-lot sewage systems, implementation of an on-lot sewage management program and additional sewage planning in the future based upon the on-lot management program data to be collected. Please attach the West Wynn I situation as the exception and include them with the on-lot system. We can not afford →

Public sewers.

Also I expect from all the board  
all information regarding the DEP and  
Act 537 be given to all Westtown  
residents so we can all be informed.  
We have a right to know it all.

Most sincerely,

Judy Aife  
1075 Edgewood Chase Dr.  
(Westtown Township)



August 26, 2012

Westtown Township  
c/o Robert Layman  
P.O. Box 79  
Westtown, PA 19395

Re; Act 527

Dear Mr. Layman,

My name is Frank Griffin and my family resides at 1049 Edgewood Chase Drive. We have a fully functional and inspected septic system on our property. My understanding of the latest development regarding Act 527 is that there only 4 homes that do not have compliant septic systems. Also, for some strange reason, they are not permitted to fix their system. If they would be permitted to fix their systems this would go away. To penalize every other homeowner in this "lot" is unfair and unconscionable. I would like to succeed from this lot. I don't live anywhere near the issue but because we are in the lot we have to get this costly sewer system? I just don't understand the logic behind this. Is anyone there really thinking about this? If this is something the township is forced to do then let everyone in the township chip in to get the sewer for these four houses and let them pay the cost they would have had to pay to fix their systems. I'm sure it would be a lot cheaper than having all these homes being hooked up to this sewer system, unless there is an ulterior motive for this like raising revenue for the township through sewer fees.

We are against forcing residents to use the public sewer system for the following reasons:

1. There is no hard evidence that proves that any groundwater contamination has anything to do with our septic systems. The contamination is more likely due to run off from the various farms or is coming from another township. If we all maintain our septic systems it would be just as effective as using a public sewer system. As residents we have already showed our commitment to this in the past and would continue to do it in the future, whether we are required to by law or not.
2. A public sewer is subject to problems as much as a septic system. I have lived where we were hooked up to the public sewer system. There were numerous times where underground pipes burst and the run off of that is equal to the amount of homes on the line, whereas if a septic system has a problem you are only dealing with the run-off of one home. The grinder pumps that we will be forced to purchase run on electricity. If the power goes out, which it does a lot in this neighborhood, we will not be able to use the bathrooms. We do not run into this problem now.
3. Finally, the cost of connecting to the sewer system is something we cannot afford. We bought this house 7½ years ago when the housing market was still good. I held two mortgages for over a year before we sold our former residence. At that time the real estate market tanked and we

got a lot less for the house than we had anticipated. At the present our mortgage is in excess of the fair market value of our home. In order to make ends meet we had to use credit cards to pay our bills. After two years I was laid off of my job. I was out of work for two months and had to settle for a lesser paying job. I worked there for two years and again was laid off and was out of work for six months. Again I had to settle for a lesser paying job while in the meantime energy prices are going through the roof. I was getting less and less and everything was costing more and more. Again credit cards were our only way to make ends meet. At the present we are almost maxed out on all the cards and we have been denied additional credit. We have three children that live with us and all are in college. Also our 86 year old mother lives with us. If we are forced to use the public sewer system we would have no choice no possible means of coming up with the cost nor incurring another loan payment.

I hope you consider what effect the Township is causing their residents for suggesting that they join the public sewer without consciously thinking how it would impact them, especially since a septic maintenance system would be acceptable by the DEP. I sincerely hope you take credence to this letter and the others from other concerned constituents.

Yours Truly,

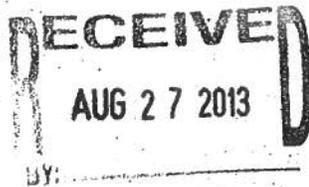
Frank Griffin

August 26, 2013

Dear Sir,

As a resident of Westtown for 46 years I am against a sewer system in West Wyo I. I have 2 acres here at 409 Leslie Lane and have maintained the on lot septic system without problems. At this time of my life (82 yrs old) with only my daughter in residence I feel this sewer system is not necessary for me and I cannot afford another bill, or the expense of installation of it.

Respectfully yours,



Georgia A. Horvath  
409 Leslie Lane 67-2H-2  
WC, PA 19382

**From:** Deborah Atella <[debdta@gmail.com](mailto:debdta@gmail.com)>

**Date:** August 28, 2013, 6:54:19 PM EDT

**To:** [blayman@westtown.org](mailto:blayman@westtown.org)

**Subject:** West Wynn I Special Study

Dear Mr Layman,

We have been residents of Westtown Township since August 2000. A brand new septic system was installed on our property in November 1999 by the previous owners of our home. We have NO issues or problems with our septic system. We were advised to have our system pumped out every other year. Being diligent and conscientious home owners we have our system pumped out 1 to 2 times per year. We fully support continued use of on-lot sewage systems and an implementation of an on-lot sewage management program. We are also for additional sewage planning in the future based upon the on-lot management program data that is to be collected. We do NOT support connecting to public sewers.

Sincerely,

Jeffrey and Deborah Atella

1518 WOODLAND RD.  
WEST CHESTER, PA 19382

Mr. Robert Layman  
Township Manager  
Westtown Township  
P.O.Box 79  
Westtown, PA 19395  
[blayman@westtown.org](mailto:blayman@westtown.org)

Mr. Layman,

I am writing to express my support of a continued use of on-lot sewage systems, implementation of an on-lot sewage management program, and additional sewage planning in the future based upon the on-lot management program data to be collected.

I do not support connecting to public sewers. This would result in a costly and unnecessary expense for my family that would be difficult to afford. Our on-lot system was installed in 2009 and inspected last month.

Thank you for your consideration,

Paul Egan  
1024 Robin Drive  
West Chester PA, 19382

**From:** [estellej1937@verizon.net](mailto:estellej1937@verizon.net)  
**Date:** September 4, 2013, 3:12:56 AM EDT  
**To:** [blayman@westtown.org](mailto:blayman@westtown.org)  
**Subject:** Westtown Sewers

Mr. Layman,

Unfortunately , we just found out that more input was required regarding continuing and maintaining 'on site sewage systems' in our area. Mr. Layman, some of us don't get the daily local and feel that the Twp's notification of gathering any information, regarding the implementation of installing public sewers in Westtown Twp. should have been sent to us via US mail.

Though it is past the due date for this email, we are letting you know that we have not changed our position on wishing to continue to use our on site sewage system. Our system is pumped and checked out periodically according to our sanitation service provider's recommended schedule. It works perfectly fine. We are both in our late 70's, on a fixed income and cannot afford the added expense of installing public sewers.

Marylyn and Cornelius McCullough  
1508 Woodland Road  
Westtown, West Chester PO 19382-7836  
Tel. 610 399 0634

**From:** "WILSON, JAMIE M" <[jmwilson@sunocologistics.com](mailto:jmwilson@sunocologistics.com)>  
**Date:** September 3, 2013, 7:43:57 AM EDT  
**To:** "'[rlayman@westtown.org](mailto:rlayman@westtown.org)'" <[rlayman@westtown.org](mailto:rlayman@westtown.org)>  
**Subject:** Public Notice Act 537 Feedback

Mr. Layman,

I am a resident of Westtown Township. My neighborhood is referred to as the West Wynn I area, and has been under consideration for public sewer for many years. If I am interpreting the public notice correctly, the township, once again, is looking to avoid the best solution to a problem that has been apparent for over 7 years.

I have written to the township in the past, and sat in on all the public discussions, and yet we are no closer to a resolution.

The sewer problems that adjacent properties display are chronic and I believe borderline unhealthy. We have sewage runoff that probably pollutes a stream running through our neighborhood, a putrid smell of sewage during wet weather, septic water which sits in puddles on the street (a potential breeding ground for mosquitoes and possibly the West Nile virus that they might carry), and worst of all, children in the neighborhood who don't know the dangers of playing on their own sewage soaked lawns.

Over 7 years ago we were assured of the Township's (empty) promises of public sewers to alleviate the problems listed above, and the Township continues to disappoint. I would have a hard time recommending to anyone to live in Westtown as the Township's lack of support to this ongoing problem continues to be the only item that is consistent on the agenda.

I can't express enough, my level of dismay that the Township continues to display in failing it's homeowners with known sewage problems in the West Wynn I area. Why is it satisfactory to choose the alternative to installing public sewers by implementing an "on lot management system"? This has been an ongoing problem for years and yet the solution you choose is to collect more data. Did the Township collect data for 7 years before they decided to re-curb and re-pave a portion of our neighborhood that certainly wasn't a health issue?

Please address this situation correctly before it becomes part of the local evening news.

***Jamie M. Wilson***

Home: (610) 696-1267

*1505 CHARLES RD.  
WEST CHESTER, PA 19382*

Bob Layman and All,

This letter is in response to the latest sewer decision fiasco concerning the West Wynn 1 development called the Act 537 "Special Study". The study has a sub title: (Another criminal waste of time and tax money) 9-6-13

HERE ARE THE FACTS "IF" you are interested.

