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Devin Ryan

dryan@postschell.com
717-612-6052 Direct
717-731-1981 Direct Fax
File #: 176145

December 6, 2019

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: In the Matter of the Application of The York Water Company, Under Sections 507, 1102(a)(1) and 1102(a)(3) of the Public Utility Code, for approval of the right of The York Water Company to (1) enter into a municipal contract to acquire certain public wastewater facilities from Felton Borough; and (2) begin to offer or furnish wastewater service to the public in the Borough of Felton, York County, Pennsylvania - Docket No. A-2019-3013113

Dear Secretary Chiavetta:

Enclosed for filing are The York Water Company's Responses to the Bureau of Technical Utility Services Data Requests Set 2, in the above-referenced proceeding.

Thank you.

Respectfully submitted,



Devin Ryan

DTR/kl
Enclosures

cc: Bureau of Technical Utility Services
Clinton McKinley (via email - cmckinley@pa.gov)
Matthew Lamb (via email - mlamb@pa.gov)

The York Water Company
Responses to Bureau of Technical Utility Services, Water/Wastewater Division
Data Request 2

Application of The York Water Company - Wastewater for approval of the acquisition of the
wastewater system assets of the Felton Borough at Docket No. A-2019-3013113

DISCOVERY A-25

Data Request A-4 requested a copy of Felton's Department of Environmental Protection (DEP)-approved Act 537 Official Sewage Facilities Plan (Act 537 Plan) including any amendments. The information provided in response A-4, dated 1998, does not indicate DEP approval and does not appear to be the most recent version of Felton Borough's (Felton's) Act 537 plan.

- a. Please provide a copy of DEP's approval letter for Felton's 1998 Act 537 Plan which was issued in August 1998 according to DEP.
- b. Please provide a copy of the most recent DEP-approved Act 537 Plan for Felton which was approved in 2008 according to DEP.
- c. Please provide a copy of DEP's approval letter for Felton's 2008 Act 537 Plan which was issued in March 2008 according to DEP.

RESPONDENT:

Joseph T. Hand
Chief Operating Officer

RESPONSE:

- a. A copy of DEP's approval letter for Felton's 1998 Act 537 Plan is attached as Attachment 1.
- b. In response to issues raised by DEP and York County Planning Commission, Felton Borough conducted a special study in 2007 to consider an onlot sewage management program to reduce the potential of contaminating residential groundwater wells with onlot seepage. The Borough then amended its Act 537 Plan to add its Sewage Management Program. Felton Borough's Special Study submitted to DEP proposing to amend the Borough's Act 537 Plan is attached as Attachment 2.
- c. See Discovery A-25(b). A copy of DEP's approval letter for Felton Borough's Act 537 Plan Special Study, dated November 2007, is attached as Attachment 3.



Pennsylvania Department of Environmental Protection

PLEASE NOTE OUR NEW ADDRESS & PHONE NUMBERS

909 Elmerton Avenue
Harrisburg, PA 17110-8200

August 7, 1998

Southcentral Regional Office

717-705-4707

FAX - 717-705-4760

CERTIFIED MAIL NO. Z 280 235 390

Felton Borough
c/o Kathryn S. Shultz, Secretary
49 Main Street
Felton, PA 17322

Re: Act 537 Planning
APS ID No. 8273
DEP Code No. A1-67922-ACT
Felton Borough, York County

Ladies and Gentlemen:

The Department of Environmental Protection (Department) has reviewed your 1998 Act 537 Plan, submitted July 10, 1998. The submission is consistent with the planning requirements given in Chapter 71 of the rules and regulations of the Department and is therefore approved with the following conditions:

1. The approved project will require an NPDES Permit for the proposed effluent discharge. The permit application must be submitted in the name of the municipality or authority, as appropriate.
2. The approved project will require a Water Management Part II Permit for the construction and operation of the proposed sewage facilities (0.042 mgd STP and Collection System). The permit application must be submitted in the name of the municipality/authority. Issuance of a Part II Permit will be based upon a technical evaluation of the permit application and supporting documentation. Starting construction prior to obtaining a Part II Permit is a violation of The Clean Streams Law.
3. Other Departmental permits may be required for construction if encroachment to streams or wetlands will result. Information regarding the requirements for such permits or approvals can be obtained from the Department's Soils and Waterways Section at the letterhead address or telephone 717-705-4802.
4. Felton Borough should continue to seek all funding sources, including PENNVEST and local financing, in order to implement the selected alternative of this plan. Since plan approval occurred four months prior to the anticipated plan approval date in your implementation schedule, do not wait until January 1999 to apply for funding. Prudence dictates making your RUS funding application as soon as possible.



Felton Borough

- 2 -

August 7, 1998

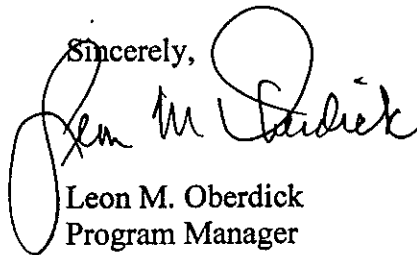
It is now Felton Borough's responsibility to implement the 537 Plan in accordance with the schedules contained within the Plan.

Since your Plan has been approved by the Department, you are now eligible to receive a 50 percent planning cost reimbursement as provided under Section 6 of the Sewage Facilities Act (Act 537). A copy of the reimbursement application is enclosed. You are reminded that reimbursement applications must show detailed cost breakdowns of tasks completed or you will place your reimbursement in jeopardy.

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 have any questions, please call Mr. James Novinger at 717-705-4766.

Sincerely,



Leon M. Oberdick
Program Manager
Water Management Program

Enclosure

cc: Rettew Associates, Inc.
York County Planning Commission ✓

FELTON BOROUGH
YORK COUNTY, PENNSYLVANIA

RESOLUTION 2007-6

RESOLUTION OF THE COUNCIL OF FELTON BOROUGH, YORK COUNTY,
PENNSYLVANIA (hereinafter "the municipality").


WHEREAS, Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the "Pennsylvania Sewage Facilities Act," as amended, and the Rules and Regulations of the Department of Environmental Protection (Department) adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code, requires the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters and/or environmental health hazards with sewage wastes, and to revise said plan whenever it is necessary to meet the sewage disposal needs of the municipality, and

WHEREAS, Felton Borough has prepared a Sewage Management Program which provides for sewage facilities in a portion of Felton Borough, and

The alternative of choice to be implemented is a Sewage Management Program for the remaining on-lot septic systems. The key implementation activities/dates include the study being completed by 10-8-07. Public Hearing at the conclusion of a 30 day comment period on 10-8-07.

WHEREAS, Felton Borough finds that the Facility Plan described above conforms to applicable zoning, subdivision, other municipal ordinances and plans and to a comprehensive program of pollution control and water quality management.

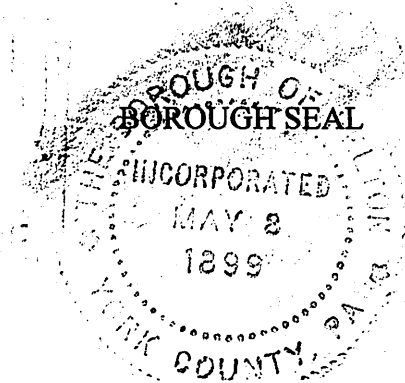
NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Felton hereby adopt and submit to the Department of Environmental Protection for its approval as a revision to the "Official Plan" of the municipality, the above referenced Facility Plan. The municipality hereby assures the Department of the complete and timely implementation of the said plan as required by law. (Section 5, Pennsylvania Sewage Facilities Act as amended).

I, , Secretary, Felton Borough Council, hereby certify that the foregoing is a true copy of the Borough's Resolution No. 2007-6, adopted at a regularly scheduled meeting on August 6, 2007.

AUTHORIZED SIGNATURE


Council President

NOV 1 2007



To: Department of Environmental Protection 10- 22- 07
150 Roosevelt Ave ..
York, PA. 17404

From R. K. Baade
S.E.O. 02883
Felton Borough

Subject: Revision to the Felton Borough Act 537 Programs:

Felton Borough has addressed the issues raised by D.E.P. and York County Planning Commission as well as its Residence and believes we are ready for your approval.

Enclosed are:

- 1) The recommendations of D.E.P.
- 2) A copy of the Draft resolution amending the Borough's 537 Plan.
- 3) The results of York County Planning Commission's Review.
- 4) A copy of the Resolution calling for the Public hearing following a 30 day comment period.
- 5) A copy of the pumping Manifest planed to be used during the inspection of systems.
- 6) A copy of the results of the survey and the survey up dated with all current information received from the residences.
- 7) The results of each of the three public hearings.
- 8) A copy of the proposed Inspection Ordinance

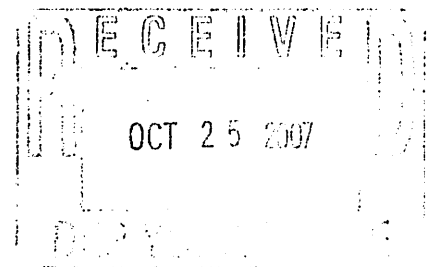
The results of the Public Hearings were all positive in that the questions were not whether to have a program but as to how it would work.

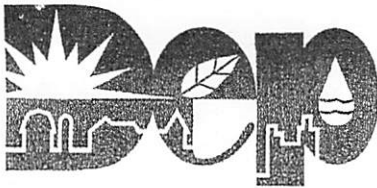
Your prompted review and approval will be appreciated,

Sincerely



Richard K. Baade
Sewage Enforcement Officer 02883
Felton Borough





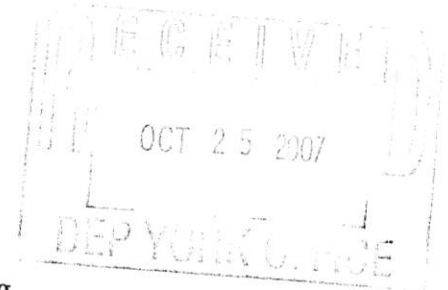
Pennsylvania Department of Environmental Protection

150 Roosevelt Ave., Suite 200
York, PA 17401-3381
August 1, 2007

(717) 771-4481
FAX (717) 845-3496

York District Office

Felton Borough Council
c/o Joy Flinchbaugh
88 Main Street
Felton, PA 17322



Re: Act 537 Planning
APS ID No. 620662
DEP Code No. B1-67922-ACT
Felton Borough, York County

Ladies and Gentlemen:

The Department of Environmental Protection (Department) reviewed your April 16, 2007 Act 537 Special Study, received on April 19, 2007, and determined that it is incomplete for the following reasons:

1. The Borough should adopt the Special Study through a resolution, as required by Chapter 71, Section 71.31(f). The resolution of adoption should be sealed and signed by a representative of the Borough. For your assistance, a model resolution has been enclosed.
2. Please note that implementing an on-lot management program on an "as needed" basis does not meet the minimum requirements of Chapter 71, and it would not qualify for reimbursement. Therefore, the special study must meet those minimum requirements and commit to a chosen alternative for addressing the recently identified sewage needs within the Borough.
3. The public notice fails to establish a 30-day public comment period as required by Chapter 71, Section 71.31(c).
4. The plan fails to document that the York County Planning Commission has reviewed and commented on the proposed Special Study as required by Chapter 71, Section 71.31(b).
5. The following deficiencies/comments refer to the proposed On-Lot Management Ordinance:



Felton Borough

- 2 -

August 1, 2007

- a. Section 6.g of the ordinance references the use of Terralift technology within the Borough. Please be aware that the state of Pennsylvania no longer allows for the application of soil fracturing technology in any instance. See the attached letters.
- b. It appears that Section 9.a is not complete.
- c. The ordinance should better specify the intended on-going inspections schedule.
- d. The ordinance mentions three management groups will be formed according to property owner last name, in alphabetical order. The submission should state the approximate number of properties in each group.
- e. The ordinance also mentions the use of forms in the implementation of the on-lot management program. Samples of these forms should be included with the resubmission of the special study.

