
EXHIBIT O1

NOTICE OF VIOLATION (MANHOLES)



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SOUTHEAST REGIONAL OFFICE

April 30, 2014



NOTICE OF VIOLATION

Mr. Don Delamater
Township Manager
East Norriton Township
2501 Stanbridge Street
East Norriton, PA 19401

Re: Clean Water/Operations/Sewage
General Sewage
Manholes 1317 and 249
East Norriton Township
Montgomery County

Dear Mr. Delamater:

The Department of Environmental Protection (DEP) was made aware that a dry weather sanitary sewer overflow (SSO) occurred on April 6, 2014, from manhole 1317 located upstream of the Timberlake Farms Pumping Station. The DEP's inspection of manholes 1317 and 249 indicated the following violations:

1. There were sewage solids such as bath tissue and debris on the manhole cover and around the base of manhole 1317. Lime was also on the lid and on the ground around the manhole. There was erosion around the base of manhole 1317. There was green material on the substrate of Stoney Creek located down gradient and approximately less than 10 yards from manhole 1318. These conditions indicate a Sanitary Sewer Overflow occurred from manhole 1317 which is an unpermitted discharge of sewage and a violation of Section 201 and 202 of the Clean Streams Law.
2. The DEP was made aware that a Sanitary Sewer Overflow occurred on April 6, 2014, and that East Norriton Township personnel were aware of the overflow. East Norriton Township failed to report this Sanitary Sewer Overflow to the DEP. This is a failure to notify the DEP of a pollution incident and is a violation of Title 25 Chapter 91.33 of the Rules and Regulations of the DEP. All Sanitary Sewer Overflows must be reported to the DEP.

An unpermitted discharge of sewage to waters of the Commonwealth constitutes violations of Sections 201 and 202 of the Clean Streams Law, the Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. §§ 691.1 - 691.1001 (Clean Streams Law). Such violations also constitute unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611, and are subject to the enforcement provisions of Section 605 of the Clean Streams Law, 35 P.S. § 691.605 which includes the assessment of civil penalties.

As you are aware, DEP considers the prevention and mitigation of SSOs during both dry and wet weather as a high priority. Proper operation and maintenance of your collection system is essential in preventing SSOs from taking place.

Our records indicate that DEP was not immediately notified by telephone of the pollution incident, as required by 25 Pa. Code § 91.33(a). Failure to provide proper notification to DEP constitutes unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611, and is subjects to the enforcement provisions of Section 605 of the Clean Streams Law, 35 P.S. § 691.605 which includes the assessment of civil penalties.

DEP requests your attendance at an administrative conference to be held here in our office on **May 12, 2014 at 2:00 p.m.** in order to discuss these violations further. Please contact me by **May 6, 2014** to confirm your attendance at this meeting. Please come to this meeting prepared to discuss the causes of these violations, the steps that have been or will be taken to correct them and to prevent their recurrence, and a schedule of compliance. If this meeting date and time do not work with your schedule please call with a new date and time. If this time is acceptable please confirm your attendance by **May 6, 2014**.

We request that you provide DEP with a comprehensive report, which documents the actions that have been and will be taken to prevent dry and wet weather SSOs from occurring in your collection system, particularly in the sections of the collection system tributary to the Timberlake Farms Pumping Station. **This report should be sent to DEP within 30 days of the date of this letter.**

This Notice of Violation is neither an order nor any other final action of DEP. It neither imposes nor waives any enforcement action available to DEP under any of its statutes. If DEP determines that an enforcement action is appropriate, you will be notified of the action.

Mr. Don Delamater

- 3 -

April 30, 2014

If you have any questions, please call me at 484.250.5134.