- 1 - None of you live in the West Wynn 1 development.
- 2 - I have lived in the development for 19 years.
- 3 - Before I made settlement on my property, I checked with the township and they assured me that West Wynn 1 would have public sewer within 5 years.
- 4 - Shortly after moving in, we had rain in the amount of 3". That was the first time that I smelled sewage in the stream that borders my property (Hickman Run).
- 5 - My wife, daughter and I were invited to our first neighborhood party where the topic of sewer came up. I told everyone how I had smelled the septic after the rain and they all had a good laugh and said, "welcome to the neighborhood"
- 6 - For 19 years every rainstorm of more than 2" you can smell the septic leaching at the lower end of the development.
- 7 - Some houses on Grant Rd. are currently tied into public sewer. There is a sewer main that follows a tributary to Hickman Run in the development, which runs behind the houses on the south side of Grant Rd.
- 8 - Oh, if you don't mind, lets go back to item number 4. The stream that is polluted by septic that runs along my property feeds the lake on pond edge road and continues into Westtown Lake in which people are no longer allowed to swim.
- 9 - The houses in West Wynn 1 were built in 1960 through 1962 with a few exceptions.
- 10 - The septic systems that have not been replaced are 51 or 52 years old.
- 11 - The soils were never tested in 1960 for a septic system design. Some areas have a high water table.
- 12 - Systems have been altered and there are no records of many of the alterations since the homes have changed ownership multiple times.
- 13 - The soil in a major portion of West Wynn 1 is made up of clay.
- 14 - Modeling occurs one to two feet below the surface.
- 15 - When West Wynn one was built, the builder hauled a majority of the topsoil off site, leaving only enough to spread one to two inches.
- 16 - I have attended many sewer meetings over these last 19 years.
- 17 - I have seen many tax dollars spent on studies.
- 18 - I have seen many tax dollars spent on engineering.
- 19 - I have listened to countless educated and uneducated opinions.
- 20 - West Wynn 1 is surrounded on all four sides by public sewer.
- 21 - There are more than four houses with problems.

22 - There are many underground springs in the development.

A bank offered residents low interest loans for public sewer years ago, that would have amounted to about the same as a mid sized car payment and in most cases would have been paid off by now.

The price has gone up and will continue to go up.

No one wants to spend their money on sewers, but I would rather spend it on a permanent fix that not only helps the public health and environment, but also eliminated much future maintenance and does not restrict land use. Public sewer will come to West Wynn 1. I feel sorry for the owners that are forced to install new systems because of the delays in implementing. They are the ones that will feel a double financial hardship.

Maybe the DEP would consider tying only the lower portion of the development into public sewer and the higher elevation properties could tie in later if they are problem free. Or run the mains and tie in as needed.

The next time that it rain a few inches, put your waders on and come over to my property, or any property along the stream and smell the leeching septic for yourself. I have been dealing with it for 19 years.

Public sewer is a long life fix to not only failing septic systems, but also public health. This is a problem that should have been solved 20 years ago. Whenever I mention Westtown Township to any of the civil engineers that I work with, they laugh and ask if we have sewer yet.

How much money have we spent on studies and engineering over the last 20 years? Bob, I want a hard answer on that. Don't forget the statistician's fee.

I've been in construction for 35 years and I deal with local governments and the DEP on a regular basis. In my entire career and life in general, this is, by far, the largest and most painfully longest failure of local agencies and government, to act on a know health and welfare problem and to prolong something to the point that it becomes a joke to surrounding communities, that I have seen, or could even imagine. The new curbs and paving in the development just to our south look really good. By the way, some residents of West Wynn 1 saw that as another slap in the face.

I'll make sure I mail in a hard copy of this letter.  
Find Money. Get the job done.

Andy Lucas  
408 Diane Drive  
West Chester Pa 19382  
610-213-6794  
[galucas@comcast.net](mailto:galucas@comcast.net)

WESTTOWN TOWNSHIP  
WEST WYNN I ACT 537 SPECIAL STUDY  
PUBLIC COMMENTS AND TOWNSHIP RESPONSES

Westtown Township received 11 comment letters and emails in response to the August 2, 2013 through September 1, 2013 public comment period as set forth in the public notice for the July 2013 draft West Wynn I Area Act 537 Special Study. Two additional emails with comments were received after expiration of the noted 30 day comment period. All comments have been considered by the Township.

A summary of all comments is presented below, categorized by those submitted by residents within West Wynn I area and those submitted by residents elsewhere in the Township. Some letters conveyed the same general comments, and where applicable these comments are indicated by a single summary statement. The commenting resident's addresses are noted parenthetically following each summary comment, and Westtown Township responses are inserted in bold italic text.

West Wynn I Area Residents

1. Will I be able to continue to have an on-lot sewage system? (501 Leslie Lane)

*The current West Wynn I Area Act 537 Special Study calls for continued on-lot sewage system use for all West Wynn I properties and an on-lot sewage management program which will entail inspections of each West Wynn I sewage system. In approximately 3 years, new Act 537 planning will be completed based primarily upon the inspection findings and additional feasibility evaluation related to public sewer options. If the West Wynn I Area Act 537 Special Study is approved by DEP, on-lot sewage systems will continue to be used for the next 3 years, at which time the Township will make a determination on public sewer service needs.*

2. My on-lot sewage system is working fine and has been regularly maintained. (409 Leslie Lane)

*These conditions support the current Act 537 Special Study conclusions that all sewage systems should be evaluated before making a determination on the need for public sewer.*

3. I do not support public sewer connection and the costs would be a financial hardship. (409 Leslie Lane)

***No public sewer extension is currently proposed. The Township will consider overall conditions in the future based primarily upon on-lot sewage system inspection findings. If these findings support extending public sewage service, the Township will investigate the most economically feasible option for residents.***

4. The West Wynn I area has significant sewage system problems which results in public health risks. Sewage odors are bad any time it rains and the stream which flows to Westtown Lake is polluted by sewage. Westtown Lake was recently closed for swimming. (1505 Charles Road, 408 Diane Drive)

***The Chester County Health Department is charged with enforcing laws for failing sewage systems, particularly if there are things like a sewage discharge to the ground surface. Any resident which observes such a condition should report this promptly to the Health Department. The on-lot sewage management program proposed by the Township further provides for any such reporting by Township representatives and would augment Health Department requirements for repair or pumping as needed to alleviate such conditions.***

***It should be noted that the closure of Westtown Lake is not related to any identified water pollution concerns. The lake is on private property owned by Westtown School, and was closed to the public by the property owner due to vandalism problems.***

***Any public health hazard is nonetheless of great concern to the Township, and if found to be an area-wide problem via inspection of all sewage systems the Township will consider the most economically feasible option for providing public sewer. The currently available Chester County Health Department records regarding failing sewage systems in the West Wynn I area are not conclusive in this regard, and the proposed on-lot system inspections are intended to fully document conditions so that public sewer service can be considered in the most informed manner practicable.***

5. The Township has long promised public sewer in West Wynn I to resolve problems with failing systems and is still failing to address the problem. This has been an ongoing problem for years and yet the solution you choose is to collect more data. How much money have we spent on studies and engineering over the last 20 years? (1505 Charles Road, 408 Diane Drive)

***The vast majority of residents who had voiced their concerns to the Township regarding prior public sewer plans strongly objected due to high costs and a questioned need. The Township subsequently investigated conditions in greater detail based primarily upon Chester County Health Department records. Sewage problems in the West Wynn I area documented by the Chester County Health Department are limited to approximately 15% of the lots in this neighborhood. The on-lot sewage management program inspections will provide concrete information***

*for 100% of the homeowners. The Township intends to fully consider the condition of all properties before making a determination on public sewer.*

*With regard to past Township expenses, any resident requesting Township financial information may come to the Township building for assistance.*

6. Some houses on Grant Rd. are currently tied into public sewer. There is a sewer main that follows a tributary to Hickman Run in the development, which runs behind the houses on the south side of Grant Rd. (408 Diane Drive)

*The noted sewers are very close to some homes in the West Wynn I area but do not appear to have hydraulic capacity to accept any new sewage flows. As discussed in the Act 537 Special Study, the Township will place flow meters in these areas of sewer to accurately measure existing sewage flows and determine if additional public sewer connections can be made without hydraulic upgrades to the sewer pipes, which may be cost-prohibitive for connecting the West Wynn I area only. The flow meter findings will allow for a more accurate evaluation of sewer options and costs for the West Wynn I area.*

7. The houses in West Wynn 1 were built in 1960 through 1962 with a few exceptions, some still have very old sewage systems, soils are poor for on-lot sewage systems, and some areas have high water table problems. (408 Diane Drive)

*These conditions are generally recognized in the West Wynn I Area Act 537 Special Study and will be factored into the next Act 537 planning to be completed in approximately 3 years, along with the findings of the on-lot sewage management program inspections and additional data collection for potential public sewer options.*

8. There are more than four houses with problems in West Wynn I. (408 Diane Drive)

*The understanding that there are likely more than 4 homes with problems is noted in the West Wynn I Act 537 Special Study– the currently available Chester County Health Department records suggest that there may be at least 9 homes with sewage system problems. The detailed on-lot sewage management program inspections are intended to more accurately identify any such homes in this condition.*

9. A bank offered residents low interest loans for public sewer years ago, and the price has since gone up and will continue to go up. (408 Diane Drive)

*Prior preliminary cost estimates for public sewer connection were strongly objected to by the majority of residents, notwithstanding financing options. Yes, prices have gone up since then and will continue to go up, but at this juncture a sewer extension to serve just West Wynn I may be much more cost prohibitive than any prior considerations, since major improvements to the downstream sewer could be needed and there would be a limited number of homes to reasonably distribute the costs. The Township intends to collect data to define any needed downstream sewer upgrades more precisely and, if the sewage inspection findings dictate, identify a means of economically feasible public sewer service.*