The deficiencies identified in this letter must be addressed and a plan resubmitted to the Department within 90 days of the date of this letter. Failure to respond during this time frame may result in Departmental action resulting in disapproval of your currently incomplete plan submission.

The 120-day review period for this Plan will not begin until the Department has received a complete plan submission. Please submit three complete copies of all plan resubmissions.

If you have any questions concerning this letter, please call me at 717-771-4481.

Sincerely,



Carrie A. Wilt
Sewage Planning Specialist
Water Management Program

Enclosure

cc: Richard K. Baade ✓

DRAFT

FELTON BOROUGH
York County, Pennsylvania

Ordinance No. 2007-1

**An Ordinance Amending Act 537 Sewage Facilities Plan for the Borough of Felton,
York County, Pennsylvania Dated 1997**

WHEREAS, On September 8, 1997 adopted The Act 537 Plan for the Borough of Felton, Establishing a plan to address the wastewater disposal of the Borough of Felton of sewage.

WHEREAS, after many discussions and meeting with residence to discuss On Lot Sewage concerns, and their concerns for the possible contamination of drinking water supplies of the Borough,
The Borough desires to amend the Act 537 Plan to provide for an On Lot Sewage Management Program.

NOW THEREFORE, be ordained and enacted by the Borough Council of Felton Borough, York County, Pennsylvania as follows:

Chapter 7. Section entitled OLDS Education to read as follows:

The Borough will continue its on-lot educational program through information distributed at public meetings and mailings to residents. This has proven effective in the past as evidenced by the number of concerns expressed by our residence and property owners who regularly attend meetings. The Borough will continue to review the need for an ON LOT SEWAGE MANAGEMENT PROGRAM and will implement such a program

ENACTED AND ORDAINED this ___ day of _____ 2007

Attest:

**BOROUGH COUNCIL OF THE
BOROUGH OF FELTON**

Secretary

By: _____
President

Approved this ___ day of _____ 2007

By: _____
Mayor

Apendix #1

Remaining Residences with On Lot Systems

UNDER 10

506 Gable View Lane
 17 Godfrey Road
 95 High Street
 110 High Street
 235 Main Street
 262 Main Street
 15 Shenk Road

10-20 YEARS

148 Charles Street
 159 Charles Street
 57 Church Avenue
 66 Church Avenue
 67 Church Avenue
 509 Gable View Lane
 512 Gable View Lane
 515 Gable View Lane
 15 Godfrey Road
 16 Godfrey Road
 121 High Street
 129 High Street
 130 High Street
 135 High Street
 140 High Street
 143 High Street
 150 High Street
 151 High Street
 157 High Street
 160 High Street
 170 High Street
 180 High Street
 190 High Street
 171 Main Street
 255 Main Street
 280 Main Street
 284 Main Street
 287 Main Street
 290 Main Street
 297 Main Street
 297B Main Street
 319 Main Street
 321 Main Street
 323 Main Street
 340 Main Street
 342 Main Street
 481 Main Street
 74 Myers Road
 136 Red Lion Avenue

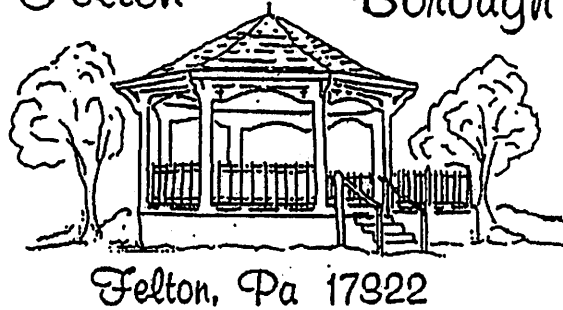
OVER 20 YEARS

82 Charles Street
 94 Charles Street
 41 Church Avenue
 47 Church Avenue
 54 Church Avenue
 74 Church Avenue
 103 High Street
 173 High Street
 204 High Street
 184 Main Street
 197 Main Street
 213 Main Street
 214 Main Street
 230 Main Street
 238 Main Street
 251 Main Street
 260 Main Street
 325 Main Street
 330 Main Street
 348 Main Street
 490 Main Street
 491 Main Street
 121 Red Lion Aven
 139 Red Lion Aven
 16 Seitz Avenue
 20 Seitz Avenue
 14 Sechrist Flat
 22 Sechrist Flat
 34 Sechrist Flat
 23 Shenk Road

Felton Borough

88 Main Street
Felton, PA 17322

Phone: 717-246-6493
Fax: 717-246-8959



January 22, 2007

Department of Environmental Protection
Attn: Carrie Wilt
150 Roosevelt Avenue
York, PA 17401

Re: Update of Act 537 Plan

To Whom It May Concern:

On January 8, 2007 the Felton Borough Council made a motion to allow a draft resolution be forwarded to DEP changing the borough's Act 537 Plan. The updated plan will accommodate a Sewage Management Program for the residents in Felton Borough that have no access to, or are not yet connected to the sewer system. Most of these residents will not be able to connect to the sewer system for many years to come.

We are asking for your review and approval of this draft resolution so Felton Borough can continue with the publication and adoption of this change and begin to develop a Sewage Management Program.

Sincerely

Joy Flinchbaugh
Borough Secretary

Craig Wood
Council President

Enclosure

8- 31- 07

To: York County Planning Commission
From: R. K. Baade S.E.O.
Subject: Act 537 Revision Program.

Felton Borough wishes to revise our Act 537 Plan to allow for an On Lot System Maintenance Program. We have proceeded with a study that started in 2006 with two public meetings to make the public familiar with the intent of this program and to obtain comments from them. A draft maintenance program was developed and reviewed with Borough Council. It was then made available to the public. This was followed by a survey of effected systems. The results of this survey are attached.

We are presently publishing a notice for another public hearing to further acquaint the effected residence with the program and to allow a thirty day comment period.

We are asking for your comments on the study and the Maintenance Program

Sincerely



Richard K. Baade
Sewer Enforcement Officer
Felton Borough

Included Documents:

- 1) Draft Ordinance Dated 8/6/07
- 2) Notice of first two Public meeting
- 3) Results of the first meeting
- 4) Results of the second meeting
- 5) List of effected properties
- 6) Resolution passed by Borough Council
- 7) Felton Borough survey
- 8) Summary of survey results as presented to Borough Council.



YORK COUNTY PLANNING COMMISSION

28 EAST MARKET STREET, YORK, PENNSYLVANIA 17401-1580
TELEPHONE: (717) 771-9870 FAX: (717) 771-9511

October 4, 2007

Richard K. Baade, Sewage Enf Officer
Felton Borough
RR #4
945 Crawford Dr
Mifflintown PA 17059

Re: Act 537 Sewage Facilities Plan Revision
Felton Borough
YCPC Project #07-86

Dear Mr. Baade:

The above referenced matter was reviewed by the York County Planning Commission at its regular meeting held on October 2, 2007.

By formal action the Commission adopted the attached report as constituting its comments on this matter in accordance with Section 304 of the Pennsylvania Municipalities Planning Code.

You are reminded that the Pennsylvania Municipalities Planning Code requires the submission of a copy of any adopted municipal Zoning Ordinance, Subdivision and Land Development Ordinance, Comprehensive Plan or any amendments to such documents to the York County Planning Commission within thirty (30) days following the date of adoption.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Felicia S. Dell".

Felicia S. Dell
Director of Planning

FSD/kh

Enc.

cc: Felton Borough Council
c/o Joy Flinchbaugh, Secretary-Treasurer

YORK COUNTY PLANNING COMMISSION

PROCEEDINGS:

7:30 p.m. September 4, 2007 - Regular Meeting
Administrative Center, Commissioners Meeting Room
28 East Market St.
York PA 17401

The meeting was opened by Chairman Dunlap at 7:30 p.m.

ROLL CALL

Members Present : Terry Dunlap, Mary Coble, Walter Kuhl, Walter Lobodinsky, Randy Meyerhoff, Jeff Propps, Mary Kay Reed, Scott Simonds

Members Absent : Brian Brenneman

Staff : Felicia Dell, Director; Terry Ruby, Senior Planner, Mike Shaffer, Sr. Planner; Roy Livergood, Sr. Planner; Jean Ball, Recording Secretary

Solicitor : Jeffrey L. Rehmeier II

Others : Tim Jury, Gordon L. Brown & Assoc., Trestle Station; R. J. Nooft, Jim Thompson, Trestle Station; Atty. Sean P. Delaney, Pepper Hamilton, LLP

Reporter : None

PUBLIC COMMENT

None

APPROVAL OF MINUTES:

Chairman Dunlap asked for any comments or corrections to the minutes of August 7, 2007. There being no questions or comments, Mr. Propps made a motion for approval of the minutes as presented. The motion was seconded by Ms. Coble, voted on and carried, as stated.

COMMUNICATIONS:

Project Review Correspondence

NuTec Design Assoc., Inc., Spring Garden Twp. (1); PPL Brunner Island, East Manchester Twp. (1); JMT, Dallastown (1); CET Engineering Services, Carroll Twp. (1)

Acknowledgments

None

FINANCIAL REPORT

Ms. Dell highlighted the Financial Report for June, stating that we are carrying a healthy balance. She stated the Revenues and Expenditures were at the half year point with most of the Revenues in line with the Expenses. Ms. Dell reviewed various Expenditures/Professional Fees and Invoices for the month of June.

Ms. Dell noted that the Cash Flow, Expenditures and Revenues are in line for the month of July. She highlighted the Accounts Payable Report, the Cooperative Agreement with the County in regards to the requests for GIS information and charges for the location of the Community Connections Program meetings.

There being no questions or comments, Chairman Dunlap stated that the June and July Financial Reports have been received, reviewed and will be placed in the file for the Auditors.

Presentation of the Minimum Municipal Obligation for January 2008

Ms. Dell explained that the Planning Commission is required to estimate the number of staff members and total salaries for 2008 which is used to determine the annual amount we will need to pay into the Pension Plan for the year. This is the Minimum Municipal Obligation or the MMO. She stated that is also the amount that is used for budgeting purposes.

A brief discussion ensued. The Commission renewed the MMO.

COMMITTEE REPORTS:

Mr. Dunlap noted that following the Intensive Agricultural Operations Committee meeting last month the members had some research to do. They will be meeting for a short time after the YCPC meeting and on Wednesday, September 26, 2007 to discuss that information.

STAFF REPORTS:

A brief discussion ensued regarding the Defensive Driving Course some Planning Commission employees have been attending or going to attend. Ms. Dell stated this is a Program the County was encouraging the employees to attend as a safety precaution when they are out on the road doing field work.

SOLICITOR'S REPORT

Attorney Rehmeier noted he had nothing to report for this month.

OLD BUSINESS

York Haven Bypass Road Land Development Plan, York Haven Borough, YCPC File #94-07-05-22-233

Mr. Dunlap noted this Plan was granted an extension until the December 4, 2007 YCPC meeting.

Concord Commons Preliminary Subdivision Plan, Felton Borough, YCPC File #62-07-06-18-278

Mr. Shaffer stated they are now requesting a 90-day extension of time for the Subdivision until the December 4, 2007 YCPC meeting, due to some outstanding issues.