Sincerely,



Bernard Krasnisky
Water Quality Specialist
Clean Water

cc: Mr. Bauer
Mr. O'Neil
Compliance and Monitoring
East Norriton-Plymouth-Whitpain Joint Sewer Authority
File
Re (GJE14CLW)120-15



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER SUPPLY AND WASTEWATER MANAGEMENT

GENERAL INSPECTION REPORT (Non-NPDES)

Type of Inspection Complaint	WQM Permit Number	County Montgomery	Municipality East Norriton Township
Name and Location of Facility or Pollution Incident Manholes 1317 and 249 near Railroad Tracks and North Wales Rd			Entry Time/Date 04/18/2014
Tributary to Timberlake Farms Pump Station			Exit Time/Date 04/18/2014
Name, Address of Responsible Party Dan Delamater East Norriton Township		Title Township Manager	
2501 Stanbridge Street		Telephone	Contacted
East Norriton, PA 19401-1616		610-275-2800	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
SUMMARY OF VIOLATIONS/RECOMMENDATION/COMMENTS:			
<p>#1 - There were sewage solids such as bath tissue and debris on the manhole cover and around the base of manhole 1317. Lime was also on the lid and on the ground around the manhole. There was green material on the substrate of Stoney Creek located down gradient and approximately less than 10 yards from manhole 1318. This is an unpermitted discharge of sewage and a violation of Section 201 and 202 of the Clean Streams Law.</p> <p>#2 - The DEP was made aware that a Wet Weather Sanitary Sewer Overflow occurred on April 6, 2014 and that East Norriton Township personnel were aware of the overflow. East Norriton Township failed to report this Sanitary Sewer Overflow to the DEP. This is a failure to notify the DEP of a pollution incident and is a violation of Title 25 Chapter 91.33 (a) of the Rules and Regulations of the DEP. All Sanitary Sewer Overflows must be reported to the Department.</p>			
Compliance Assistance Provided <input checked="" type="checkbox"/>			
Pollution Prevention Activity <input checked="" type="checkbox"/>			
Sample No.	Location	Field Measurements and Observations	
Inspector Name Bernard Krasnisky	Inspector Signature <i>Bernard Krasnisky</i>	Title Water Quality Specialist	Date 04/18/2014 Telephone 484-250-5134
Name of Person Interviewed Dan Delamater	Signature of Person Interviewed	Title Township Manager	Date 04/18/2014 Telephone 610-275-2800
<p>This document is official notification that a representative of the Department of Environmental Protection, inspected the above facility or site. The findings of this inspection are shown above and on any attached pages.</p> <p>Any violations which were uncovered during the inspection are indicated. Violations may also be discovered upon examination of the results of laboratory analyses of the discharge and review of Department records. Notification will be forthcoming, if such violations are noted.</p>			



GENERAL INSPECTION REPORT (Non-NPDES)

Name and Location of Facility or Pollution Incident Manholes 1317 and 249	County Montgomery	Municipality East Norriton Township
<p>Additional Remark</p> <p>Today I conducted an inspection of a complaint regarding Sanitary Sewer Overflows from manholes 1317 and 249 of the East Norriton Township Collection System and tributary to the Timberlake Farms Pumping Station. I made the following observations:</p> <ol style="list-style-type: none"> 1. #1 - There were sewage solids such as bath tissue and debris on the manhole cover and around the base of manhole 1317. Lime was also on the lid and on the ground around the manhole. There was green material on the substrate of Stoney Creek located down gradient and approximately less than 10 yards from manhole 1317. This is an unpermitted discharge of sewage and a violation of Section 201 and 202 of the Clean Streams Law. 2. #2 – The DEP was made aware that a Wet Weather Sanitary Sewer Overflow occurred on April 6, 2014 and that East Norriton Township personnel were aware of the overflow. East Norriton Township failed to report this Sanitary Sewer Overflow to the DEP. This is a failure to notify the DEP of a pollution incident and is a violation of Title 25 Chapter 91.33 (a) of the Rules and Regulations of the DEP. All Sanitary Sewer Overflows must be reported to the DEP immediately. 3. There was petroleum based sheen on the surface of the pond adjacent to manhole 1317. The sheen was determined to be petroleum based because it quickly reformed after being physically disturbed or broken and emitted a rainbow color when exposed to light. The sheen was in the section of the Pond approximately 5 yards from manhole 1317. 4. Two manholes immediately upstream of manhole 1317 with concrete bases showed signs of erosion around their bases. East Norriton Township should conduct an investigation to determine if these manholes are also overflowing during rain events. 5. The section of the Stoney Creek upstream of the railroad was clear and did not have green solids on the creek substrate. 		
Inspector Name Bernard Krasnisky	Inspector Signature	Date 04/18/2014



