
EXHIBIT 03

NOTICE OF VIOLATION (WELLINGTON ROAD)



March 13, 2015

NOTICE OF VIOLATION



*Copy: Board
Doug - please draft a response
Jonathan Spitz
Ken Heydt*

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

Re: Clean Water/Operations/ Sewage
MH 402 Wellington Road and St Vincent St
East Norriton Township
Montgomery County

Dear Mr. Delamater:

Our records indicate that a dry weather Sanitary Sewer Overflow (SSO) occurred on **November 28, 2014**, from Manhole 402 located at the intersection of Wellington Road and St. Vincent Street. Notification of the SSO occurred at 1:09 p.m. and the SSO end time was 2:15 p.m. according to the SSO Report. Sewage flowed into the adjacent storm sewer and on the roadway between the sanitary and storm sewers. This is an unpermitted discharge of sewage. The volume was unknown and the overflow was caused by grease and roots according to the SSO report. Township department personnel jetted the downstream sewer main. The township plans to clean and televise the downstream sewer mains, remove and chemically treat the roots.

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, Department of Environmental Protection (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.

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

Mr. Don Delamater

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March 13, 2015

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.

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

Sincerely,



Bernard Krasnisky
Water Quality Specialist
Clean Water

cc: Mr. Bauer
Compliance and Monitoring
East Norriton Township
File
Re (GJE15CLW)072-1



EAST NORRITON TOWNSHIP

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Hand Delivered

April 9, 2015

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 March 13, 2015
MH 402 Wellington Road and St. Vincent Street

2015 APR -9 PM 12:14
DEP--SOUTHEAST
RECEIVED

Dear Mr. Krasnisky:

On Thanksgiving Day, Thursday, November 27, 2014, a dry weather Sanitary Sewer Overflow (SSO) occurred from MH 402 located on Wellington Road at its intersection with St. Vincent Street. East Norriton Township (Township) personnel, both Highway and Sewer, promptly responded to the event, resolved the SSO and reported the incident to the Pennsylvania Department of Environmental Protection (Department) as per Township procedures and Department requirements.

By letter dated March 13, 2015, the Department sent a Notice of Violation (NOV Letter) for this event, requesting a response from the Township detailing efforts that have been taken or will be taken to prevent dry weather SSOs from occurring in the Township's sanitary sewer collection system. Below is a detailed response to this request for both the specific SSO that is the subject of this NOV Letter and for the Township's collection system in general. Please note that the SSO occurred on November 27, 2014, and not November 28, 2014, as stated in the NOV Letter.

November 27, 2014 SSO from MH 402

- Overview of actions taken by the Township to respond to SSO event at time of event.
 - On Thanksgiving Day, Thursday, November 27th at 1:09 pm, Doug Jones, Director of Public Works, was contacted by Montgomery County Emergency Dispatch stating that the Norriton Fire Engine Company needed assistance at the intersection of Wellington & St. Vincent for an overflowing storm sewer.

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- At 1:10 pm, Mr. Jones contacted Jack Tyler, Highway Superintendent, who in turn contacted Highway Department personnel to respond and investigate.
 - At 1:27 pm, Mr. Jones was contacted by Sgt. Matt Brannen of the East Norriton Police Department regarding the same issue. Since it had not rained that day, Mr. Jones asked Sgt. Brannen to confirm if the issue was storm or sanitary sewer related.
 - At 1:37 pm, Mr. Jones received a return call from Mr. Tyler stating that the overflow was from a sanitary sewer manhole and not the storm sewer. Mr. Tyler also informed Mr. Jones that he had contacted Ed White, Sewer Superintendent, for response to the event.
 - At 1:38 pm, Mr. Jones called Mr. White to confirm that he had received the call from Mr. Tyler and that someone from the Sewer Department was responding.
 - At 1:41 pm, Mr. Jones called Tim Bradbury, Highway Department employee, who was on-site to get information directly from someone who was on the scene. Mr. Bradbury confirmed that a sanitary sewer overflow had occurred.
 - At 1:51 pm, Mr. Jones again called Mr. White, who stated that he was in route.
 - At 2:17 pm, Mr. White called Mr. Jones confirming that the blockage had been removed and the SSO had ceased. Due to the surcharge conditions within the collection system, Mr. White stayed on-site until flows returned to normal.
 - At 2:20 pm, Mr. Jones contact DEP to report the SSO and left a voicemail message. No return phone call from DEP was received.
 - It is believed that the cause of this SSO was grease accumulation within the sewers.
 - All affected areas were cleaned and disinfected.
- Overview of actions taken by the Township to investigate cause of SSO and prevent future SSOs at MH402.
- During the week of December 1, 2014, Township Sewer Department personnel cleaned and televised 477 linear feet of 8-inch sewer main between MH 402 & MH 412 on St. Vincent Street and 576 linear feet of 8-inch sewer main between MH 402 & MH 407A on Wellington Road.
 - Several root masses within these two (2) segments of our system were found and removed using a mechanical root cutter.
 - This portion of the Township's system will be scheduled for chemical root treatment in 2015 with follow up treatments based on the retreatment schedule recommended by the Township's chemical root control contractor.
 - During the cleaning & televising operations, Sewer Department personnel came upon a previous repair between MH 407 & MH 407A. Apparently, when this repair was made during the 1990s, the capabilities were not available to core-drill a new hole in the side of MH 407A to accept the new PVC pipe. The apparent solution to this dilemma was to reduce the 8-inch pipe to 6-inch pipe and insert the 6-inch pipe directly into the original 8-inch clay pipe that was already installed into MH 407A. This created a "bottle neck" in the collection system between MH 407 & MH 407A.