Attorney Delany, Pepper and Hamilton, LLP, highlighted their concerns regarding stormwater drainage issues in regards to properties. He stated they will be addressing those issues and that is why they are requesting the time extension.

There being no questions or comments, Ms. Coble made a motion to **accept the request for the granting of the extension of the Concord Commons Preliminary Subdivision Plan, YCPC #62-07-06-18-278, until the December 4, 2007 YCPC meeting.** Mr. Propps seconded the motion. It was voted on and passed as stated.

NEW BUSINESS

The following projects were taken on an individual basis for discussion:

Trestle Station Preliminary Subdiv. Plan, Delta Boro., 12 Lots, YCPC File #43-07-08-14-365

Ms. Ruby highlighted the 12-lot Delta Borough Plan, noting it will be served by public water and sewer which are close by the parcel. She stated they just received the Borough Engineer's comments and they have not yet resolved what road improvements need to be done. Also, the extension of water lines could be a concern. Ms. Ruby stated she is recommending the Plan be tabled until the October 2, 2007 YCPC meeting.

Ms. Coble made a motion that the Trestle Station Subdivision Plan be **tabled for consideration at the October 2, 2007 YCPC meeting.** The motion was seconded by Mr. Kuhl.

Mr. Tim Jury, Project Engineer, Gordon L. Brown & Assoc., Inc., clarified a couple of points, and stated that the Borough agreed to the improvements they planned to do along Bunker Hill Road. A brief discussion ensued regarding a possible modification request.

Ms. Ruby stated she has not received anything confirming the agreement from the Borough and that she will give Mr. Jury a call the next day to discuss the comments/modifications.

A brief discussion ensued as to whether they are aware of the changes to the new York County Subdivision Ordinance. Following the discussion, the **motion was voted on and carried as stated.**

McNeal Property Final Subdiv., Felton Boro. & Chanceford Twp., 5-Lots, YCPC File # 62-07-08-13-368

Mr. Shaffer gave an overview of the Plan. He stated this Plan was before the Commission members, and granted conditional approval, in October 2006. But the Plan was not recorded within the 90-day time frame. He stated he is recommending conditional approval.

Ms. Coble asked if a letter from the municipalities stating any issues that may be of concern regarding their review of the Plan has been received. Mr. Shaffer stated that he has not received anything at this date. A brief discussion ensued.

Following the discussion, Ms. Coble made a motion to **table any action on the proposed McNeal Property Plan, YCPC File #62-07-08-13-368 until the October 2, 2007 YCPC meeting**, giving the municipalities time to send any comments or concerns prior to that meeting. The motion was seconded by Ms. Reed, voted on and carried as stated.

**YCPC PROJECT #07-76
CARROLL TOWNSHIP ZONING ORDINANCE AMENDMENT
TEXT: DEFINITION OF STRUCTURE**

The project involves amendment of the text of the Carroll Township Zoning Ordinance proposed by Township Officials. The amendment proposes to revise the definition of "structure." The amendment is being submitted for recommendations in accordance with Section 609.(e) of the Pennsylvania Municipalities Planning Code (PA MPC).

The staff of the York County Planning Commission (YCPC) recommends that Township Officials consider the YCPC staff comments and make any necessary changes prior to adoption.

The LGAC Executive Committee reviewed the proposed amendment and recommended approval of the proposed amendment as submitted.

Ms. Reed questioned the wording of the staff's recommendation for approval, due to the severity of the changes requested prior to adoption. A brief discussion ensued on the fact that when the changes are made they would need to bring the Plan back for review anyway.

Following the discussion, Mr. Propps made a motion to amend the YCPC staff report to recommend **denial and asked Carroll Township Officials to consider making the changes recommended by the YCPC staff prior to re-submission to the YCPC for approval**. The motion was seconded by Ms. Reed, voted on and carried as stated.

**ACT 537 SEWAGE FACILITIES PLAN REVISION
FELTON BOROUGH
YCPC PROJECT #07-86**

PROJECT DESCRIPTION

A proposed Act 537 Sewage Facilities Plan Revision for Felton Borough has been submitted to the York County Planning Commission for review and comment, as required by Section 304 of the Pennsylvania Municipalities Planning Code (PA MPC), and Section 71.31(b) of the Pennsylvania Sewage Facilities Act, Act 537.

PROJECT DISCUSSION

Background: The current Felton Borough Act 537 Plan was completed in 1998 and called for the construction of an extended aeration activated sludge packaged wastewater treatment plant (WWTP). The WWTP was constructed to serve the areas identified by the 1998 Plan. The Borough Sewage Enforcement Officer indicated that at the time it was felt that an on-lot management program was not justified or needed for the remaining properties due to proper operation of those systems.

Problems and Issues to be Addressed: Based on the topography of the Borough and the location of the unsewered properties at higher elevations, residents of the Borough became concerned that if the unsewered properties should experience malfunctions, then those living at lower elevations will once again be impacted by sewage disposal problems. In response to these concerns, the Borough hosted two (2) public meetings and drafted an on-lot maintenance program. Additionally, a survey was distributed to all affected businesses and residences (88 total) to determine the type, age, and past maintenance of the existing on-lot systems, as well as any other concerns. The survey revealed that many systems were older than 30 years and have not been maintained, as well as a host of other problems.

Selected Alternative: Based on the age and the lack of maintenance to the on-lot systems, the Borough determined that the creation of an on-lot management district is reasonable. The proposed on-lot management ordinance would apply to all on-lot sewage disposal systems, community sewage systems, and all persons installing, altering, repairing, rehabilitating, or replacing such systems. To facilitate the administration and implementation of the on-lot management program, areas of the Borough not served by public sewer will be divided into three (3) groups by alphabet. The pumping interval under this ordinance is once every three (3) years with exceptions or increases in frequency depending on the documented past operating history of individual on-lot systems. Man holes will be required for all pump outs. Those systems without manholes will be required to install one. As part of the subdivision process, replacement areas will be required to be identified and a permanent easement placed on those areas.

Other Alternatives: This revision is intended to specifically initiate an on-lot maintenance program and provide for an ordinance to establish such a program. No other alternatives were identified.

RECOMMENDATION

Felton Borough is to be commended for its efforts to further protect the health, safety, and welfare of those using on-lot sewage disposal systems through the initiation of an on-lot management program

and ordinance, as well as responding to the concerns of its citizens. The implementation of an on-lot management program in the more rural areas of the Borough where lots of one (1) acre or more are predominant is consistent with the York County Comprehensive Plan. The comments provided below consist mainly of clarifications and corrections with nothing substantive. It is therefore recommended that the Felton Borough Act 537 Plan Revision be adopted, conditioned upon consideration and, where applicable, correction of the comments as provided.

COMMENTS

General Comments:

- 1) Section 5. states that the Borough will be separated into three (3) on-lot management groups by alphabet. This section should be clarified to indicate if alphabet implies a last name or an actual area assigned an alphabetical identifier. If alphabet references a geographic area, then a map identifying those areas should be attached to the resolution.
- 2) Section 6. (g) notes that soil fracturing is not permitted. Since this is not a common term, Borough officials may want to define what soil fracturing means in the definition section.
- 3) Section 8. (a) (iii) the word "observed" does not appear to be used correctly in this section. In reading this section, it would appear that "observed" should be replaced by "observation" or the word "being" should be placed before the word "observed."

***The preceding comments were prepared by the York County Planning Commission and constitute a professional planning review, not a legal opinion.**

****Please forward the adopted and PA DEP approved version of the Plan to the York County Planning Commission. This will help to keep our files up to date when reviewing future applications regarding Act 537 planning.**

**FELTON BOROUGH
YORK COUNTY, PENNSYLVANIA**

RESOLUTION 2007-6

**RESOLUTION OF THE COUNCIL OF FELTON BOROUGH, YORK COUNTY,
PENNSYLVANIA (hereinafter "the municipality").**

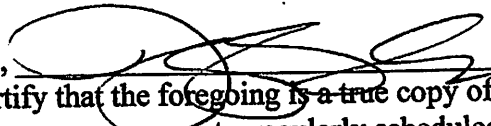
WHEREAS, Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the "Pennsylvania Sewage Facilities Act," as amended, and the Rules and Regulations of the Department of Environmental Protection (Department) adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code, requires the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters and/or environmental health hazards with sewage wastes, and to revise said plan whenever it is necessary to meet the sewage disposal needs of the municipality, and

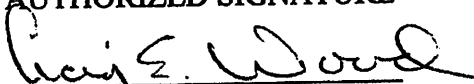
WHEREAS, Felton Borough has prepared a Sewage Management Program which provides for sewage facilities in a portion of Felton Borough, and

The alternative of choice to be implemented is a Sewage Management Program for the remaining on-lot septic systems. The key implementation activities/dates include the study being completed by _____. Public Hearing at the conclusion of a 30 day comment period on Oct. 8th 2007

WHEREAS, Felton Borough finds that the Facility Plan described above conforms to applicable zoning, subdivision, other municipal ordinances and plans and to a comprehensive program of pollution control and water quality management.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Felton hereby adopt and submit to the Department of Environmental Protection for its approval as a revision to the "Official Plan" of the municipality, the above referenced Facility Plan. The municipality hereby assures the Department of the complete and timely implementation of the said plan as required by law. (Section 5, Pennsylvania Sewage Facilities Act as amended).

I, , Secretary, Felton Borough Council, hereby certify that the foregoing is a true copy of the Borough's Resolution No. 2007-6, adopted at a regularly scheduled meeting on August 6, 2007.

AUTHORIZED SIGNATURE

Council President

BOROUGH SEAL

10- 19- 07

To: Felton Borough Council
From: R. K. Baade S.E.O.
Subject: Act 537 Revision Status.

The following represents the status of the Project:

- A) We received comments from D.E.P. and have proceeded to resolve them.
- B) We have sent results of the survey and the proposed ordinance along with all the meeting info. To York County Planning commission and have received a positive approval from them.
 - 1) A Survey was sent, as part of the study, to all effected businesses and residences. 88 were sent. To date 46 have been returned (52% - 25% would be normal)
The results are summarized as follows:
 - a) 11 are less than 10yrs.
 - b) 10 are 10yrs to 20yrs
 - c) 2 are 20yrs to 30yrs
 - d) 22 are older than 30yrs
 - e) 32 are on lots 1 acre or more
 - f) All but one are on wells- 2 Dug all others Drilled - one has no water source
 - g) 1 is a holding tank not known before
 - h) 4 are cesspools
 - i) 10 have never been pumped (of those 10yrs or older)
 - j) 9 the drain field is less than 100' from the well

Comments included the following:

- 1) Wash water is draining into a storm water ditch.
- 2) Water quality is poor
- 3) 2 had baffles repaired without permits
- 4) 1 not interested because it will add cost.
- 5) 1 had odors

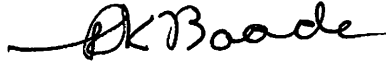
The survey indicates that due to the number of systems that have not been pumped and the number of homes over 30yrs that consideration of a maintenance program is reasonable.

Tasks that remain are:

- 1) Publish a notice for a public hearing including a 30 day comment period.-- This was done. The notice was published on 9/ 05/ 07 and the meeting held on 10/ 08/ 07 at 6:30pm. The minutes are included.

- 2) Solicit comments from York County Planning Comm.— This was done and the positive results are enclosed.
- 3) Resubmit to D.E.P. – The resubmission will be done the week of 10/ 22/ 07

Sincerely

A handwritten signature in black ink that reads "Richard K. Baade". The signature is written in a cursive style with a long horizontal line extending from the start of the name.