10. No one wants to spend their money on sewers, but I would rather spend it on a permanent fix that not only helps the public health and environment, but also eliminated much future maintenance and does not restrict land use. I feel sorry for the owners that are forced to install new systems because of the delays in implementing. They are the ones that will feel a double financial hardship. (408 Diane Drive)

***Most residents do not share these views on incurring public sewer costs. The additional Act 537 planning proposed in approximately 3 years will serve to identify in detail any need for public sewer and the most economical means of providing sewer service to West Wynn I. Public health and environmental concerns will be addressed, either by an ongoing on-lot sewage management program which requires that any failing systems be maintained sufficient to alleviate public health hazards, or by connection to public sewer. Residents will not be forced by the Township to install new sewage systems at this time; they will only be required to keep public health concerns at bay via frequent pumping or any other means that would be acceptable to the Chester County Health Department. Once the follow-up Act 537 planning is completed in approximately 3 years, West Wynn I area residents may be compelled to repair failing sewage systems only if the Township determines that a public sewer extension is not needed.***

11. Maybe the DEP would consider tying only the lower portion of the development into public sewer and the higher elevation properties could tie in later if they are problem free, or run the mains and tie in as needed. (408 Diane Drive)

***The Township will consider these options in the next Act 537 planning, although it should be noted that in the absence of significant grant funding (options for which are very limited at this time), any sewer extension costs must be paid for by the Township. Installing sewers for a homeowner to connect to at some undefined point in the future will present significant financing challenges, as the Township must pay costs that may need to be recouped from all sewer users if properties choose not to connect.***

#### Other Township Residents

12. I support continued use of on-lot sewage systems, implementation of an on-lot sewage management program, and additional sewage planning in the future based upon the on-lot management program data to be collected. (Various Residents)

***These are the actions proposed by the West Wynn I Act 537 Special Study and those which have already been approved by the Township and DEP for the balance of the Township.***

13. My on-lot sewage system is working fine and/or has been regularly maintained. (Various Residents)

***These conditions support the actions already approved by the Township and DEP for all areas of the Township except West Wynn I.***

14. I do not support public sewer connection and/or these costs would be a financial hardship. (Various Residents)

***These concerns support the actions already approved by the Township and DEP for all areas of the Township except West Wynn I.***

15. Extending public sewer for just 2 homes with problems doesn't make sense. (1511 Overhill Road)

***No public sewer is proposed by the West Wynn I Area Act 537 Special Study. It should be noted, however, that Chester County Health Department (CCHD) records indicate 9 of the 60 properties in the West Wynn I area (15%) are potentially having on-lot sewage system problems, and there are no CCHD records available for 40 of these properties, or approximately 67% of the area. The Township has proposed additional Act 537 planning based upon future inspections of every on-lot sewage system so that all alternatives, including continued on-lot system use and public sewer extension, can be considered in the most informed manner practicable.***

16. My understanding is that there only 4 homes that do not have compliant septic systems and they have not been permitted to fix their systems. If they would be permitted to fix their systems this would go away. I don't live anywhere near the issue but we have to get this costly sewer system? (1049 Edgewood Chase Drive)

***This understanding is not accurate. As discussed in the West Wynn I Area Act 537 Special Study, Chester County Health Department records document 4 homes in the West Wynn I area that applied for permits to repair failing sewage systems but were unable to make repairs due to unfavorable lot conditions. There are another 5 homes that the County records suggest may also be having on-lot system problems. No property owners have been prevented or restricted from repairing their sewage systems; however, 4 lots apparently cannot support a replacement drainfield, and other property owners may not yet have chosen to attempt needed repairs.***

***There is no new public sewer system currently proposed, either in West Wynn I or elsewhere in the Township. The current West Wynn I Area Act 537 Special Study specifies continued on-lot sewage system use and an on-lot sewage management program (which will entail inspections of each sewage system) followed up with additional Act 537 planning based largely upon the inspection findings. These actions were previously approved by the Township and DEP for all other areas of the Township.***

17. There is no hard evidence that proves that any groundwater contamination has anything to do with our septic systems. If we all maintain our septic systems it would be just as effective as using a public sewer system. (1049 Edgewood Chase Drive)

*The Act 537 Special Study does not state that there is a groundwater contamination problem; however, the Township acknowledges that proper on-lot sewage system maintenance is essential in this regard and implementation of the on-lot sewage management program is intended in part to address this concern.*

18. A public sewer is subject to problems as much as a septic system. (1049 Edgewood Chase Drive)

*There is no new public sewer system currently proposed for anywhere in the Township.*

19. I hope you consider what effect the Township is causing their residents for suggesting that they join the public sewer without consciously thinking how it would impact them, especially since a septic maintenance system would be acceptable by the DEP. (1049 Edgewood Chase Drive)

*There is no new public sewer system currently proposed for anywhere in the Township. The Township had previously proposed an on-lot sewage management program for the entirety of the Township. DEP found this to be an acceptable approach to address the conditions for all areas of the Township except West Wynn I. The current Act 537 Special Study was prepared in response to this determination.*

20. I expect from all the Board all information regarding the DEP and Act 537 be given to all Westtown residents so we can all be informed. (1075 Edgewood Chase Drive)

*All Township Act 537 planning is available on the Township website, updates are periodically provided to all residents via the Township newsletter, and the Board of Supervisors has consistently shared all available information with residents at their semi-monthly public meetings. The Township welcomes the opportunity to answer the questions of any resident upon request.*

**Appendix H:**

**Preliminary DEP Comments and Township Responses**



August 1, 2013

Ms. Kelly Sweeney  
Pennsylvania Department of Environmental Protection  
Southeast Regional Office  
2 East Main Street  
Norristown, Pennsylvania 19401

**Re: Draft Act 537 Special Study  
West Wynn I Area  
Westtown Township, Chester County**

Dear Ms. Sweeney:

On behalf of Westtown Township, enclosed please find one copy of the referenced draft Special Study, submitted for preliminary review and comment by the Department.

As you are aware, Westtown Township must submit a final, adopted Special Study to the Department no later than October 7, 2013. Your timely preliminary review comments would greatly assist the Township in preparing the final document and meeting the Department's formal review needs.

Thank you for your assistance, and please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,

**URS Corporation**

A handwritten signature in blue ink that reads "Stan Corbett". The signature is written in a cursive style and is followed by a horizontal line.

Stan Corbett  
Senior Planner

cc: Robert Layman, Westtown Township Manager

## Corbett, Stan

---

**From:** Sweeney, Kelly <ksweeney@pa.gov>  
**Sent:** Thursday, September 05, 2013 12:25 PM  
**To:** Corbett, Stan  
**Cc:** Mahoney, Elizabeth  
**Subject:** West Wynn I, Westtown Township, Chester County

Stan,

We have reviewed the draft Act 537 Special Study that you provided for the West Wynn I Area in Westtown Township. We are providing the following comments related to that draft submission:

1. The Township may wish to inspect the West Wynn I neighborhood and document, in general, whether existing systems show any evidence of malfunctions and whether replacement areas may be viable on the properties, considering lot sizes, streams, disturbance (decks, pools, sheds, etc.).
2. DEP recommends that the initial inspections for the West Wynn I Area occur within 1 year of the adoption of the ordinance.
3. Any revisions to the ordinance that DEP reviewed in the previous 537 Plan should be submitted with the West Wynn I Area plan. Note that the adopted ordinance is required to be submitted on or before December 7, 2013.
4. Page 11, 1<sup>st</sup> paragraph: "The Township determined that the existing on-lot sewage system conditions did not warrant these costs." Explain how/why the Township made that determination.
5. Page 11, 2<sup>nd</sup> paragraph: "Adding these costs to the downstream main interceptor improvement costs as discussed above..." Explain how these costs were calculated.

Note, no planning approval is required to begin metering the existing flows in the interceptor. That project may begin as soon as resources are in place to begin the project.

If you have any questions, please feel free to contact me.

Kelly

**Kelly A. Sweeney** | Sewage Planning Specialist II  
Department of Environmental Protection | Clean Water  
Southeast Regional Office  
2 East Main Street | Norristown, PA 19401  
Phone: 484.250.5182 | Fax: 484.250.5971  
[www.depweb.state.pa.us](http://www.depweb.state.pa.us)

WESTTOWN TOWNSHIP  
WEST WYNN I ACT 537 SPECIAL STUDY  
PRELIMINARY DEP COMMENTS AND TOWNSHIP RESPONSES

Preliminary review comments received from DEP are re-iterated below with Westtown Township responses or clarification inserted for each in bold italic text.

1. The Township may wish to inspect the West Wynn I neighborhood and document, in general, whether existing systems show any evidence of malfunctions and whether replacement areas may be viable on the properties, considering lot sizes, streams, disturbance (decks, pools, sheds, etc.).

*Evidence of malfunction will be thoroughly evaluated for all lots via the sewage system inspection component of the proposed on-lot sewage management program. Viability of replacement areas has already been considered to some extent in the 2012 Act 537 Plan, which evaluated net lot sizes to serve as an identifier for potential replacement area viability. Viability of replacement areas will be considered in more detail in concert with sewage system inspection findings and documented in the next Act 537 planning document.*

2. DEP recommends that the initial inspections for the West Wynn I Area occur within 1 year of the adoption of the ordinance.