- The Township plans to have this “bottle neck” replaced with entirely new PVC pipe sometime in April of 2015. This work will include making a proper 8-inch pipe connection to MH 407A to ensure a full 8-inch diameter pipe will be available to convey sewage through this portion of the system.
- This portion of the collection system will also be placed on the Township’s list of locations that require periodic monitoring and maintenance.

Ongoing and Sustained SSO Prevention Efforts

The Township has maintained a long-standing policy of seeking to work cooperatively with the Department to achieve the common goal of preventing SSOs from the Township’s collection system.

During various previous meetings and correspondence with the Department, as well as through the Township’s annual Chapter 94 Collection System Questionnaire, the Township has communicated to the Department the various programs and procedures in place to properly operate and maintain its collection and conveyance system. Below you will find key components of the Township’s maintenance strategies to achieve the common goal of preventing SSOs.

Chemical Root Control Program - In 2014, the Township continued its chemical root control program to systematically address areas of its service territory that have historically been problematic with respect to root blockages. During the year, 6,589 l.f. of 8" gravity mains were chemically treated. This was a combination of "first time" treatments as well as subsequent treatments to maintain and extend the warranty period provided by the contractor. The Township has funds budgeted in 2015 to continue this program and expects to have a similar quantity of mains treated again through this program. As stated above, the portions of the Township’s system between MH 402 & MH 412 and MH 402 & MH 407A will be included in the 2015 program.

Routine Sewer Cleaning & Televising – The Township’s Sewer Department maintains a listing of those areas that have previously been problematic. Typically, these are areas where problems have occurred due to grease accumulation and/or root intrusion. These areas are generally cleaned and televised several times a year. The trigger for performing this maintenance activity is the major holidays that occur during the year. The Township cleans and televises these locations prior to these holidays so that the potential for SSOs, and emergency call-outs, is minimized.

Pump Station Operation/Maintenance/Repair/Upgrades – The Township spends a significant amount of time, effort and money to ensure that its pump stations operate properly, reliably and efficiently. Below are just some of the processes, programs and procedures in place to accomplish this task.

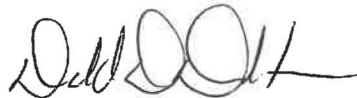
1. All stations are checked every regularly scheduled workday. Any and all routine and preventative maintenance is performed in-house by Township personnel.
2. On-site emergency power capabilities are available at the Township's four (4) largest pump stations (Norris City, Timberlake, Germantown and Einstein). The Township also has two (2) portable trailer-mounted emergency generators capable of powering each of the other stations. One of these portable units is "stationed" at our Burnside Pump Station, while the other portable unit is housed at our Public Works facility and can be towed to any of the other stations on short notice. This unit is versatile enough to power any of the smaller stations, regardless of the configuration or power demands. All of these generators are covered under a preventative maintenance contract the Township has entered into with Penn Power Systems. Under this contract, each generator is inspected twice a year with the preventive maintenance performed on an annual basis. The continued reliability of these units is paramount to our operation and to preventing power related SSOs.
3. In 2014 the Township continued its VFD Replacement Program, where it will replace aging VFDs (9 total) at our three Stony Creek pump stations: Timberlake, Norris City and Germantown. In 2014 the Township replaced one (1) VFD at Norris City and one (1) at Germantown. Funds have been budgeted in 2015 to replace the last aging VFD at Norris City. Two of the three VFDs at Timberlake were replaced in 2012. The third unit at Timberlake, as well as the remaining two (2) at Germantown will be scheduled for replacement during the 2016 budget year. The current VFDs at these stations were all installed as part of pump station upgrades back in the mid-1990s. Also in 2013, Sandra Lane Pump Station was upgraded with VFD controls on both pumps to allow for better flow management to Einstein Pump Station. Again, the improved reliability of the Township's pump stations and their components directly impacts the potential for SSOs.
4. Since 2008, the Township has spent nearly \$135,000 to rebuild pumps at the three (3) Stony Creek pump stations. Funds have been budgeted in 2015 to continue that program. In 2014 a spare pump was ordered for Timberlake Pump Station and is expected to be delivered in early 2015. Once received, the Township will have 3 pumps installed, along with 1 spare pump for each station to ensure both reliable and redundant operations.
5. Whitehall Road Pump Station Upgrade. In 2015, the Township plans to upgrade this aging station. This pump station, in its current configuration, relies on air pressure to convey sewage from containment vessels through a force main and into the downstream gravity collection system. This station has experienced reliability concerns in recent years and the availability of parts is also an issue. The Township is currently evaluating alternatives to replace the station with a more traditional wet well station with submersible pumps.

Mr. Bernard Krasnisky
April 9, 2015
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In addition to that which is contained in this letter, further information can be found in the Township's 2014 Chapter 94 Collection System Questionnaire that was recently submitted to Mr. Jay Jackson of ARRO Consulting, Inc., East Norriton-Plymouth-Whitpain Joint Sewer Authority's consulting engineer, on March 18, 2015 for inclusion in the Authority's Annual Wasteload Management Report, which is also incorporated herein by referenced.

Please do not hesitate to contact me should you need anything additional.

Very truly yours,
EAST NORRITON TOWNSHIP

A handwritten signature in black ink, appearing to read 'D. Delamater', with a stylized flourish at the end.

Donald D. Delamater
Township Manager

cc: Board of Supervisors
Jonathan H. Spergel, Esq., Manko, Gold, Katcher & Fox, LLP
Kenneth E. Heydt, P.E., Carroll Engineering
Douglas R. Jones, Director of Public Works