Richard K. Baade

FELTON BOROUGH MAIL SURVEY

DATE: ___ / ___ / ___

PLEASE CIRCLE OR FILL IN AS APPROPRIATE EACH QUESTION. ADD COMMENTS AS NEEDED

NAME: _____

PHONE: () ___ - _____

ADDRESS: _____

- 1. How many people live in your house? _____ SEASONAL / YEAR ROUND? (Please circle one)
- 2. Approximately how large is the size of your lot? _____
- 3. Do you have more than one sewage system on your lot? YES or NO
If yes, explain: _____
- 4. What kind of water system do you have? WELL? SPRING? PUBLIC? OTHER? _____
Do you treat your water? YES or NO If yes, how? _____
If you have a well: Is it DUG or DRILLED? (Please circle one) How Deep? ____ ft.
Does the well have a outer casing? YES or NO (Please circle one)
- 5. How far is the well or spring from the septic system drainfield? ____ ft. Is the well UP or DOWN Slope from the drainfield?
Have you ever had your water tested? YES or NO (Circle) When? _____
What were the results? _____

- 6. What kind of sewage system do you have? (CIRCLE ALL THAT APPLY)

SEPTIC TANK	INGROUND BED	COMMUNITY SEWER
CESSPOOL	INGROUND TRENCH	STORM SEWER
OLD WELL	ELEVATED SAND MOUND	PIPE TO DITCH
HOLDING TANK	SEEPAGE PIT	PIPE TO STEAM
PRIVY	BORE HOLE	PIPE TO SURFACE
PUBLIC SEWER	OTHER _____	

- 7. Where does your laundry and/or sink water go? (CIRCLE ALL THAT APPLY)

SEPTIC TANK	INGROUND BED	COMMUNITY SEWER
CESSPOOL	INGROUND TRENCH	STORM SEWER
OLD WELL	ELEVATED SAND MOUND	PIPE TO DITCH
HOLDING TANK	SEEPAGE PIT	PIPE TO STEAM
PRIVY	BORE HOLE	PIPE TO SURFACE
PUBLIC SEWER	OTHER _____	

- 8. How old is your system? _____ How old is your home? _____
Was a permit issued for the septic system to be constructed? YES or NO (Circle) When? _____

- 9. Have you ever noticed any of the following near your septic system?

GREEN LUSH GRASS	WETNESS OR SPONGY AREAS
ODORS	WATER PONDING OR SURFACE
SLUGGISH DRAINS	WASTEWATER BACKING INTO THE HOME
SYSTEM OVERFLOW	OTHER _____

- 10. Was your system ever pumped out? YES or NO How often? _____ Last Time _____
If it was pumped, was it inspected for cracks or broken baffles? _____

- 11. Was your system ever repaired? YES or NO When? _____ By permit? YES / NO
What part was repaired or replaced?
TANK: REPAIRED/REPLACED LINE: REPAIRED/REPLACED DRAIN FIELD: REPAIR/REPLACED

- 12. Are there any other sewage problems you are aware of?

- 13. COMMENTS (Continue on back): _____

Street Address	Homeowner	Returned Survey
82 Charles Street	John Seymor	
94 Charles Street	Robert Urey (Janet Overmiller)	
148 Charles Street	Thomas Golden	X
159 Charles Street	William Lader	
41 Church Avenue	James & Jennifer Fitzgerald	X
47 Church Avenue	Christopher Thomas	X
54 Church Avenue	Everett A. Haight, Sr.	X
57 Church Avenue	Jackie Trout	
66 Church Avenue	J. Christopher Churchill	
67 Church Avenue	John Trout	X
74 Church Avenue	Michael Farrell	X
506 Gable View Lane	Carl Carrier	
509 Gable View Lane	Dennis O'Berry	
512 Gable View Lane	Terry Matthews	
515 Gable View Lane	George Rothlingshofer	X
15 Godfrey Road	Bruce Frey	X
16 Godfrey Road	Richard Godfrey	X
17 Godfrey Road	Aaron & Jessica Lehr	X
95 High Street	Wendell Carr	
103 High Street	Douglas Garner	
110 High Street	Bradley Fory	
120 High Street	Vacant Lot	
121 High Street	Norwood Reed	
129 High Street	Rick Johnson	
130 High Street	Frank W. Poetzold	X
135 High Street	Jonathan P. Schmidt	X
140 High Street	Louis P. Didio	
143 High Street	Dale Warfel	X
150 High Street	John & Emily Long	X
151 High Street	Warren Adams	
157 High Street	Joseph M. VanHulle	
160 High Street	Clinton Walker & Kara Church	X
170 High Street	Edward Tress	X
173 High Street	Linda Scalzo Rudoff & Andy Rudoff	
180 High Street	John Price	
187 High Street	John Krout	X
190 High Street	David Harrington	X
204 High Street	Curtis Smith	X
70 Main Street	Bill Hudson	x
171 Main Street	Dean Swartz	X
184 Main Street	Claude Vannoy	X
197 Main Street	Gary McBrien	X
213 Main Street	Keith Warner	
214 Main Street	Arthur Rudacille	X
230 Main Street	Fay V. Warner	X

25
21
46

Street Address	Homeowner	Returned Survey
235 Main Street	Corey Yoder 244-5696	X
238 Main Street	Grace Olpin	X
251 Main Street	H. Robert Shenk	X
255 Main Street	R. Todd Shenk	X
260 Main Street	Kenneth Painter	x
262 Main Street	Terry Dodge	
280 Main Street	Joseph Webster	X
284 Main Street	Craig Stelts	
287 Main Street	Weikle's Specialty	
290 Main Street	Steven Royer	X
292 Main Street	Leonard Conley	
297 Main Street	Templeton Performance Services	X
297B Main Street	Templeton Performance Services	
319 Main Street	Gregory Smith	X
321 Main Street	Sharon Leiben	X
323 Main Street	James Hutchinson	X
325 Main Street	Ronald Wertz	X
330 Main Street	Ruth Grove	X
340 Main Street	John Snyder	X
342 Main Street	Donna Snyder	
348 Main Street	Jeffrey Brenner	
481 Main Street	Jeffrey Brenner	
490 Main Street	Carl Smith	
491 Main Street	Terry Allen	
74 Myers Road	MYCO Enterprises Kim Myers	X
121 Red Lion Avenue	Linda Myers	
136 Red Lion Avenue	Brian Shaul	X
139 Red Lion Avenue	St. Paul's Lutheran Church Parsonage	X
16 Seitz Avenue	Pearl Seitz	
20 Seitz Avenue	George Schafer	
14 Sechrist Flat	Terry Saylor	X
22 Sechrist Flat	Anthony Smith	
34 Sechrist Flat	Richard Stermer	X
15 Shenk Road	Brady Flinchbaugh	X
23 Shenk Road	Harold Holloway	
13 Rippling Run Road	Felton Post Office	X

21

**Proof of Publication
State of Pennsylvania
County of York**

AD # 1891013

THE YORK DISPATCH / YORK SUNDAY NEWS and YORK DAILY RECORD are the names of the daily newspapers of general circulation published continuously for more than the last six months by York Newspaper Company, at its principal place of business, which is 1891 Loucks Road, York, PA 17408.

The printed copy of the advertisement hereto attached is a true copy, exactly as printed and published, of an advertisement printed in the regular issues of the said **The York Dispatch/York Sunday News and York Daily Record** published on the following dates, viz:

09/05/2007

RECEIVED SEP 10 2007

Copy of Advertisement Attached Here

PUBLIC NOTICE

Notice is hereby given that the Felton Borough Council will hold a Public Hearing following a 30 day Public Comment Period on Monday, October 8th on the revision to the Borough's Act 537 Plan and to discuss a Sewage Management Program. This meeting will be held at the Felton Fire Hall located at 61 Main Street at 6:30 pm.

**COMMONWEALTH OF PENNSYLVANIA
COUNTY OF YORK**

SS

Before me, a Notary Public, personally came Tamara J. Krebs who being duly sworn deposes and says that she is the Classified Advertising Director of York Newspaper Co., and has personal knowledge of the publication of the advertisement mentioned in the foregoing statement as to the time, place and character of publications are true, and that the affiant is not interested in the subject matter of the above mentioned advertisement.

Sworn and subscribed to before me this
05 day of September 2007

Sharon K. Wentz
Notary Public

Tamara J. Krebs

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Sharon K. Wentz, Notary Public
West Manchester Twp., York County
My Commission Expires Mar. 1, 2009

Member, Pennsylvania Association of Notaries

Estate of _____

Dollars

100

The charge for the publication of above mentioned advertisement and the expense of above affidavit.

Advertisement Cost \$ 50.02

Affidavit Fee \$ 5.00
Page 23 of 43

Total Cost \$ 55.02

The Felton Borough Council met on Monday, October 8, 2007 at the Felton Fire Company located at 61 Main Street Felton, PA 17322 for a Public Meeting on the changes to the Act 537 plan and to continue working on the 2008 budget.

Council Members present were: Craig Wood, Anna O'Berry, Kristen Warner, Todd Shenk, Francis Flaharty, Warren Adams, Mayor Jami Jackson and Secretary Joy Flinchbaugh. Guests present: Richard Baade.

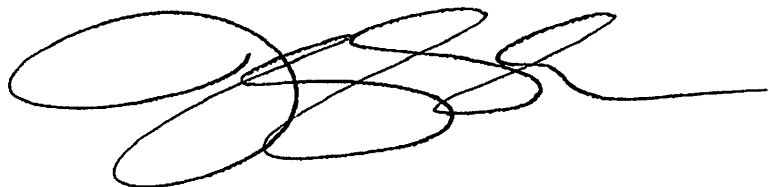
The meeting was started at 6:30 pm with the Pledge Allegiance the Flag. Richard stated that this was the start of the Public Hearing following the 30 day comment period that was advertised in the local newspaper to change the borough's Act 537 Plan. The following is a list of the council members present. Craig Wood, Anna O'Berry, Kristen Warner, Todd Shenk, Francis Flaharty, Warren Adams, and Mayor Jami Jackson. There were no borough residents present. The plans had been submitted to the York County Planning Commission for review and were approved at the regularly scheduled meeting on October 2nd. The next step is to submit to DEP for approval. The recommendations from the YCPC were to include the definition of soil fracturing in with the definitions. Richard will make the change. The only resident comment was to change the inspection period from 3 to 4 years. Richard recommended to the council that this change be made. A motion to have the inspection period be every 4 years was made by Warren and 2nd by Todd. The motion passed without opposition. A motion to submit the paperwork for the change of the Act 537 plan to DEP was made by Kristen and 2nd by Francis. The motion passed without opposition. DEP will have 120 days to comment. The public hearing and comment period time was officially closed at 6:40 pm.

At this point, Craig began the work on the 2008 budget. He first mentioned that he had checked at Acorn Lane & Myers Lane to see if a stop sign could be shared because of being side by side. He said that the distance between is too much so two signed would need to be installed. Craig asked Joy to add to the list that is being quoted on. Jami mentioned that in Section 17 of Ordinance 2007-03 it states the board of supervisors rather than the borough council. AT this point, the council went on to work on the income budget for 2008. Joy provided formulas for the different millage rates for 2008. IN the end the council decided to go to a millage rate of 1.7 mills for 2008. This would increase the income from municipal taxes by \$16,870.30 and would make the taxes on each \$100,000 a \$170.00 per year. This is a \$60 increase per \$100,000 from the 1.10 millage rate of 2007. By increasing the millage rate to 1.7 mills the projected income and expenses balance out for the year. A motion was made to increase the Junk Yard License Fee to \$150 per year was made by Warren and 2nd by Kristen. The motion passed without opposition.