*The Township intends to phase on-lot sewage management program inspection requirements and initial inspections for the West Wynn I area would be completed in the first year. As footnoted in the in the Implementation Schedule (Table 2), the Township anticipates an additional 90- days after completion on the 1 year period before all inspection data may be secured. The 90 day period allows for 30 days for inspection report submission to the Township after the requisite time period (as provided for in the draft on-lot sewage management program ordinance) and 60 days for Township follow-up as needed for any instances of non-compliance by a property owner.*

3. Any revisions to the ordinance that DEP reviewed in the previous 537 Plan should be submitted with the West Wynn I Area plan. Note that the adopted ordinance is required to be submitted on or before December 7, 2013.

*The current draft on-lot sewage management ordinance is inserted as Appendix C. The Implementation Schedule (Table 2) notes have been revised to specify ordinance adoption and DEP submission in accordance with the timing of the June 7, 2013 DEP letter: the ordinance will be adopted by 6 months from June 7, 2013 (December 7, 2013) with a copy submitted to DEP within 7 days of adoption.*

4. Page 11, 1<sup>st</sup> paragraph: “The Township determined that the existing on-lot sewage system conditions did not warrant these costs.” Explain how/why the Township made that determination.

***The noted paragraph has been replaced with the following expanded discussion:***

***The Township determined that the existing on-lot sewage system conditions did not warrant these costs. This determination was based upon evaluation of sewage needs indicators throughout the study area of the 2012 planning, categorized by conditions which suggest existing sewage needs and those which may present long term sewage needs concerns. The existing sewage needs category consisted of the following Chester County Health Department data sets: repair permit application with no repair feasible, repair permit application with repair feasibility unresolved, and pumping more than once per year. Properties in the existing sewage needs category comprised approximately 8% of the study area. The Township determined that the significant cost burden of public sewers was not justified when the available data showed only 8% of the homes to be potentially experiencing on-lot system problems.***

5. Page 11, 2<sup>nd</sup> paragraph: “Adding these costs to the downstream main interceptor improvement costs as discussed above...” Explain how these costs were calculated.

***The West Wynn I Special Study has been revised to clarify that the noted West Wynn I area low pressure sewer system costs were those within Appendix F of the Township’s 2012 Act 537 planning.***

## **Appendix I:**

### **Act 537 Plan Content & Environmental Assessment Checklist**



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WATER STANDARDS AND FACILITY REGULATION

## Act 537 Plan Content and Environmental Assessment Checklist

### PART 1 GENERAL INFORMATION

#### A. Project Information

1. Project Name: West Wynn I Area Act 537 Special Study
2. Brief Project Description: Existing on-lot sewage system conditions were evaluated and selected alternatives are continued on-lot system use with an on-lot sewage management program

#### B. Client (Municipality) Information

Municipality Name	County	City	Boro	Twp
Westtown Township	Chester	<input type="checkbox"/>	<input type="checkbox"/>	X
Municipality Contact Individual - Last Name	First Name	MI	Suffix	Title
Layman	Robert			Manager
Additional Individual Last Name	First Name	MI	Suffix	Title

Municipality Mailing Address Line 1	Mailing Address Line 2		
P.O. Box 79			
Address Last Line -- City	State	ZIP+4	
Westtown	PA	19395	
Phone + Ext.	FAX (optional)	Email (optional)	
610.692.1930 Ext. 204	610.692.9651	rlayman@westtown.org	

#### C. Site Information

Site (or Project) Name	Westtown Township Act 537 Plan
Westtown Township	
Site Location Line 1	Site Location Line 2
Westtown Township	

#### D. Project Consultant Information

Last Name	First Name	MI	Suffix
Corbett	Stan		
Title	Consulting Firm Name		
Senior Planner	URS Corporation		
Mailing Address Line 1	Mailing Address Line 2		
Iron Hill Corporate Center	4051 Ogletown Road, Suite 300		
Address Last Line -- City	State	ZIP+4	Country
Newark	DE	19713	USA
Email	Phone + Ext.	FAX	
stan.corbett@urs.com	302.781.5900	302.781.5901	

<b>PART 2 ADMINISTRATIVE COMPLETENESS CHECKLIST</b>
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**NOTE:**

*Prior Westtown Township Act 537 Plans are referenced below and in Part 3 using the following superscripts:*

- (1) 2002 Act 537 Base Plan  
 (2) 2005 Act 537 Plan Addendum  
 (3) 2012 Act 537 Special Study

*Page number references with no such notes are for the 2013 West Wynn I Act 537 Special Study*

<b>DEP Use Only</b>	<b>Indicate Page #(s) in Plan</b>	In addition to the main body of the plan, the plan must include items one through eight listed below to be accepted for formal review by the department. Incomplete Plans will be returned unless the municipality is clearly requesting an advisory review.
_____	<u>no page #</u>	1. <b>Table of Contents</b> 2. <b>Plan Summary</b>
_____	<u>2</u>	A. Identify the proposed service areas and major problems evaluated in the plan. (Reference - Title 25, §71.21.a.7.i).
_____	<u>2</u>	B. Identify the alternative(s) chosen to solve the problems and serve the areas of need identified in the plan. Also, include any institutional arrangements necessary to implement the chosen alternative(s). (Reference Title 25 §71.21.a.7.ii).
_____	<u>2</u>	C. Present the estimated cost of implementing the proposed alternative (including the user fees) and the proposed funding method to be used. (Reference Title 25, §71.21.a.7.ii).
_____	<u>2</u>	D. Identify the municipal commitments necessary to implement the Plan. (Reference Title 25, §71.21.a.7.iii).
_____	<u>14</u>	E. Provide a schedule of implementation for the project that identifies the MAJOR milestones with dates necessary to accomplish the project to the point of operational status. (Reference Title 25, §71.21.a.7.iv).
_____	<u>Appendix I</u>	3. <b>Municipal Adoption: Original</b> , signed and sealed Resolution of Adoption by the municipality which contains, at a minimum, alternatives chosen and a commitment to implement the Plan in accordance with the implementation schedule. (Reference Title 25, §71.31.f) Section V.F. of the Planning Guide.
_____	<u>Appendices D, E and F</u>	4. <b>Planning Commission / County Health Department Comments:</b> Evidence that the municipality has requested, reviewed and considered comments by appropriate official planning agencies of the municipality, planning agencies of the county, planning agencies with area wide jurisdiction (where applicable), and any existing county or joint county departments of health. (Reference-Title 25, §71.31.b) Section V.E.1 of the Planning Guide.
_____	<u>Appendix G</u>	5. <b>Publication:</b> Proof of Public Notice which documents the proposed plan adoption, plan summary, and the establishment and conduct of a 30 day comment period. (Reference-Title 25, §71.31.c) Section V.E.2 of the Planning Guide.
_____	<u>Appendix G</u>	6. <b>Comments and Responses:</b> Copies of ALL written comments received and municipal response to EACH comment in relation to the proposed plan. (Reference-Title 25, §71.31.c) Section V.E.2 of the Planning Guide.
_____	<u>14</u>	7. <b>Implementation Schedule:</b> A complete project implementation schedule with milestone dates specific for each existing and future area of need. Other activities in the project implementation schedule should be indicated as occurring a finite number of days from a major milestone. (Reference-Title 25, §71.31.d) Section V.F. of the Planning Guide. Include dates for the future initiation of feasibility evaluations in the project's

implementation schedule for areas proposing completion of sewage facilities for planning periods in excess of five years. (Reference Title 25, §71.21.c).

\_\_\_\_\_ N/A

8. **Consistency Documentation:** Documentation indicating that the appropriate agencies have received, reviewed and concurred with the method proposed to resolve identified inconsistencies within the proposed alternative and consistency requirements in 71.21.(a)(5)(i-iii). (Reference-Title 25, §71.31.e). Appendix B of the Planning Guide.