GENERAL INSPECTION REPORT (Non-NPDES)

Name and Location of Facility or Pollution Incident Manholes 1317 and 249	County Montgomery	Municipality East Norriton Township
--	----------------------	--

Additional Remark

1. Branch of the Stoney Creek near manholes 1317 and 249, and with green material on the Substrate indicating the presence of sewage.



2. Manhole 1317 with solids and lime indicating an SSO Occurred, 04/18/2014



3. And 4. Manhole 1317 with sewage solids and lime on the ground around it, and erosion indicating SSOs occur at this location.



Inspector Name Bernard Krasnisky	Inspector Signature	Date 04/18/2014
-------------------------------------	---------------------	--------------------



GENERAL INSPECTION REPORT (Non-NPDES)

Name and Location of Facility or Pollution Incident Manholes 1317 and 249	County Montgomery	Municipality East Norriton Township
--	----------------------	--

Additional Remark

5. The Pond adjacent to the manhole 1317.

6. Sheen and emulsified oil on the surface of the Pond caused by an SSO on April 6, 2014.



7. and 8. The manhole immediately upstream of manhole 1317 with erosion around the base, 04/18/14.



↑
MH 374

↑
MH 374

Inspector Name
Bernard Krasnisky

Inspector Signature

Date
04/18/2014



GENERAL INSPECTION REPORT (Non-NPDES)

Name and Location of Facility or Pollution Incident Manholes 1317 and 249	County Montgomery	Municipality East Norriton Township
--	----------------------	--

Additional Remark

9. An upstream manhole with erosion around the base, 04/18/14.

MH 373



10. And 11. The section of Stoney Creek upstream of manhole 1317 and with no dark green material on the substrate or in the water column, 04/18/14.



Inspector Name Bernard Krasnisky	Inspector Signature	Date 04/18/2014
-------------------------------------	---------------------	--------------------



EAST NORRITON TOWNSHIP

2501 Stanbridge Street, East Norriton, PA 19401-1616 U.S.A.
610-275-2800 • Fax: 610-277-1879
info@eastnorritontwp.org • www.eastnorritontwp.org

BOARD OF SUPERVISORS

John A. Zurzola
Chairman

Harris A. Dainoff
Vice Chairman

Marc A. Alfarano
Supervisor

Tina Howell
Supervisor

Angelina Salamone
Supervisor

Township Manager
Donald D. Delamater

Hand Delivered

May 29, 2014

Mr. Bernard Krasnisky
Water Quality Specialist
Pennsylvania Department of Environmental Protection
Southeast Regional Office
2 East Main Street
Norristown, PA 19401-4915

Re: Response to Notice of Violation Letter
Dated April 30, 2014

Dear Mr. Krasnisky:

I want to thank you and the other members of the Pennsylvania Department of Environmental Protection (Department) for taking the time to meet with me to discuss the issues raised by the Department in the Notice of Violation letter dated April 30, 2014 (NOV Letter), a copy of which is attached to this letter. As stated at our meeting on May 12, 2014, East Norriton Township has a long history of cooperating with the Department in dealing with our sanitary sewer issues. We have viewed the Department as more of a partner than adversary. We have willingly come to the table to resolve past issues, and while the names and faces at that table may have changed, the spirit of cooperation remains.