Todd mentioned that he had found another person to contact about having the mill torn down. It is LT Timber and their number is 887-3874. Joy will contact them. There was discussion the sewer and having to go to a sewer authority if there are any connections outside of Felton Borough. The council agreed to go with the 3 year contract for the police.

Attached is the income budget for 2008.

Secretary – Joy Flinchbaugh



Proof of Publication State of Pennsylvania County of York

AD # 1785868

Copy of Advertisement Attached Here

NOTICE

Notice is hereby given that the Felton Borough Council will hold two Public Meetings to provide the residents of Felton Borough with information on a Sewage Management Program that the council is looking to adopt. These meetings will be Monday, October 9th at 7:00 pm and Thursday, November 9th at 7:00 pm at the Felton Fire Company located at 61 Main Street, Felton.

Joy Finchbaugh
Borough Secretary

most include
A 30 DAY
COMMON
PERIOD

THE YORK DISPATCH / YORK SUNDAY NEWS and YORK DAILY RECORD are the names of the daily newspapers of general circulation published continuously for more than the last six months by York Newspaper Company, at its principal place of business, which is 1891 Loucks Road, York, PA 17404.

The printed copy of the advertisement hereto attached is a true copy, exactly as printed and published, of an advertisement printed in the regular issues of the said **The York Dispatch/York Sunday News and York Daily Record** published on the following dates, viz:

09/22/2006

RECEIVED OCT 0 2 2006

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF YORK

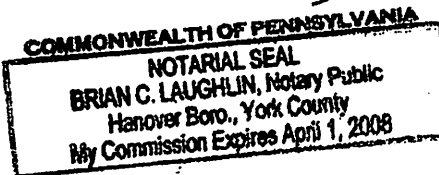
SS

Before me, a Notary Public, personally came Elizabeth Barth who being duly sworn deposes and says that she is the Call Center Sales Manager of York Newspaper Co., and has personal knowledge of the publication of the advertisement mentioned in the foregoing statement as to the time, place and character of publications are true, and that the affiant is not interested in the subject matter of the above mentioned advertisement.

Sworn and subscribed to before me this
22 day of September 2006

Brian C. Laughlin
Notary Public

Elizabeth Barth



Estate of _____

Dollars

100

The charge for the publication of above mentioned advertisement and the expense of above affidavit.

Advertisement Cost \$ 59.80

Affidavit Fee 25 of 43 \$ 5.00

Total Cost \$ 64.80

The Felton Borough Council held a Public Meeting for On-Lot Septic Management Program on Monday, October 9th at the Felton Fire Hall located at 61 Main Street, Felton. Council members present: Craig Wood, Anna O'Berry, Kristen Warner, Todd Shenk, Francis Flaharty, Mayor Jami Jackson, Codes Enforcement Officer Richard Baade and Secretary Joy Flinchbaugh. Residents present: Bud Haight Sr., Richard Sterner, Gary McBrien, Douglas & Robyn Garner, Shirley Saylor, Steven Royer, Jackie Trout, Terry and Lori Allen.

The meeting was started at 7:00 pm by Council President, Craig Wood. He introduced Richard Baade, Codes Enforcement Officer and asked that he continue with the meeting. To start, Richard offered an explanation of how we have gotten to this point of a management program. In the past, septic systems were viewed as only being a temporary fix until the sewer system would come by the home. The DEP has now realized that there are some communities that may never receive a sewer system. At this point, Richard showed the public a short video on Septic Systems. After the video, Richard referred to a pamphlet that was available and informed the public that when a system is pumped, it should never be pumped through the 6" pipe. It is best to have a manhole cover. This will be required of homeowners to have done if they currently do not have the large openings. At the time of an inspection, the baffles will be checked. If the drainage field of a system is damaged, you would need to replace the whole system. When the baffle goes bad, the whole tank would need to be replaced. Ceas pools need to be completely pumped out.

The pumping schedule will be every 3 years. The total amount of residents on septic systems will be divided out among the three years. If you have had your system pumped out within 6 months prior to the first notice from the borough to have the inspection done, you may send a copy of the pump out to the borough and then be put on a 3 year cycle. Each homeowner is required to receive a copy of the manifest when their system is pumped.

At this point the council has not decided what the inspection fee will be. The homeowner will receive a notice from the borough stating that they have (60 days?) to have their system pumped and inform the borough of when the pump out will take place so that Richard can be there at the time of the pump out to do the inspection.

Jackie Trout asked if the home owners will be required to send in the manifest or if the pumper will be required to do. Richard said that it will be the homeowner's responsibility. Jackie suggested adding into the ordinance about having the systems pumped and inspected when a home goes up for sale.

Terry Allen asked that the systems will need to be pumped every three years. Currently he has his system pumped every 2 years. Richard asked how many people are in the household. There are only 2 people. Richard stated that according to the video they watched, a family of 4-6 should pump every 2 years.

Dick Sterner asked who will be performing the inspections. Richard Baade will be doing the inspections.

Douglas Garner asked if the homeowner can do the manhole extensions themselves. Richard said that they can do their own but they will need to get a permit from the borough to do the extension.

There was a question of how much the inspection will cost. At this point, that has not been discussed. Also, a question was asked if a baffle is made of concrete. Richard said yes but they still deteriorate. It was questioned how long the systems last. Richard said that it varies, they can last anywhere from 10 - 30 years. There is no definite answer.

Richard mentioned that it is very important for home owners on septic systems to reduce their water usage. Make sure that any leaks are fixed immediately. Also, antibacterial soaps and cleaners should not be used because it is the bacteria that keeps your septic systems working properly.

Dick Sterner asked if there is only a baffle concern in the main tank. Richard said that each tank has a baffle and should be maintained. When you have your system pumped, all three tanks should be pumped every time.

The meeting ended at 7:45pm.

11/19/06 - Septic Management

★ Dick Stener missed on recycle
11/19/06 again.

* 7:03pm *

Frank - would like to see it pumped
every 2-4 yrs.

Inspection fee - \$40-\$65 - possibly

Main St sewer extension

Garbage

~~Self~~ @ next mtg.

8:00pm

FELTON BOROUGH
YORK COUNTY, PENNSYLVANIA

RESOLUTION 2007-6

RESOLUTION OF THE COUNCIL OF FELTON BOROUGH, YORK COUNTY,
PENNSYLVANIA (hereinafter "the municipality").

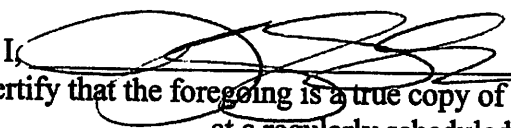
WHEREAS, Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the "Pennsylvania Sewage Facilities Act," as amended, and the Rules and Regulations of the Department of Environmental Protection (Department) adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code, requires the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters and/or environmental health hazards with sewage wastes, and to revise said plan whenever it is necessary to meet the sewage disposal needs of the municipality, and

WHEREAS, Felton Borough has prepared a Sewage Management Program which provides for sewage facilities in a portion of Felton Borough, and

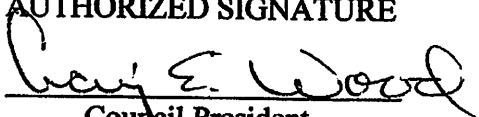
The alternative of choice to be implemented is a Sewage Management Program for the remaining on-lot septic systems. The key implementation activities/dates include the study being completed by 10-8-07. Public Hearing at the conclusion of a 30 day comment period on 10-8-07.

WHEREAS, Felton Borough finds that the Facility Plan described above conforms to applicable zoning, subdivision, other municipal ordinances and plans and to a comprehensive program of pollution control and water quality management.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Felton hereby adopt and submit to the Department of Environmental Protection for its approval as a revision to the "Official Plan" of the municipality, the above referenced Facility Plan. The municipality hereby assures the Department of the complete and timely implementation of the said plan as required by law. (Section 5, Pennsylvania Sewage Facilities Act as amended).

I, , Secretary, Felton Borough Council, hereby certify that the foregoing is a true copy of the Borough's Resolution No. 2007-6, adopted at a regularly scheduled meeting on August 6, 2007.

AUTHORIZED SIGNATURE


Council President

BOROUGH SEAL

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF FELTON BOROUGH, YORK COUNTY, PENNSYLVANIA, ESTABLISHING A SEWAGE MANAGEMENT PROGRAM FOR THE CONSTRUCTION, OPERATION AND MAINTINANCE OF INDIVIDUAL AND COMMUNITY ON-LOT SEWAGE SYSTEMS WITHIN THE BOROUGH, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by The Borough Council of Felton Borough, York County Pennsylvania, as follows:

Section 1. Short Title.

The Ordinance shall be known and may be cited as the "On-lot Sewage Management Ordinance of Felton Borough".

Section 2. Authority.

The legislative authority for this Ordinance is the "Pennsylvania Sewage Facilities Act", Act of January 24, 1966, P.L. (1965) 1535, No. 537 (35 P.S. 750.1 et seq.).

Section 3. Purpose.

The purpose of this Ordinance is to protect the public health by preventing the discharge of untreated or inadequately treated sewage into the soil or waters of the Commonwealth from on-lot individual or community sewage systems by regulating the design, construction, alteration, repair, rehabilitation and replacement of such systems through a permitting, maintenance, inspection and enforcement process. This Ordinance is intended to implement the provisions and requirements of the Pennsylvania Sewage Facilities Act and the regulations promulgated by the Department of Environmental Protection pursuant to that Act.

Section 4. Definitions.

(a) **General Ten.** In the interpretation of the Ordinance, the singular shall include the plural and the masculine shall include the feminine and the neuter.

(b) **Specific Terms.** For the purposes of this Ordinance and unless the context clearly

DRAFT

indicates otherwise, the following words and terms shall have the following meanings. Any term not defined herein shall have the meaning subscribed to it under the Sewage Facilities Act and the regulations promulgated pursuant to it.

ACT – The Pennsylvania Sewage Facilities Act. (35P.S. 750.1 et seq.)

AUTHORIZED AGENT - A licensed sewage enforcement officer, professional engineer or sanitarian, plumbing inspector, soils scientist, or any other qualified or licensed

Person who is delegated to function within specified limits as the agent of the Board of Supervisors of Felton Borough to carry out the provisions of this and other Ordinances of the Borough.

BOROUGH – Felton Borough, York County, Pa.

BOARD – The Borough Council of the Felton Borough, York County, Pennsylvania.

CODES ENFORCEMENT OFFICER (hereinafter called C.E.O.) - An individual employed by the Township to administer and enforce this and other ordinances in the Township.

COMMUNITY SEWAGE SYSTEM – Any system, whether publicly to privately owned, for the collection of sewage or industrial wastes of a liquid nature from two or more lots, and the treatment and/or disposal of the sewage or industrial waste on one or more of the lots or at any other site.

COMMUNITY SEWERAGE SYSTEM – A community sewage system which uses a method of sewage collection, conveyance, treatment and disposal other than renovation in a subsurface absorption area, or retention in a retaining tank.

DEP - The Department of Environmental Protection of the Commonwealth of Pennsylvania or any successor agency.

EXPERIMENTAL SEWAGE SYSTEM – A method of on-lot sewage treatment and disposal not described in the regulations promulgated in this ordinance or in the Pennsylvania Sewage Facilities Act which is proposed for the purpose of testing and observation.