**PART 3 GENERAL PLAN CONTENT CHECKLIST**

DEP Use Only	Indicate Page #(s) in Plan	Item Required
_____	<u>1, I-1 to I-2<sup>(3)</sup>, II-1 to II-5<sup>(1)</sup></u>	<b>I. Previous Wastewater Planning</b> A. Identify, describe and briefly analyze all past wastewater planning for its impact on the current planning effort:
_____	<u>1, I-1 to I-2<sup>(3)</sup>, II-1 to II-5<sup>(1)</sup></u>	1. Previously undertaken under the Sewage Facilities Act (Act 537). (Reference-Act 537, Section 5 §d.1).
_____	<u>II-1 to II-5<sup>(1)</sup></u>	2. Has not been carried out according to an approved implementation schedule contained in the plans. (Reference-Title 25, §71.21.a.5.i.A-D). Section V.F of the Planning Guide.
_____	<u>II-1 to II-5<sup>(1)</sup></u>	3. Is anticipated or planned by applicable sewer authorities or approved under a Chapter 94 Corrective Action Plan. (Reference-Title 25, §71.21.a.5.i.A&B). Section V.D. of the Planning Guide.
_____	<u>II-1 to II-5<sup>(1)</sup></u>	4. Through planning modules for new land development, planning “exemptions” and addenda. (Reference-Title 25, §71.21.a.5.i.A).
_____	<u>1, 7, I-3<sup>(3)</sup>, III-1 TO III-17<sup>(1)</sup></u>	<b>II. Physical and Demographic Analysis utilizing written description and mapping</b> (All items listed below require maps, and all maps should show all current lots and structures and be of appropriate scale to clearly show significant information).
_____	<u>1, I-3<sup>(3)</sup>, III-1 TO III-4<sup>(1)</sup></u>	A. Identification of planning area(s), municipal boundaries, Sewer Authority/Management Agency service area boundaries. (Reference-Title 25, §71.21.a.1.i).
_____	<u>III-13 TO III-15<sup>(1)</sup></u>	B. Identification of physical characteristics (streams, lakes, impoundments, natural conveyance, channels, drainage basins in the planning area). (Reference-Title 25, §71.21.a.1.ii).
_____	<u>7, II-8 to II-13<sup>(3)</sup></u>	C. Soils - Analysis with description by soil type and soils mapping for areas not presently served by sanitary sewer service. Show areas suitable for in-ground onlot systems, elevated sand mounds, individual residential spray irrigation systems, and areas unsuitable for soil dependent systems. (Reference-Title 25, §71.21.a.1.iii). Show Prime Agricultural Soils and any locally protected agricultural soils. (Reference-Title 25, §71.21.a.1.iii).
_____	<u>III-6 TO III-10<sup>(1)</sup></u>	D. Geologic Features - (1) Identification through analysis, (2) mapping and (3) their relation to existing or potential nitrate-nitrogen pollution and drinking water sources. Include areas where existing nitrate-nitrogen levels are in excess of 5 mg/L. (Reference-Title 25, §71.21.a.1.iii).
_____	<u>III-10 TO III-13<sup>(1)</sup></u>	E. Topography - Depict areas with slopes that are suitable for conventional systems; slopes that are suitable for elevated sand mounds and slopes that are unsuitable for onlot systems. (Reference-Title 25, §71.21.a.1.ii).

DEP Use Only	Indicate Page #(s) in Plan	Item Required
_____	<u>II-17 to II-18, III-15<sup>(1)</sup></u>	F. Potable Water Supplies - Identification through mapping, description and analysis. Include public water supply service areas and available public water supply capacity and aquifer yield for groundwater supplies. (Reference-Title 25 §71.21.a.1.vi). Section V.C. of the Planning Guide.
_____	<u>III-13 TO III-14<sup>(1)</sup></u>	G. Wetlands-Identify wetlands as defined in Title 25, Chapter 105 by description, analysis and mapping. Include National Wetland Inventory mapping and potential wetland areas per USDA, SCS mapped hydric soils. Proposed collection, conveyance and treatment facilities and lines must be located and labeled, along with the identified wetlands, on the map. (Reference-Title 25, §71.21.a.1.v). Appendix B, Section II.I of the Planning Guide.
_____	<u>2 TO 7, II-1 TO II-23<sup>(3)</sup>, III-1 to III-5<sup>(3)</sup></u>	<b>III. Existing Sewage Facilities in the Planning Area - Identifying the Existing Needs</b> A. Identify, map and describe municipal and non-municipal, individual and community sewerage systems in the planning area including:
_____	<u>III-1 to III-5<sup>(3)</sup></u>	1. Location, size and ownership of treatment facilities, main intercepting lines, pumping stations and force mains including their size, capacity, point of discharge. Also include the name of the receiving stream, drainage basin, and the facility's effluent discharge requirements. (Reference-Title 25, §71.21a.2.i.A).
_____	<u>III-1 to III-5<sup>(3)</sup></u>	2. A narrative and schematic diagram of the facility's basic treatment processes including the facility's NPDES permitted capacity, and the Clean Streams Law permit number. (Reference-Title 25, §71.21.a.2.i.A).
_____	<u>III-5<sup>(3)</sup></u>	3. A description of problems with existing facilities (collection, conveyance and/or treatment), including existing or projected overload under Title 25, Chapter 94 (relating to municipal wasteload management) or violations of the NPDES permit, Clean Streams Law permit, or other permit, rule or regulation of DEP. (Reference-Title 25, §71.21.a.2.i.B).
_____	<u>Appendix E<sup>(3)</sup></u>	4. Details of scheduled or in-progress upgrading or expansion of treatment facilities and the anticipated completion date of the improvements. Discuss any remaining reserve capacity and the policy concerning the allocation of reserve capacity. Also discuss the compatibility of the rate of growth to existing and proposed wastewater treatment facilities. (Reference-Title 25, §71.21.a.4.i & ii).
_____	<u>IV-13 to IV-14<sup>(3)</sup>, Appendix G<sup>(3)</sup></u>	5. A detailed description of the municipality's operation and maintenance requirements for small flow treatment facility systems, including the status of past and present compliance with these requirements and any other requirements relating to sewage management programs. (Reference-Title 25, §71.21.a.2.i.C).
_____	<u>N/A</u>	6. Disposal areas, if other than stream discharge, and any applicable groundwater limitations. (Reference-Title 25, §71.21.a.4.i & ii).
_____	<u>2 to 7, II-1 to II-23<sup>(3)</sup></u>	B. Using DEP's publication titled <i>Sewage Disposal Needs Identification</i> , identify, map and describe areas that utilize individual and community onlot sewage disposal and, unpermitted collection and disposal systems ("wildcat" sewers, borehole disposal, etc.) and retaining tank systems in the planning area including:
_____	<u>II-3<sup>(3)</sup>, IV-8 to IV-10<sup>(3)</sup></u>	1. The types of onlot systems in use. (Reference-Title 25, §71.21.a.2.ii.A).
_____	<u>II-1 to II-</u>	2. A sanitary survey complete with description, map and tabulation of documented and potential public health, pollution, and operational problems

	<u>13<sup>(2)</sup></u>		(including malfunctioning systems) with the systems, including violations of local ordinances, the Sewage Facilities Act, the Clean Stream Law or regulations promulgated thereunder. (Reference-Title 25, §71.21.a.2.ii.B).
_____	<u>II-3<sup>(3)</sup></u>	3.	A comparison of the types of onlot sewage systems installed in an area with the types of systems which are appropriate for the area according to soil, geologic conditions, topographic limitations sewage flows, and Title 25 Chapter 73 (relating to standards for sewage disposal facilities). (Reference-Title 25, §71.21.a.2.ii.C).
_____	<u>N/A</u>	4.	An individual water supply survey to identify possible contamination by malfunctioning onlot sewage disposal systems consistent with DEP's <i>Sewage Disposal Needs Identification</i> publication. (Reference-Title 25 §71.21.a.2.ii.B).
_____	<u>IV-12 to IV-14<sup>(3)</sup> Appendix G<sup>(3)</sup></u>	5.	Detailed description of operation and maintenance requirements of the municipality for individual and small volume community onlot systems, including the status of past and present compliance with these requirements and any other requirements relating to sewage management programs. (Reference-Title 25, §71.21.a.2.i.C).
_____	<u>II-2<sup>(3)</sup>, III-3<sup>(3)</sup></u>	C.	Identify wastewater sludge and septage generation, transport and disposal methods. Include this information in the sewage facilities alternative analysis including:
_____	<u>II-2<sup>(3)</sup>, III-3<sup>(3)</sup></u>	1.	Location of sources of wastewater sludge or septage (Septic tanks, holding tanks, wastewater treatment facilities). (Reference-Title 25 §71.71).
_____	<u>II-2<sup>(3)</sup>, III-3<sup>(3)</sup></u>	2.	Quantities of the types of sludges or septage generated. (Reference-Title 25 §71.71).
_____	<u>II-2<sup>(3)</sup>, III-3<sup>(3)</sup></u>	3.	Present disposal methods, locations, capacities and transportation methods. (Reference-Title 25 §71.71).
_____	<u>II-1 to II-5<sup>(1)</sup>, V-1 to V-9<sup>(1)</sup></u>	<b>IV. Future Growth and Land Development</b>	
_____	<u>II-1 to II-5<sup>(1)</sup></u>	A.	Identify and briefly summarize all municipal and county planning documents adopted pursuant to the Pennsylvania Municipalities Planning Code (Act 247) including:
_____	<u>II-1 to II-5<sup>(1)</sup></u>	1.	All land use plans and zoning maps that identify residential, commercial, industrial, agricultural, recreational and open space areas. (Reference-Title 25, §71.21.a.3.iv).
_____	<u>II-1 to II-5<sup>(1)</sup></u>	2.	Zoning or subdivision regulations that establish lot sizes predicated on sewage disposal methods. (Reference – Title 25§71.21.a.3.iv).
_____	<u>V-4 to V-5<sup>(1)</sup></u>	3.	All limitations and plans related to floodplain and stormwater management and special protection (Ch. 93) areas. (Reference-Title 25 §71.21.a.3.iv) Appendix B, Section II.F of the Planning Guide.
_____	<u>V-1 to V-3<sup>(1)</sup></u>	B.	Delineate and describe the following through map, text and analysis.
_____	<u>II-1 to II-5<sup>(1)</sup></u>	1.	Areas with existing development or plotted subdivisions. Include the name, location, description, total number of EDU's in development, total number of EDU's currently developed and total number of EDU's remaining to be developed (include time schedule for EDU's remaining to be developed). (Reference-Title 25, §71.21.a.3.i).
_____	<u>V-1 to V-3<sup>(1)</sup></u>	2.	Land use designations established under the Pennsylvania Municipalities Planning Code (35 P.S. 10101-11202), including residential, commercial and industrial areas. (Reference-Title 25,§71.21.a.3.ii). Include a comparison of proposed land use as allowed by zoning and existing sewage facility planning. (Reference-Title 25, §71.21.a.3.iv).
_____	<u>V-1 to V-3<sup>(1)</sup></u>	3.	Future growth areas with population and EDU projections for these areas

7<sup>(1)</sup>

using historical, current and future population figures and projections of the municipality. Discuss and evaluate discrepancies between local, county, state and federal projections as they relate to sewage facilities. (Reference-Title 25, §71.21.a.1.iv). (Reference-Title 25, §71.21.a.3.iii).