That being said, I offer the following in response to the NOV Letter relating to purported sanitary sewer overflows (SSOs) from manholes upstream of the Township's Timberlake Pumping Station. Information regarding the manholes in question, as well as the gravity collection system in this area, is being provided as requested. For the purpose of providing an accurate response, clarifications to the NOV Letter are also being provided.

Clarifications to NOV Letter

The opening paragraph of the NOV Letter indicates that the Department was made aware of a dry weather SSO that occurred on April 6, 2014 from manholes 1317 and 249. East Norriton Township is not aware of any dry weather SSO that occurred on that date. We believe the SSO in question occurred at some point prior to this date, possibly during the wet weather event of Sunday, March 30, 2014. Additionally, it is our belief that the manholes you referenced are actually manholes 372 and 371, respectively, located at the rear of the property at 419 W. Township Line Road. At our meeting on May 12th, I believe we all agreed that these are the correct manhole numbers, not the numbers referenced in the NOV Letter.

OFFICES OF:

ADMINISTRATION • POLICE • PUBLIC SAFETY • FINANCE • PUBLIC WORKS • ZONING & CODE ENFORCEMENT • PARKS & RECREATION

Mr. Bernard Krasnisky
May 29, 2014
Page 2

Item 1 of the NOV Letter noted erosion around the base of Manhole 1317 (actually Manhole 372). We believe this to be simply a lack of vegetation around the base of the manhole. Our inspections have found no evidence of erosion. Item 1 also detailed a “green material” in the creek. We believe that any SSO from either MH 372 or MH 371 would not have directly entered the creek due to the existing grades at this location. Both manholes are downhill from the banks of the creek, and therefore we believe that the “green material” observed in the creek did not (and could not have) resulted from any SSO from MH 372 or MH 371. Item 1 also referenced manhole 1318. We believe this was intended to refer to MH 372.

Item 2 of the NOV Letter again indicated that an SSO occurred on April 6, 2014. The Township has no knowledge of an SSO occurring on that date, which our records indicate was a dry weather day. To the best of our knowledge, no dry weather SSO occurred on that date.

Included with the NOV Letter was a DEP General Inspection Report (Non-NPDES) detailing your inspection of April 18, 2014. The inaccuracies contained in the NOV Letter as identified above are also present in the Inspection Report, and the Township incorporates by reference its comments to the NOV Letter discussed above in response to the Inspection Report.

Additionally, Item 3 on page 2 of the Inspection Report indicates that the Department observed a “petroleum based sheen” on the pond. A follow up inspection of this area was performed by Township personnel on Monday, May 5th, and while some type of substance was noted on the surface of the pond, no evidence of any sanitary sewer fats, oils or grease were observed on the surface of the pond or in the immediate vicinity of either MH 372 or MH 371.

Item 4 on page 2 of the Inspection Report also raises concerns with MH 373 and MH 374 immediately upstream of the area in question. The Township personnel recently encased both of these manholes in concrete to prevent deterioration of these structures. We believe the “erosion” noted in the report is simply a lack of vegetation due to the recent encasement process. We also investigated the possibility of SSOs at these manholes and found no physical evidence that an SSO occurred at either location.

As with any organization, the Township strives to learn from past experiences and to move forward with a comprehensive approach to its problems. It is equally important to acknowledge the efforts of the past in dealing with aging infrastructure that consists of approximately 60 miles of gravity sewers, 2 miles of force mains and 9 pumping stations. These efforts include: lateral repair program in Germantown PS service area, Einstein PS, surge storage tank and off-site sewer improvements, Germantown PS force main rehabilitation, Germantown PS parallel force main, raising/lining/encasing numerous manholes, on-going U&O lateral inspections, and various other smaller projects.

With respect to the concerns outlined in the NOV Letter and those discussed at our meeting of May 12th, the following information is being provided as to past efforts directly impacting this area as well as current and proposed work to further investigate and assess the identified concerns.