IMPROVED PROPERTY - Any property within the Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

INDIVIDUAL SEWAGE SYSTEM – A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of this Commonwealth or by means of conveyance to another site for final disposal. NOTE: IN THIS DEFINITION YOU MAY WANT TO ADDRESS

DRAFT

WHETHER AN INDIVIDUAL RESIDENTAL SPRAY IRRIGATION SYSTEM OR HOLDING TANK SYSEM WOULD BE PERMITTED.

LAND DEVELOPMENT - A land development as defined in the Pennsylvania Municipalities Planning Code, Act of July 31, 1906 78, P.L. 805, No. 247, as amended, 53 P.S. Section 10101 et. Seq.

LOCAL AGENCY – The Felton Borough Council.

LOT – A portion or part of a subdivision or land development plan or parcel of land used or intended to be used for building or construction purposes, whether immediate or in the future.

MALFUNCTION - The condition occurring, when an on-lot sewage disposal system, causes pollution to the ground or surface waters, contamination of private or public drinking water supplies, nuisance problems or hazards to public health. Any treatment tank or holding tank observed to be leaking, or any instance where any sewage is backing up to a building connected to the system is considered a malfunction. Any component in a treatment tank or septic system that is broken or deteriorated is considered a malfunction. Systems shall be malfunctioning if any of the conditions noted above occurring for any length of time during any period of the year.

MANAGEMENT PROGRAM - The program established by this Ordinance shall encompass all areas of the Borough serviced by on-lot sewage facilities or any alternative system which discharges into the soils of the Borough.

OFFICAL SEWAGE FACILITIES PLAN – A comprehensive plan for the provision of adequate sewage disposal systems adopted by the Board and approved by the Pennsylvania Department of Environmental Protection (DEP), pursuant in the Pennsylvania Sewage Facilities Act.

ON-LOT SEWAGE DISPOSAL SYSTEM – Any system for disposal of domestic sewage involving treatment and subsequent disposal of the clarified sewage into a subsurface soil absorption area or retaining tank; this includes both individual and community sewage systems.

ON-LOT SEWAGE MANAGEMANT GROUPS – Any area or areas of the Borough designated in the Official Sewage Facilities Plan or part of this Ordinance or on a map as adopted by the Borough Council as an area for which a Sewage Management Program shall be implemented.

OWNER - Any person holding legal or equitable title to lands within the Township.

PERSON – Any individual, association, public or private corporation for profit or not for profit, partnership, firm trust, estate, department, board or any other legal entity

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whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribed 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 public or private corporation for profit or not for profit.

PLANNING MODULE FOR LAND DEVELOPMENT - A revision to, or exception to the revision of, the Borough Official Plan submitted in connection with the request for approval of a subdivision or land development in accordance with DEP Regulations.

PLOT PLANS – A plan depicting the division or re-division of a lot or lots, tracts or parcel of land into two or more lots, tracts, parcels or other divisions of land; this includes a plan which depicts changes in existing lot line boundaries.

PUMPER/HAULER - Any person, company, partnership or corporation which engages in cleaning community or individual sewage systems and transporting the septage removed from such systems.

REHABILITATION - Work done to modify, alter, repair, enlarge or replace an existing on-lot sewage disposal system.

REPLACEMENT AREA - An area designated as the future location of an individual on-lot sewage system that shall be installed should the initial individual on-lot system installed or to be installed fail or otherwise become inoperable and which shall meet all the regulations of the DEP and all applicable Borough ordinances for an individual on-lot sewage system, and shall be protected from encroachment by an easement noted on the Final Plan as recorded in the Office of the Recorder of Deeds of York County.

SEPTAGE - The residual scum and sludge pumped from an on-lot sewage disposal system.

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. The term includes any substance that constitutes pollution under the Act of June 22, 1937, known as "The Clean Streams Law," as amended. (35P.S. 691.1 et seq.)

SEWAGE ENFORCEMENT OFFICER – An official of the local agency who reviews permit applications and sewage facilities, planning modules, issues permits as authorized by the Act and Ordinance and conducts investigations and inspections that are necessary to implement the Act and Ordinance and the regulations there under.

SEWAGE MANAGEMENT PROGRAM – A comprehensive set of legal and administrative requirements encompassing the requirements of this ordinance, the

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Sewage Facilities Act, the Clean Stream Law, the regulations promulgated there under and such other requirements as adopted by the Felton Borough Council to effectively enforce and administer the ordinance.

SINGLE AND SEPARATE OWNERSHIP - The ownership of a lot by one or more persons which ownership is separate and distinct from that of any abutting or adjoining lot.

SOIL FRACTURING – An attempt to correct a lack of permeability of soil by pneumatic or hydraulic exposition of the soils.

All other words and terms used in this Ordinance shall have the meanings as set forth in "Chapter 71 & 72 & 73, Standards for Sewage Disposal Facilities: of code 25, Rules and Regulations, Department of Environmental Protection."

Section 5. Applicability.

The provisions of this Ordinance shall apply to all persons owning real property serviced by an individual on-lot sewage disposal system or community sewage system, and to all persons installing, altering, repairing, rehabilitating or replacing such systems. In order to facilitate the administration and implementation of the Ordinance the Borough is divided into three (4) On-Lot Sewer Management Groups by alphabet using property owners last name.

Section 6. Sewage Permit Requirements.

(a) No person shall install, construct or request bid proposals for construction or alter an individual sewage system or community sewage system or construct or request bid proposals for construction or install or occupy any building or structure for which an individual sewage system or community sewage system is to be installed without first obtaining a permit indicating that the site and the plans and specifications of such system are in compliance with the provisions of the Act, the regulations adopted pursuant to the Act and the provisions of this Ordinance.

(b) No building permit shall be issued by the Borough or its C.E.O. for a new building which will contain sewage generating facilities until a valid sewage permit has been obtained from the Borough's certified Sewage Enforcement Officer (hereinafter called S.E.O.).

(c) No building permit shall be issued 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 the Borough

C.E.O. and the structures owner receive from the Township's S.E.O, either a permit for alteration or a replacement of the existing sewage disposal system or written notification that such a permit will not be required. In accordance with Chapter 73 regulations, the certified S.E.O. 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 certified S.E.O. employed by the Borough, for that express purpose. The DEP shall be notified by the Borough as to the identity of its currently employed certified S.E.O.

(e) No sewage permit may be issued unless proof is provided that the owner of record has owned the lot since May 15, 1972, or that planning in accordance with the Act for that lot has been provided by the Borough.

(f) No final approval of a subdivision or land development plan may be granted until planning in accordance with the Act is approved by the Borough.

(g) Soil Fracturing is not permitted

Section 7. Treatment Tank Access.

(a) Access to each tank or compartment of the tank shall be provided by a manhole of at least 20 inches square or in diameter, with a removable cover. The top of the tank containing the manhole or the top of the manhole extension shall not be more than 12 inches below grade level. If access is extended to grade, the access cover shall be airtight and 2" above grade.

Grade level access covers shall be secured by bolts or locking mechanism, or have sufficient weight to prevent access by children.

(b) The ground shall slope away from any access extended to grade level.

(c) Inspection Port. A maximum 4-inch diameter inspection port with sealed cover shall be installed to grade level above the inlet tee.

Section 8. Replacement Area.

(a) Requirements

(i) After the effective date of this Ordinance, a replacement area for an individual on-lot sewage system shall be required for all lots to be created which are not serviced, or to be serviced, by a community sewerage system and did not previously have a permit issued for installation of an on-lot sewage system. Lots existing prior to the effective date of this Ordinance shall be exempt from the requirements of this Section.

10/2/2017

(ii) The replacement area provided shall comply with the regulations issued by the Department as incorporated into this Ordinance concerning individual on-lot sewage systems, including isolation distances, and with the provisions of this Ordinance and any other applicable Township ordinances.

(iii) Allowance of open land for the Replacement Area without testing performed or being observed by the SEO shall not constitute compliance with the requirements of this Section.

(b) Identification of Replacement Areas

(i) The location of the initial individual on-lot sewage system and the Replacement Area as confirmed by the SEO shall be identified on the plot plans and diagrams submitted as part of the permit application.

(ii) If the application has been submitted as a part of an application for subdivision, or land development approval or as part of a request that the municipality approves a Planning Module or amend its Official Plan, or a request for an exemption to the revision of the Official Plan, the location of each initial on-lot sewage system and each Replacement Area shall be noted upon the plans. A permanent easement shall be added to the plans stating that no improvements shall be constructed upon the Replacement Area, and the deed to be recorded for each lot created as part of the subdivision or land development shall contain language reflecting this limitation.

(iii) Any revisions to a permit or plan affecting a Replacement Area which has been approved pursuant to the provisions of this Ordinance shall be reviewed for approval by the Board or its authorized representative.

(c) Construction Restrictions

(i) The easement for the Replacement Area noted upon the Plan and recorded with the County Recorder of Deeds shall state that no permanent or temporary improvements of any character other than shallow-rooted plant matter, shall be installed or constructed on the Replacement Area.

(ii) This provision shall be enforced by the Township unless the person who desires to construct such improvements shall demonstrate to the satisfaction of the SEQ that an alternate Replacement Area which complies with all other applicable municipal ordinances, exists upon the lot. If such an alternate Replacement Area shall be identified, the alternate Replacement Area may be considered to be the Replacement Area by this Ordinance and shall be designated as the Replacement Area. The newly designed Replacement Area shall thereafter be considered the Replacement Areas for the purpose of this Ordinance.

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Section 9. Inspections.

(a) Any on-lot sewage disposal system may be inspected by the Borough's Authorized agent at any reasonable time after the effective date of this Ordinance. Providing one or more of the following applies: (i) sufficient evidence of a potential

(b) The inspection may include a physical tour of the property, the taking of samples from surface water, wells, or other ground water sources, the sampling of the contents of the sewage disposal system itself and/or the introduction of traceable substances into the interior plumbing of the structure served (providing a responsible resident/owner, over the age of eighteen (18) is present) to ascertain the path and ultimate destination of the wastewater generated in the structure.

(c) The Borough's authorized agent shall have the right to enter upon land for the purposes of inspections described above. Any person who shall deny or in any way impede Borough's inspections shall be subject to the penalties prescribed in Section 18 of this Ordinance.

(d) A four year cycle with approximately one quarter of the effected Inspections will be performed on facilities each year. Initial inspections by the township pursuant to this Ordinance shall be conducted as follows:

- (i) Group No. 1 during the calendar year 200_;
- (ii) Group No. 2 during the calendar year 200_; and
- (iii) Group No. 3 during the calendar year 200_.
- (iv) Group No. 4 during the calendar year 200_.

Any property scheduled for inspection in a given year which shall remain Uninspected, at the end of the calendar, shall be inspected as soon as practicable during the next Six Months. A Property Owner who does not comply with in the scheduled year shall be subject to a penalty fee set by the Borough annually. If they continue noncompliance, they shall be subject to penalties as defined in Section 18 of this ordinance.

(e) A schedule of routine inspections may be established by the Borough, if necessary, to assure the proper function of the systems in the Borough.

(f) A copy of the inspection report shall be furnished to the owner and the Borough which shall include the following information; date of inspection; name and address of the system owner; and the status of the septic system – either functioning or malfunctioning in the comment section along with any other relevant comments. A copy of the inspection reports will be forwarded to the Borough's S.E.O. for follow up action as needed.

Section 10. Operation.

02/27/21

(a) No person shall operate and maintain an on-lot sewage disposal system in such a manner that it malfunctions. All liquid wastes, including kitchen, laundry wastes and water softener backwash, shall be discharged to a treatment tank. No sewage system shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the Commonwealth of Pennsylvania unless a permit to discharge has been obtained from the Department and verified by the Borough.