V-4 to V-5<sup>(1)</sup>

4. Zoning, and/or subdivision regulations; local, county or regional comprehensive plans; and existing plans of any other agency relating to the development, use and protection of land and water resources with special attention to: (Reference-Title 25, §71.21.a.3.iv).
  - public ground/surface water supplies
  - recreational water use areas
  - groundwater recharge areas
  - industrial water use
  - wetlands

II-22<sup>(3)</sup>

5. Sewage planning necessary to provide adequate wastewater treatment for five and ten year future planning periods based on projected growth of existing and proposed wastewater collection and treatment facilities. (Reference-Title 25, §71.21.a.3.v).

8 to 13, IV-1 to IV-15<sup>(3)</sup>

**V. Identify Alternatives to Provide New or Improved Wastewater Disposal Facilities**

A. Conventional collection, conveyance, treatment and discharge alternatives including:

IV-1<sup>(3)</sup>

1. The potential for regional wastewater treatment. (Reference-Title 25, §71.21.a.4).

8 to 12, IV-1 to IV-7<sup>(3)</sup>

2. The potential for extension of existing municipal or non-municipal sewage facilities to areas in need of new or improved sewage facilities. (Reference-Title 25, §71.21.a.4.i).

IV-7<sup>(3)</sup>, Appendix E<sup>(3)</sup>

3. The potential for the continued use of existing municipal or non-municipal sewage facilities through one or more of the following: (Reference-Title 25, §71.21.a.4.ii).
  - a. Repair. (Reference-Title 25, §71.21.a.4.ii.A).
  - b. Upgrading. (Reference-Title 25, §71.21.a.4.ii.B).
  - c. Reduction of hydraulic or organic loading to existing facilities. (Reference-Title 25, §71.71).
  - d. Improved operation and maintenance. Reference-Title 25, §71.21.a.4.ii.C).
  - e. Other applicable actions that will resolve or abate the identified problems. (Reference-Title 25, §71.21.a.4.ii.D).

IV-7<sup>(3)</sup>, Appendix E<sup>(3)</sup>

IV-8<sup>(3)</sup>, Appendix E<sup>(3)</sup>

4. Repair or replacement of existing collection and conveyance system components. (Reference-Title 25, §71.21.a.4.ii.A).

IV-8<sup>(3)</sup>

5. The need for construction of new community sewage systems including sewer systems and/or treatment facilities. (Reference-Title 25, §71.21.a.4.iii).

IV-8<sup>(3)</sup>

6. Use of innovative/alternative methods of collection/conveyance to serve needs areas using existing wastewater treatment facilities. (Reference-Title

25, §71.21.a.4.ii.B).

- \_\_\_\_\_ IV-8 to IV-12<sup>(3)</sup> B. The use of individual sewage disposal systems including individual residential spray irrigation systems based on:
  - \_\_\_\_\_ IV-8 to IV-12<sup>(3)</sup> 1. Soil and slope suitability. (Reference-Title 25, §71.21.a.2.ii.C).
  - \_\_\_\_\_ IV-8 to IV-12<sup>(3)</sup> 2. Preliminary hydrogeologic evaluation. (Reference-Title 25, §71.21.a.2.ii.C).
  - \_\_\_\_\_ IV-8 to IV-12<sup>(3)</sup> 3. The establishment of a sewage management program. (Reference-Title 25, §71.21.a.4.iv). See also Part “F” below.
  - \_\_\_\_\_ IV-8 to IV-12<sup>(3)</sup> 4. The repair, replacement or upgrading of existing malfunctioning systems in areas suitable for onlot disposal considering: (Reference-Title 25, §71.21.a.4).
    - \_\_\_\_\_ IV-8 to IV-12<sup>(3)</sup> a. Existing technology and sizing requirements of Title 25 Chapter 73. (Reference-Title 25, §73.31-73.72).
    - \_\_\_\_\_ IV-8 to IV-12<sup>(3)</sup> b. Use of expanded absorption areas or alternating absorption areas. (Reference-Title 25, §73.16).
    - \_\_\_\_\_ Appendix G<sup>(3)</sup> c. Use of water conservation devices. (Reference-Title 25, §71.73.b.2.iii).
- \_\_\_\_\_ IV-11<sup>(3)</sup> C. The use of small flow sewage treatment facilities or package treatment facilities to serve individual homes or clusters of homes with consideration of: (Reference-Title 25, §71.64.d).
  - \_\_\_\_\_ IV-11<sup>(3)</sup> 1. Treatment and discharge requirements. (Reference-Title 25, §71.64.d).
  - \_\_\_\_\_ IV-11<sup>(3)</sup> 2. Soil suitability. (Reference-Title 25, §71.64.c.l).
  - \_\_\_\_\_ IV-11<sup>(3)</sup> 3. Preliminary hydrogeologic evaluation. (Reference-Title 25, §71.64.c.2).
  - \_\_\_\_\_ IV-11<sup>(3)</sup>, IV-13 to IV-14<sup>(3)</sup> 4. Municipal, Local, Agency or other controls over operation and maintenance requirements through a Sewage Management Program. (Reference-Title 25, §71.64.d). See Part “F” below.
- \_\_\_\_\_ IV-14<sup>(3)</sup> D. The use of community land disposal alternatives including:
  - \_\_\_\_\_ IV-14<sup>(3)</sup> 1. Soil and site suitability. (Reference-Title 25, §71.21.a.2.ii.C).
  - \_\_\_\_\_ IV-14<sup>(3)</sup> 2. Preliminary hydrogeologic evaluation. (Reference-Title 25, §71.21.a.2.ii.C).
  - \_\_\_\_\_ IV-14<sup>(3)</sup> 3. Municipality, Local Agency or Other Controls over operation and maintenance requirements through a Sewage Management Program (Reference-Title 25, §71.21.a.2.ii.C). See Part “F” below.
  - \_\_\_\_\_ IV-14<sup>(3)</sup> 4. The rehabilitation or replacement of existing malfunctioning community land disposal systems. (See Part “V”, B, 4, a, b, c above). See also Part “F” below.
- \_\_\_\_\_ IV-12<sup>(3)</sup>, IV-14<sup>(3)</sup>, Appendix G<sup>(3)</sup> E. The use of retaining tank alternatives on a temporary or permanent basis including: (Reference- Title 25, §71.21.a.4).
  - \_\_\_\_\_ IV-12<sup>(3)</sup>, IV-14<sup>(3)</sup>, Appendix G<sup>(3)</sup> 1. Commercial, residential and industrial use. (Reference-Title 25, §71.63.e).
  - \_\_\_\_\_ IV-12<sup>(3)</sup>, IV-14<sup>(3)</sup>, Appendix G<sup>(3)</sup> 2. Designated conveyance facilities (pumper trucks). (Reference-Title 25, §71.63.b.2).