Past Efforts

- Manholes in the vicinity of, and including, MH 372 and MH 371 have been raised and encased in concrete to preserve the integrity of the structures and to minimize the potential for SSOs.
- Bolt-down lids and castings have been installed on manholes immediately downstream of the area in question.
- In the fall of 2013, the Township completed cleaning, televising, pressure testing and chemical grouting of the interceptor for Timberlake Pumping Station. Work began at MH 381 on North Wales Road and ended at Timberlake PS. A total of approximately 8,000 l.f. of main ranging in size from 8-inch to 18-inch was included in this project. Copies of the inspection reports are included for your use.
- Installed a cured-in-place point repair in 15-inch main at MH 256 to repair broken pipe.
- Significant amount of grit was removed from 18-inch main between MH 300 and MH 254 during the TV, cleaning and grouting contract, thereby increasing capacity in this line.

Current and Proposed Efforts

- Currently monitoring prior known SSO locations during wet weather events to determine if and when future SSOs occur and the duration of any SSOs.
- Currently evaluating immediate to short-term measures to prevent any future SSOs; and in the event of an SSO, to prevent the SSO from entering the pond adjacent to MH 372. Subject to securing access rights from property owner, we plan to undertake the following:
 - Raising manholes so that SSOs do not occur at this location.
 - Implementation of traditional soil and erosion control measures to ensure that, in the event of SSO, discharge would be diverted away from pond.
- Planned Activities: July – August 2014
 - Replacement or rehabilitation of existing 10-inch terra cotta pipe between MH 372 and MH 371 to correct potential defects in existing pipe.
 - Installation of earthen berm and/or swale to redirect any SSO.
 - Perform manhole inspections of Timberlake PS service area. Specifically, areas bounded by Whitehall Road, Township Line Road, Swede Road and Germantown Pike. The work would include the inspection of in excess of 250 manholes.
 - Correlate rainfall data with Timberlake PS flow data for the past 12 months.
 - Perform inspections of Timberlake interceptor during various wet weather events.
 - Evaluate existing manhole rim elevations relative to Stony Creek flood stage elevation to determine if manholes should be raised.
 - Continue manhole encasement program as needed.
 - Perform capacity analysis of Timberlake PS interceptor.
 - Preparation and submission to the Department of an interim progress letter report from Engineer with Analysis and Recommendations to prevent SSOs in area of question.

- Planned Activities: September – October 2014
 - Perform a flow monitoring study at strategic manholes using existing Township portable flow meters.
 - The Township proposes to perform this work in the fall of this year rather than during the typically dry summer months as we believe better results will be achieved.
 - Portable flow meters will be installed for a period of 28 days in order to capture wet weather event(s). Proposed time-frame will be extended as needed to ensure useful information is obtained.
 - We propose to install portable flow meters at the following locations:
 - MH 379 to quantify flows entering the interceptor from the western portion of the sewer shed.
 - MH 373 to measure flows from the private sewer system
 - MH 331A to measure flows entering the interceptor from the eastern portion of the sewer shed.
 - Correlate flow monitoring data with water consumption records for the given drainage areas.
 - Formulate further flow monitoring studies, as needed, based on information obtained.
 - Formulate strategy to address high flow conditions.
 - Submit a written report to the Department detailing our findings and recommendations.

Administratively, we have implemented procedures to ensure for the immediate reporting of any future SSOs. This information was provided to you during our meeting and is also attached. An SSO inspection form has also been developed for use by Township personnel to document field conditions during wet weather events.

I trust you will find the information provided to be complete, comprehensive and satisfactory. Please do not hesitate to contact me should you need anything additional.

Very truly yours,
EAST NORRITON TOWNSHIP



Donald D. Delamater
Township Manager

Enclosures

cc: Board of Supervisors
Kenneth E. Heydt, P.E., Carroll Engineering
Douglas R. Jones