(b) Only normal domestic wastes shall be discharged into any on-lot sewage system. The following shall not be discharged into the system:

- (i) Industrial wastes.
- (ii) Automobile oil and other non-domestic oil.
- (iii) Toxic or hazardous substances or chemicals, including but not limited to: pesticides, disinfectants, acids, paints, paint thinners, herbicides, gasoline and other solvents.
- (iv) Clean surface or ground water, including water from roof or cellar drains, springs, basement sump pumps and French drains.

Section 11. Maintenance.

(a) Any person owning a building served by an on-lot sewage disposal system shall have the septic tank pumped by a licensed Pumper/Hauler after the effective date of this Ordinance based upon the following schedule:

- (i) Properties located in Group No. 1 within one (1) year of the effective date of this Ordinance;
- (ii) Properties located in Group No. 2 within two (2) years of the effective date of this Ordinance; and
- (iii) Properties located in Group No. 3 within three (3) years of the effective date of this Ordinance.
- (iv) Properties located in Group No. 4 within (4) years of the effective date of this Ordinance.

All Pump outs must be made thru the man hole. If a tank does not have a man hole, a man hole shall be cut into the lid and an extension to within at least 12" of the ground surface be installed.

Notwithstanding the provisions of this subsection (a) of this section, if any person

owning such building shall produce satisfactory documentary evidence to the Borough that the septic tank has been pumped within a two (2) year period prior to the effective date of this Ordinance, such pumping shall not be required until on or before the third anniversary of such prior pumping.

(b) After the initial pumping of the septic tank as required by subsection (a) of this Section, the removal of septage or other solids from septic tanks shall be performed once every three (3) years, or whenever an inspection program reveals that the treatment tank or tanks are filled with solids in excess of one-third ($1/3$) the liquid depth of the tank or filled with scum in excess of one-third ($1/3$) the liquid depth.

(c) The Borough may allow septic tanks to be pumped out at less frequent intervals when the owner can demonstrate to the Borough that the system can operate properly without the need of pumping for a period longer than three (3) years, but in no case shall such period extend beyond six (5) years. Such a request may be made at any time, and must be in writing, with all supporting documents attached. The Board, in making its determination, shall take into account the information submitted by the applicant, the sewage permit issued by the Borough S.E.O upon installation or rehabilitation of the system, and supporting documentation, reports of inspection and maintenance of the system, and other relevant information, and may conduct an on-site inspection. The applicant shall bear the cost of any inspection, surface or subsurface, and soil or wastes sampling conducted for the purpose of evaluating the request. The applicant shall receive a decision within ninety (90) days of request.

(d) The required pumping frequency may increase at the discretion of the Borough if the septic tank is undersized, if solids buildup in the tank is above average, 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 (as determined by the S.E.O and approved by the Board).

(e) Any person owning a building served by an on-lot disposal system containing an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. In no case may the service or pumping interval for aerobic treatment tanks exceed that required for septic tanks.

(f) The Borough may require additional maintenance activity as needed including, but not necessarily limited to: cleaning and unclogging of piping; servicing and repair of mechanical equipment; leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees; the diversion of surface water away from the disposal area; etc. Repair permits issued by the certified SEQ must be secured for these activities.

Section 12. Proof of Compliance with Required Sewage Pump-out.

(a) Each time a septic tank or other subsurface waste disposal system tank is pumped out as required by Section 11 of this Ordinance, the owner shall submit to the

Borough a signed copy of Proof of Compliance with Required Sewage Pump-Out form. The form shall be supplied by the Borough. The Pump out shall be completed with in 60 days of the notice to pump.

(b) In addition to the Proof of Compliance form, the owner shall also submit a copy of the York County Solid Waste and Refuse Authority Sludge/Septage Manifest supplied by the Pumper/Hauler.

Section 13. Rehabilitation.

(a) Any on-lot sewage disposal system or component thereof found to be malfunctioning shall be repaired, modified or replaced pursuant to direction of the Borough or its Authorized Agent and to correct the conditions causing the malfunction. Rehabilitation shall be performed in accordance with "Chapter 73, Standards for Sewage Disposal Facilities" of Title 25, Rules and Regulations, Department of Environmental Protection. The Township S.E.O shall inspect the rehabilitated on-lot sewage disposal system and certify its compliance with local and state standards.

Section 14. Liens.

(a) The Borough, upon written notice from the SEQ that a serious health hazard exists due to failure to maintain, repair or replace an on-lot sewage disposal system as provided under the terms of this Ordinance, shall have the authority to perform or contract to have performed, the work required by the S.E.O. The Owner shall be charged for the work performed and, if necessary, a lien shall be entered therefore in accordance with law.

Section 15. Disposal of Septage.

(a) All septage originating within the Borough shall be disposed of at the Township's wastewater treatment facility and or any other permitted disposal site.

Section 16. Administration.

(a) The Borough shall fully utilize those powers it possess through enabling statutes and ordinances to effect the purposes of this Ordinance.

(b) The Borough shall employ qualified individuals to carry out the provisions of this Ordinance in accordance with the regulations contained in Chapter 72 of the Pennsylvania Code, Section 42. Those employees shall include a certified S.E.O. a C.E.O. (if necessary), a secretary an administrator or other persons as required. The Borough may also contract with private qualified persons or firms as necessary to carry out the provisions of this Ordinance.

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(c) All permits, records, files and other written material relating to the installation, operation and maintenance and malfunction of on-lot sewage disposal systems shall become the property of the Borough. Existing and future records shall be available for public inspection during normal business hours at the official Borough office. All records pertaining to sewage, permits, building permits, occupancy permits and all other aspects of the Borough's On-Lot Sewage Management Program shall be made available, upon request, for inspection by a representative of the Department.

(d) The Board shall establish all administrative procedures necessary to properly carry out the provisions of this Ordinance.

(e) The Board shall establish a fee schedule, and subsequently collect fees, to cover the cost to the Borough of administering this program.

Section 17. Appeals.

(a) Appeals from decisions of the Borough authorized agents, under this Ordinance shall be made to the Board in writing within thirty (30) days from the date of Notification of the decision in question. All appeals shall be heard in accordance with Chapter 72, Sections 26,27 and 28 of Title 25 of the Pennsylvania Code.

(b) The appellant shall be entitled to a hearing before the Board at its next regularly scheduled Board Meeting. If the appeal is received within fourteen (14) days of the next regularly scheduled meeting, the appeal shall be heard at the next subsequent regularly scheduled meeting. The Borough shall thereafter affirm, modify or reverse the aforesaid decision. The hearing may be postponed for good cause shown by the appellant or the Borough.

(c) A decision shall be rendered in writing within forty-five (45) days of the date of the hearing. If a decision is not rendered within forty-five (45) days, the relief sought by the appellant shall be deemed granted.

Section 18. Penalties.

Any person failing to comply with any of this Ordinance shall be subject to a fine of not less than five hundred dollars (\$500.00) and costs, and not more than one thousand dollars (\$1,000.00) and costs. All fines and penalties collected for the violation of this ordinance shall be paid over to the Borough treasury. Proceedings for the violation of this ordinance shall be paid over to the Borough treasury. Proceedings for the violation of this Ordinance and for the collection of fines and penalties imposed thereby may be commenced by warrant, or by summons, at the discretion of the District Justice before whom the proceedings is begun. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or

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penalty imposed and the costs, the defendant may be sentenced and committed to the York County Jail for a period not exceeding five days. Each day of noncompliance shall be considered a separate offense.

Section 19. Pre-emption.

The provisions of the Act and any regulations adopted by the DEP pursuant to the Act shall pre-empt the provisions of the Ordinance to the extent that the provisions of the Act or DEP. regulations are more stringent than the provisions of this Ordinance. In all other cases, the provisions of this Ordinance shall prevail.

Section 20. Repealer.

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 there from.

ENACTED and ordained this ___ day of _____, 200_.

Attest: **BOROUGH COUNCIL
FELTON BOROUGH**

By:

Secretary

Council President



Pennsylvania Department of Environmental Protection

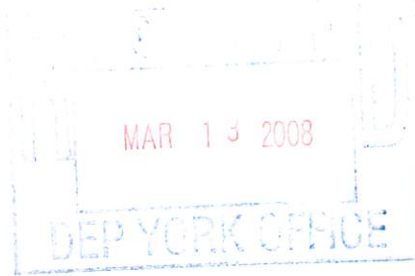
909 Elmerton Avenue
Harrisburg, PA 17110-8200

March 4, 2008

Southcentral Regional Office

Felton Borough Council
c/o Joy Flinchbaugh, Secretary
88 Main Street
Felton, PA 17322

717-705-4707
FAX - 717-705-4830



Re: Act 537 Planning
APS ID No. 620662
DEP Code No. B1-67922-ACT
Felton Borough, York County

Ladies and Gentlemen:

The Department of Environmental Protection (Department) has reviewed your Act 537 Plan Special Study, dated November 2007. The submission is consistent with the planning requirements given in Chapter 71 of the rules and regulations of the Department. The Special Study provides for the implementation of an onlot sewage management program within one year.

The Special Study is approved.

It is now Felton Borough's responsibility to implement the 537 Plan Special Study.

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, PO 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.

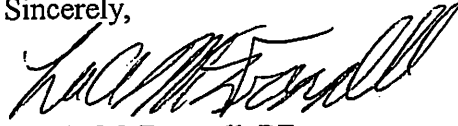
Felton Borough, York County

-2-

3/4/2008

If you have any questions, please call Mr. Paul Curry at 705-4766.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee A. McDonnell". The signature is written in a cursive, flowing style with some loops and flourishes.

Lee A. McDonnell, PE
Program Manager
Water Management Program

cc: Richard K Baade, SEO

BCC: Chuck Ferree
York District Office ✓
File (Paul Curry)
T

The York Water Company
Responses to Bureau of Technical Utility Services, Water/Wastewater Division
Data Request 2

Application of The York Water Company - Wastewater for approval of the acquisition of the
wastewater system assets of the Felton Borough at Docket No. A-2019-3013113

DISCOVERY A-26

Please provide a written summary of Sections 3.5, 4.3 and 5.4 – Wastewater Flow Projections of the DEP-approved 1998 Act 537 Plan for Felton.

RESPONDENT:

Joseph T. Hand
Chief Operating Officer

RESPONSE:

Section 3.5 addresses septage hauling estimates for the 168 developed properties in the Borough of Felton in 1997. Approximately 84% of the developed properties' onlot septic systems were subject to potential, suspected, or confirmed malfunctions.

Section 4.3 addresses future growth in Felton Borough and projections for increased sewage generation.

Section 5.4 summarizes public treatment work alternatives to accommodate the proposed project area and ten years of projected growth.

The York Water Company
Responses to Bureau of Technical Utility Services, Water/Wastewater Division
Data Request 2

Application of The York Water Company - Wastewater for approval of the acquisition of the
wastewater system assets of the Felton Borough at Docket No. A-2019-3013113

DISCOVERY A-27

Please describe the purpose of Felton's DEP-approved 2008 Act 537 Plan.

RESPONDENT:

Joseph T. Hand
Chief Operating Officer

RESPONSE:

According to DEP, the "purpose of the DEP sewage facilities program is to implement the Pennsylvania Sewage Facilities Act (Act 537) in order to help address existing sewage disposal needs, and to help prevent future problems through the proper planning, permitting, and design of all types of sewage facilities."¹ In response to issues raised by DEP and York County Planning Commission, Felton Borough conducted a special study in 2007 to consider an onlot sewage management program to reduce the potential of contaminating residential groundwater wells with onlot septage. The purpose of the special study was to establish an onlot sewage disposal management program to reduce the potential contamination of the Borough residents' drinking water supplies. An onlot sewage disposal management program was not included in Felton Borough's 1998 DEP-Approved Act 537 Plan and was only considered in 2007 as DEP, York County Planning Commission, the Borough's elected officials, and residents became concerned with water well contamination.