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| <p>_____ <u>IV-12<sup>(3)</sup></u><br/> <u>IV-14<sup>(3)</sup></u><br/> <u>Appendix</u><br/> <u>G<sup>(3)</sup></u></p> | <p>3. Designated treatment facilities or disposal site. (Reference-Title 25, §71.63.b.2).</p>   |
| <p>_____ <u>IV-12<sup>(3)</sup></u><br/> <u>IV-14<sup>(3)</sup></u><br/> <u>Appendix</u><br/> <u>G<sup>(3)</sup></u></p> | <p>4. Implementation of a retaining tank ordinance by the municipality. (Reference-Title 25, §71.63.c.3). See Part “F” below.</p>   |
| <p>_____ <u>IV-12<sup>(3)</sup></u><br/> <u>IV-14<sup>(3)</sup></u><br/> <u>Appendix</u><br/> <u>G<sup>(3)</sup></u></p> | <p>5. Financial guarantees when retaining tanks are used as an interim sewage disposal measure. ( Reference-Title 25, §71.63.c.2).</p>  |
| <p>_____ <u>IV-12<sup>(3)</sup></u><br/> <u>IV-14<sup>(3)</sup></u><br/> <u>Appendix</u><br/> <u>G<sup>(3)</sup></u></p> | <p>F. Sewage Management Programs to assure the future operation and maintenance of existing and proposed sewage facilities through:</p>   |
| <p>_____ <u>IV-12<sup>(3)</sup></u><br/> <u>IV-14<sup>(3)</sup></u><br/> <u>Appendix</u><br/> <u>G<sup>(3)</sup></u></p> | <p>1. Municipal ownership or control over the operation and maintenance of individual onlot sewage disposal systems, small flow treatment facilities, or other traditionally non-municipal treatment facilities. (Reference-Title 25, §71.21.a.4.iv).</p> |
| <p>_____ <u>IV-12<sup>(3)</sup></u><br/> <u>IV-14<sup>(3)</sup></u><br/> <u>Appendix</u><br/> <u>G<sup>(3)</sup></u></p> | <p>2. Required inspection of sewage disposal systems on a schedule established by the municipality. (Reference-Title 25, §71.73.b.1.).</p>  |
| <p>_____ <u>IV-12<sup>(3)</sup></u><br/> <u>IV-14<sup>(3)</sup></u><br/> <u>Appendix</u><br/> <u>G<sup>(3)</sup></u></p> | <p>3. Required maintenance of sewage disposal systems including septic and aerobic treatment tanks and other system components on a schedule established by the municipality. (Reference-Title 25, §71.73.b.2).</p>                                       |
| <p>_____ <u>IV-12<sup>(3)</sup></u><br/> <u>IV-14<sup>(3)</sup></u><br/> <u>Appendix</u><br/> <u>G<sup>(3)</sup></u></p> | <p>4. Repair, replacement or upgrading of malfunctioning onlot sewage systems. (Reference-Title 25, §71.21.a.4.iv) and §71.73.b.5 through:</p>  |
| <p>_____ <u>IV-12<sup>(3)</sup></u><br/> <u>IV-14<sup>(3)</sup></u><br/> <u>Appendix</u><br/> <u>G<sup>(3)</sup></u></p> | <p>a. Aggressive pro-active enforcement of ordinances that require operation and maintenance and prohibit malfunctioning systems. (Reference-Title 25, §71.73.b.5).</p>   |
| <p>_____ <u>IV-12 to</u><br/> <u>IV-14<sup>(3)</sup></u></p>   | <p>b. Public education programs to encourage proper operation and maintenance and repair of sewage disposal systems.</p>  |
| <p>_____ <u>N/A</u></p>  | <p>5. Establishment of joint municipal sewage management programs. (Reference-Title 25, §71.73.b.8).</p>  |
| <p>_____ <u>IV-12<sup>(3)</sup></u><br/> <u>IV-14<sup>(3)</sup></u><br/> <u>Appendix</u><br/> <u>G<sup>(3)</sup></u></p> | <p>6. Requirements for bonding, escrow accounts, management agencies or associations to assure operation and maintenance for non-municipal facilities. (Reference-Title 25, §71.71).</p>  |
| <p>_____ <u>IV-14<sup>(3)</sup></u></p>  | <p>G. Non-structural comprehensive planning alternatives that can be undertaken to assist in meeting existing and future sewage disposal needs including: (Reference-Title 25, §71.21.a.4).</p>   |
| <p>_____ <u>IV-14<sup>(3)</sup></u></p>  | <p>1. Modification of existing comprehensive plans involving:</p>   |
| <p>_____ <u>IV-14<sup>(3)</sup></u></p>  | <p>a. Land use designations. (Reference-Title 25, §71.21.a.4).</p>  |
| <p>_____ <u>IV-14<sup>(3)</sup></u></p>  | <p>b. Densities. (Reference-Title 25, §71.21.a.4).</p>  |

<u>      </u>	<u>IV-14</u> <sup>(3)</sup>	c. Municipal ordinances and regulations. (Reference-Title 25, §71.21.a.4).
<u>      </u>	<u>IV-14</u> <sup>(3)</sup>	d. Improved enforcement. (Reference-Title 25, §71.21.a.4).
<u>      </u>	<u>IV-14</u> <sup>(3)</sup>	e. Protection of drinking water sources. (Reference-Title 25, §71.21.a.4).
<u>      </u>	<u>IV-14</u> <sup>(3)</sup>	2. Consideration of a local comprehensive plan to assist in producing sound economic and consistent land development. (Reference-Title 25, §71.21.a.4).
<u>      </u>	<u>IV-14</u> <sup>(3)</sup>	3. Alternatives for creating or changing municipal subdivision regulations to assure long-term use of on-site sewage disposal that consider lot sizes and protection of replacement areas. (Reference-Title 25, §71.21.a.4).
<u>      </u>	<u>IV-14</u> <sup>(3)</sup>	4. Evaluation of existing local agency programs and the need for technical or administrative training. (Reference-Title 25, §71.21.a.4).
<u>      </u>	<u>IV-15</u> <sup>(3)</sup>	H. A no-action alternative which includes discussion of both short-term and long-term impacts on: (Reference-Title 25, §71.21.a.4).
<u>      </u>	<u>IV-15</u> <sup>(3)</sup>	1. Water Quality/Public Health. (Reference-Title 25, §71.21.a.4).
<u>      </u>	<u>IV-15</u> <sup>(3)</sup>	2. Growth potential (residential, commercial, industrial). (Reference-Title 25, §71.21.a.4).
<u>      </u>	<u>IV-15</u> <sup>(3)</sup>	3. Community economic conditions. (Reference-Title 25, §71.21.a.4).
<u>      </u>	<u>IV-15</u> <sup>(3)</sup>	4. Recreational opportunities. (Reference-Title 25, §71.21.a.4).
<u>      </u>	<u>IV-15</u> <sup>(3)</sup>	5. Drinking water sources. (Reference-Title 25, §71.21.a.4).
<u>      </u>	<u>IV-15</u> <sup>(3)</sup>	6. Other environmental concerns. (Reference-Title 25, §71.21.a.4).
<u>      </u>	<u>V-1 to V-5</u> <sup>(3)</sup>	<b>VI. Evaluation of Alternatives</b>
<u>      </u>	<u>V-1</u> <sup>(3)</sup>	A. Technically feasible alternatives identified in Section V of this check-list must be evaluated for consistency with respect to the following: (Reference-Title 25, §71.21.a.5.i.).
<u>      </u>	<u>V-1</u> <sup>(3)</sup>	1. Applicable plans developed and approved under <b>Sections 4 and 5 of the Clean Streams Law or Section 208 of the Clean Water Act</b> (33 U.S.C.A. 1288). (Reference-Title 25, §71.21.a.5.i.A). Appendix B, Section II.A of the Planning Guide.
<u>      </u>	<u>V-1</u> <sup>(3)</sup>	2. Municipal wasteload management <b>Corrective Action Plans or Annual Reports</b> developed under PA Code, Title 25, Chapter 94. (Reference-Title 25, §71.21.a.5.i.B). The municipality's recent Wasteload Management (Chapter 94) Reports should be examined to determine if the proposed alternative is consistent with the recommendations and findings of the report. Appendix B, Section II.B of the Planning Guide.
<u>      </u>	<u>V-2</u> <sup>(3)</sup>	3. Plans developed under <b>Title II of the Clean Water Act</b> (33 U.S.C.A. 1281-1299) or <b>Titles II and VI of the Water Quality Act of 1987</b> (33 U.S.C.A. 1251-1376). (Reference-Title 25, §71.21.a.5.i.C). Appendix B, Section II.E of the Planning Guide.
<u>      </u>	<u>V-2</u> <sup>(3)</sup>	4. <b>Comprehensive plans</b> developed under the Pennsylvania Municipalities Planning Code. (Reference-Title 25, §71.21.a.5.i.D). The municipality's comprehensive plan must be examined to assure that the proposed wastewater disposal alternative is consistent with land use and all other requirements stated in the comprehensive plan. Appendix B, Section II.D of the Planning Guide.
<u>      </u>	<u>V-2</u> <sup>(3)</sup>	5. <b>Antidegradation requirements</b> as contained in PA Code, Title 25, Chapters 93, 95 and 102 (relating to water quality standards, wastewater treatment requirements and erosion control) and the Clean Water Act. (Reference-Title 25, §71.21.a.5.i.E). Appendix B, Section II.F of the Planning Guide.

- \_\_\_\_\_ V-3<sup>(3)</sup> 6. **State Water Plans** developed under the Water Resources Planning Act (42 U.S.C.A. 1962-1962 d-18). (Reference-Title 25, §71.21.a.5.i.F). Appendix B, Section II.C of the Planning Guide.
- \_\_\_\_\_ V-3<sup>(3)</sup> 7. **Pennsylvania Prime Agricultural Land Policy** contained in Title 4 of the Pennsylvania Code, Chapter 7, Subchapter W. Provide narrative on local municipal policy and an overlay map on prime agricultural soils. (Reference-Title 25, §71.21.a.5.i.G). Appendix B, Section II.G of the Planning Guide.
- \_\_\_\_\_ V-3<sup>(3)</sup> 8. **County Stormwater Management Plans** approved by DEP under the Storm Water Management Act (32 P.S. 680.1-680.17). (Reference-Title 25, §71.21.a.5.i.H). Conflicts created by the implementation of the proposed wastewater alternative and the existing recommendations for the management of stormwater in the county Stormwater Management Plan must be evaluated and mitigated. If no plan exists, no conflict exists. Appendix B, Section II.H of the Planning Guide.
- \_\_\_\_\_ V-3<sup>(3)</sup> 9. **Wetland Protection.** Using wetland mapping developed under Checklist Section II.G, identify and discuss mitigative measures including the need to obtain permits for any encroachments on wetlands from the construction or operation of any proposed wastewater facilities. (Reference-Title 25, §71.21.a.5.i.I) Appendix B, Section II.I of the Planning Guide.
- \_\_\_\_\_ V-4<sup>(3)</sup> 10. **Protection of rare, endangered or threatened plant and animal species** as identified by the Pennsylvania Natural Diversity Inventory (PNDI). (Reference-Title 25, §71.21.a.5.i.J). Provide DEP with a copy of the completed Request For PNDI Search document. Also provide a copy of the response letter from the Department of Conservation and Natural Resources' Bureau of Forestry regarding the findings of the PNDI search. Appendix B, Section II.J of the Planning Guide.
- \_\_\_\_\_ V-4<sup>(3)</sup> 11. **Historical and archaeological resource protection** under P.C.S. Title 37, Section 507 relating to cooperation by public officials with the Pennsylvania Historical and Museum Commission. (Reference-Title 25, §71.21.a.5.i.K). Provide the department with a completed copy of a Cultural Resource Notice request of the Bureau of Historic Preservation (BHP) to provide a listing of known historical sites and potential impacts on known archaeological and historical sites. Also provide a copy of the response letter from the BHP. Appendix B, Section II.K of the Planning Guide.
- \_\_\_\_\_ V-4<sup>(3)</sup> B. Provide for the resolution of any inconsistencies in any of the points identified in Section VI.A. of this checklist by submitting a letter from the appropriate agency stating that the agency has received, reviewed and concurred with the resolution of identified inconsistencies. (Reference-Title 25, §71.21.a.5.ii). Appendix B of the Planning Guide.
- \_\_\_\_\_ V-4<sup>(3)</sup> C. Evaluate alternatives identified in Section V of this checklist with respect to applicable water quality standards, effluent limitations or other technical, legislative or legal requirements. (Reference-Title 25, §71.21.a.5.iii).
- \_\_\_\_\_ V-4 to V-5<sup>(3)</sup> D. Provide cost estimates using present worth analysis for construction, financing, on going administration, operation and maintenance and user fees for alternatives identified in Section V of this checklist. Estimates shall be limited to areas identified in the plan as needing improved sewage facilities within five years from the date of plan submission. (Reference-Title 25, §71.21.a.5.iv).
- \_\_\_\_\_ V-5<sup>(3)</sup> E. Provide an analysis of the funding methods available to finance the proposed alternatives evaluated in Section V of this checklist. Also provide documentation to demonstrate which alternative and financing scheme combination is the most cost-effective; and a contingency financial plan to be used if the preferred method of financing cannot be implemented. The funding analysis shall be limited to areas identified in the plan as needing improved sewage facilities within five years from the date of the plan submission. (Reference-Title 25, §71.21.a.5.v).

- \_\_\_\_\_ V-5<sup>(3)</sup> F. Analyze the need for immediate or phased implementation of each alternative proposed in Section V of this checklist including: (Reference-Title 25, §71.21.a.5.vi).
- \_\_\_\_\_ V-5<sup>(3)</sup> 1. A description of any activities necessary to abate critical public health hazards pending completion of sewage facilities or implementation of sewage management programs. (Reference-Title 25, §71.21.a.5.vi.A).
- \_\_\_\_\_ V-5<sup>(3)</sup> 2. A description of the advantages, if any, in phasing construction of the facilities or implementation of a sewage management program justifying time schedules for each phase. (Reference-Title 25, §71.21.a.5.vi.B).
- \_\_\_\_\_ V-5<sup>(3)</sup> G. Evaluate administrative organizations and legal authority necessary for plan implementation. (Reference - Title 25, §71.21.a.5.vi.D.).
- \_\_\_\_\_ VI-1 to VI-2<sup>(3)</sup> **VII. Institutional Evaluation**
- \_\_\_\_\_ V-1<sup>(3)</sup> A. Provide an analysis of all existing wastewater treatment authorities, their past actions and present performance including:
  - \_\_\_\_\_ V-1<sup>(3)</sup> 1. Financial and debt status. (Reference-Title 25, §71.61.d.2).
  - \_\_\_\_\_ V-1<sup>(3)</sup> 2. Available staff and administrative resources. (Reference-Title 25, §71.61.d.2)
  - \_\_\_\_\_ V-1<sup>(3)</sup> 3. Existing legal authority to:
    - \_\_\_\_\_ V-1<sup>(3)</sup> a. Implement wastewater planning recommendations. (Reference-Title 25, §71.61.d.2).
    - \_\_\_\_\_ V-1<sup>(3)</sup> b. Implement system-wide operation and maintenance activities. (Reference-Title 25, §71.61.d.2).
    - \_\_\_\_\_ V-1<sup>(3)</sup> c. Set user fees and take purchasing actions. (Reference-Title 25, §71.61.d.2).
    - \_\_\_\_\_ V-1<sup>(3)</sup> d. Take enforcement actions against ordinance violators. (Reference-Title 25, §71.61.d.2).
    - \_\_\_\_\_ V-1<sup>(3)</sup> e. Negotiate agreements with other parties. (Reference-Title 25, §71.61.d.2).
    - \_\_\_\_\_ V-1<sup>(3)</sup> f. Raise capital for construction and operation and maintenance of facilities. (Reference-Title 25, §71.61.d.2).
- \_\_\_\_\_ V-1<sup>(3)</sup> B. Provide an analysis and description of the various institutional alternatives necessary to implement the proposed technical alternatives including:
  - \_\_\_\_\_ V-1<sup>(3)</sup> 1. Need for new municipal departments or municipal authorities. (Reference-Title 25, §71.61.d.2).
  - \_\_\_\_\_ V-1<sup>(3)</sup> 2. Functions of existing and proposed organizations (sewer authorities, onlot maintenance agencies, etc.). (Reference-Title 25, §71.61.d.2).
  - \_\_\_\_\_ V-1<sup>(3)</sup> 3. Cost of administration, implementability, and the capability of the authority/agency to react to future needs. (Reference-Title 25, §71.61.d.2).
- \_\_\_\_\_ VI-1 to VI-2<sup>(3)</sup> C. Describe all necessary administrative and legal activities to be completed and adopted to ensure the implementation of the recommended alternative including:
  - \_\_\_\_\_ V-1<sup>(3)</sup> 1. Incorporation of authorities or agencies. (Reference-Title 25, §71.61.d.2).
  - \_\_\_\_\_ V-1<sup>(3)</sup> 2. Development of all required ordinances, regulations, standards and inter-municipal agreements. (Reference-Title 25, §71.61.d.2).
  - \_\_\_\_\_ VI-2<sup>(3)</sup> 3. Description of activities to provide rights-of-way, easements and land transfers. (Reference-Title 25, §71.61.d.2).
  - \_\_\_\_\_ VI-2<sup>(3)</sup> 4. Adoption of other municipal sewage facilities plans. (Reference-Title 25, §71.61.d.2).

_____	<u>VI-2<sup>(3)</sup></u>	5. Any other legal documents. (Reference-Title 25, §71.61.d.2).
_____	<u>VI-2<sup>(3)</sup></u>	6. Dates or timeframes for items 1-5 above on the project's implementation schedule.
_____	<u>VI-2<sup>(3)</sup></u>	D. Identify the proposed institutional alternative for implementing the chosen technical wastewater disposal alternative. Provide justification for choosing the specific institutional alternative considering administrative issues, organizational needs and enabling legal authority. (Reference-Title 25, §71.61.d.2).
_____	<u>13 to 14, VII-1 to VII-3<sup>(3)</sup></u>	<b>VIII. Implementation Schedule and Justification for Selected Technical &amp; Institutional Alternatives</b>
_____	<u>13, VII-1<sup>(3)</sup></u>	A. Identify the technical wastewater disposal alternative which best meets the wastewater treatment needs of each study area of the municipality. Justify the choice by providing documentation which shows that it is the best alternative based on:
_____	<u>13, VII-2<sup>(3)</sup></u>	1. Existing wastewater disposal needs. (Reference-Title 25, §71.21.a.6).
_____	<u>13, VII-2<sup>(3)</sup></u>	2. Future wastewater disposal needs. (five and ten years growth areas). (Reference-Title 25, §71.21.a.6).
_____	<u>13, VII-2<sup>(3)</sup></u>	3. Operation and maintenance considerations. (Reference-Title 25, §71.21.a.6).
_____	<u>13, VII-2<sup>(3)</sup></u>	4. Cost-effectiveness. (Reference-Title 25, §71.21.a.6).
_____	<u>13, VII-2<sup>(3)</sup></u>	5. Available management and administrative systems. (Reference-Title 25, §71.21.a.6).
_____	<u>13, VII-2<sup>(3)</sup></u>	6. Available financing methods. (Reference-Title 25, §71.21.a.6).
_____	<u>13, VII-2<sup>(3)</sup></u>	7. Environmental soundness and compliance with natural resource planning and preservation programs. (Reference-Title 25, §71.21.a.6).
_____	<u>VII-2<sup>(3)</sup></u>	B. Designate and describe the capital financing plan chosen to implement the selected alternative(s). Designate and describe the chosen back-up financing plan. (Reference-Title 25, §71.21.a.6)
_____	<u>14, VII-3<sup>(3)</sup></u>	C. Designate and describe the implementation schedule for the recommended alternative, including justification for any proposed phasing of construction or implementation of a Sewage Management Program. (Reference – Title 25 §71.31d)

**Appendix J:**

**Westtown Township Resolution of Adoption**

TO BE INSERTED WHEN AVAILABLE