At a public meeting held October 9, 2007, Felton Borough Council acknowledged that "septic systems were viewed as only being a temporary fix until the sewer system would come by the home." (Answer to Discovery A-25, Attachment 2, p. 27.) Without sufficient resources, Felton was never able to extend public wastewater beyond the limits proposed in the 1998 Act 537 Plan. According to Felton Borough's Special Study, 34 of 46 respondents to a survey in 2007 and indicated that their septic systems were 10 years or older, with 22 of the 46 older than 30 years. (See Answer to Discovery A-25, Attachment 2, p. 18.) Felton Borough did not (and still does not) have a public water supply, and residents and elected officials were concerned that due to the topography and soil characteristics the septic systems would fail and contaminate the residents' drinking water supply. It was for this very same reason that Felton Borough initiated the Act 537 proceeding in 1998, which ultimately led to the construction of the Borough's wastewater treatment plant and collection system. Today, the same topographic and soil characteristics exist, the same risk to contamination exists, and the 22 septic systems identified in 2007 as older than 30 years are now older than 40 years.

¹ <https://www.dep.pa.gov/Business/Water/CleanWater/WastewaterMgmt/Act537/Pages/default.aspx>

The York Water Company
Responses to Bureau of Technical Utility Services, Water/Wastewater Division
Data Request 2

Application of The York Water Company - Wastewater for approval of the acquisition of the
wastewater system assets of the Felton Borough at Docket No. A-2019-3013113

DISCOVERY A-28

Data Request A-9 requested copies of the Discharge Monitoring Reports (DMRs) referenced in the Application's page 7 as well as Felton's DMRs for the months of January through August 2019. York Water-WW did not file a response for Data Request A-9. Please provide copies of the aforementioned DMRs.

RESPONDENT:

Joseph T. Hand
Chief Operating Officer

RESPONSE:

The response to Data Request A-9 was filed via electronic filing on November 15, 2019, and has been posted to the Commission's website.

The York Water Company
Responses to Bureau of Technical Utility Services, Water/Wastewater Division
Data Request 2

Application of The York Water Company - Wastewater for approval of the acquisition of the
wastewater system assets of the Felton Borough at Docket No. A-2019-3013113

DISCOVERY A-29

York Water-WW's response to Data Request A-14 indicated the reserved capacity holders identified in Appendix A.1 (Exhibit I) will continue to hold reserve capacity after closing. Please provide evidence of Equivalent Dwelling Unit (EDU) reservation agreements or other written actions (e.g., resolutions, etc.) taken by Felton to memorialize these reserved capacity obligations.

RESPONDENT:

Joseph T. Hand
Chief Operating Officer

RESPONSE:

Attached are copies of receipts and documents received from Felton Borough, which demonstrate actions taken to memorialize these reserved capacity obligations.

RECEIPT

DATE May 6, 2004 No. 600801

RECEIVED FROM Shaffer's Welding (Frank Shaffer) \$ 2,000.00

Two thousand 00/100 DOLLARS

FOR RENT
 FOR Tap in Fee (Part)

ACCOUNT	<u>15,000.00</u>	<input type="radio"/> CASH	# <u>1761</u>	FROM	TO
PAYMENT	<u>2,000.00</u>	<input checked="" type="radio"/> CHECK			
BAL. DUE	<u>13,000.00</u>	<input type="radio"/> MONEY ORDER		BY	<u>Louise Nangle</u>

1182

RECEIPT

DATE May 6, 2004 No. 600802

RECEIVED FROM New England Realty (Frank Shaffer) \$ 1,500.00

One thousand five hundred 00/100 DOLLARS

FOR RENT
 FOR Tap in Fee (Part)

ACCOUNT	<u>13,000.00</u>	<input type="radio"/> CASH	# <u>2085</u>	FROM	TO
PAYMENT	<u>1,500.00</u>	<input checked="" type="radio"/> CHECK			
BAL. DUE	<u>11,500.00</u>	<input type="radio"/> MONEY ORDER		BY	<u>Louise A. Nangle</u>

1182

RECEIPT

DATE May 27, 2004 No. 600803

RECEIVED FROM F.N. Shaffer & Co (Frank Shaffer) \$ 500.00

Five hundred 00/100 DOLLARS

FOR RENT
 FOR Tap in Fee (Part)

ACCOUNT	<u>11,500.00</u>	<input type="radio"/> CASH	# <u>3896</u>	FROM	TO
PAYMENT	<u>500.00</u>	<input checked="" type="radio"/> CHECK			
BAL. DUE	<u>11,000.00</u>	<input type="radio"/> MONEY ORDER		BY	<u>Louise Nangle</u>

1182

RECEIPT

DATE July 2, 2004 No. 600804

RECEIVED FROM AAA Home Commercial Inspection (Frank Shaffer) \$ 500.00

Five Hundred 00/100 DOLLARS

FOR RENT
 FOR Tap in Fee (Part)

ACCOUNT	<u>11,000.00</u>	<input type="radio"/> CASH	# <u>1442</u>	FROM	TO
PAYMENT	<u>500.00</u>	<input checked="" type="radio"/> CHECK			
BAL. DUE	<u>10,500.00</u>	<input type="radio"/> MONEY ORDER		BY	<u>Louise Nangle</u>

1182

RECEIPT

DATE Aug 3, 2004 No. 600805

RECEIVED FROM FN Shaffer + Company (Frank Shaffer) \$ 500.00

Five Hundred 00/100 DOLLARS

FOR RENT
 FOR Tap in Fee (Part)

ACCOUNT	<u>10,500.00</u>	<input type="radio"/> CASH	FROM <u># 3958</u>	TO
PAYMENT	<u>500.00</u>	<input checked="" type="radio"/> CHECK		
BAL. DUE	<u>10,000.00</u>	<input type="radio"/> MONEY ORDER	BY <u>Louise Nangle</u>	

1182

RECEIPT

DATE Sept 25, 2004 No. 600810

RECEIVED FROM FN Shaffer + Co. (Frank Shaffer) \$ 500.00

Tap In Fee Five hundred 00/100 DOLLARS

FOR RENT
 FOR Tap In Fee (Part)

ACCOUNT	<u>10000.00</u>	<input type="radio"/> CASH	FROM <u># 4008</u>	TO
PAYMENT	<u>500.00</u>	<input checked="" type="radio"/> CHECK		
BAL. DUE	<u>9,500.00</u>	<input type="radio"/> MONEY ORDER	BY <u>Louise A. Nangle</u>	

1182

RECEIPT

DATE October 5, 2004 No. 600811

RECEIVED FROM FN Shaffer + Company (Frank Shaffer) \$ 500.00

Five hundred 00/100 DOLLARS

FOR RENT
 FOR Tap In Fee (Part)

ACCOUNT	<u>9,500.00</u>	<input type="radio"/> CASH	FROM <u># 4026</u>	TO
PAYMENT	<u>500.00</u>	<input checked="" type="radio"/> CHECK		
BAL. DUE	<u>9,000.00</u>	<input type="radio"/> MONEY ORDER	BY <u>Louise A. Nangle</u>	

1182

RECEIPT

DATE Nov 19, 2004 No. 600815

RECEIVED FROM FN Shaffer + Co \$ 500.00

Five hundred 00/100 DOLLARS

FOR RENT
 FOR Tap in Fee (Part)

ACCOUNT	<u>9000.00</u>	<input type="radio"/> CASH	FROM <u># 4077</u>	TO
PAYMENT	<u>500.00</u>	<input checked="" type="radio"/> CHECK		
BAL. DUE	<u>8,500.00</u>	<input type="radio"/> MONEY ORDER	BY <u>Louise A. Nangle</u>	

1182

RECEIPT

DATE	<i>Dec 21, 2004</i>	No.	600827
RECEIVED FROM	<i>Frank Shaffer</i>	\$8,500⁰⁰/₁₀₀	
	<i>Eighty five hundred ⁰⁰/₁₀₀</i>	DOLLARS	
<input type="radio"/> FOR RENT	<i>Sewer tap In Fee</i>	<i>Paid In Full</i>	
<input type="radio"/> FOR			
ACCOUNT	<i>8,500.00</i>	<input type="radio"/> CASH	<i>183</i>
PAYMENT	<i>8,500.00</i>	<input checked="" type="radio"/> CHECK	FROM _____ TO _____
BAL. DUE	<i>-0-</i>	<input type="radio"/> MONEY ORDER	BY <i>Lise A. Nayle</i>

**Felton Borough Sewer
88 Main Street
Felton, PA 17322**

Invoice

Date	Invoice #
9/10/2007	3511

Phone #	Fax #	E-mail
717-246-6493	717-246-8959	feltonboroughoffice@gmail.com

Bill To
Dirk L. & Jody L. Posey 285 East Gay Street Ext. Red Lion, PA 17356

Terms	Due Date
Net 30	10/10/2007

Item	Description	Rate	Amount
Tap Fees	Tap in fee for sewer - 62000010037B000000	3,000.00	3,000.00
Tap Fees	Tap in fee for sewer - 62000010037C000000	3,000.00	3,000.00
<p><i>Paid 9/10/2007</i></p>			

Please make checks payable to Felton Borough Sewer.

"This institution is an equal opportunity provider."

Total	\$6,000.00
Payments/Credits	-\$6,000.00
Balance Due	\$0.00

Payment Receipt

Felton Borough Sewer
88 Main Street
Felton, PA 17322

Received From:

Posey, Dirk
Dirk L. & Jody L. Posey
285 East Gay Street Ext.
Red Lion, PA 17356

Date Received	09/10/2007	Payment Amount	\$6,000.00
Payment Method	Check		
Check/Ref. No.	135		

Invoices Paid

<u>Date</u>	<u>Number</u>	<u>Amount Applied</u>
09/10/2007	3511	-\$6,000.00

Felton Borough Sewer

88 Main Street
Felton, PA 17322

Invoice

Date	Invoice #
1/1/2005	

PAID
07/15/2005

Bill To
Alan Herman 39 Main Street Felton, PA 17322

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
	Opening balance - 2 tap in fees (1 for current house and 1 for vacant lot parcel 620000100160	6.055.00	6.055.00
Total			\$6.055.00

**Felton Borough Sewer
88 Main Street
Felton, PA 17322**

Invoice

Date	Invoice #
4/15/2005	466

Phone #	Fax #	E-mail
717-246-6493	717-246-8959	feltonboroughoffice@gmail.com

Bill To
Carroll Anderson 4682 Anderson Road Red Lion, PA 17356

Terms	Due Date
	7/15/2005

Item	Description	Rate	Amount
Tap Fees	Tap in fee for sewer for parcel 620000100540	3,000.00	3,000.00
<p><i>paid 7/20/2005</i></p>			

<p><i>Please make checks payable to Felton Borough Sewer.</i></p> <p><i>"This institution is an equal opportunity provider."</i></p>	Total	\$3,000.00
	Payments/Credits	-\$3,000.00
	Balance Due	\$0.00

Payment Receipt

Felton Borough Sewer
88 Main Street
Felton, PA 17322

Received From:

Anderson, Carroll
Carroll Anderson
4682 Anderson Road
Red Lion, PA 17356

Date Received	07/20/2005	Payment Amount	\$3,000.00
Payment Method	Check		
Check/Ref. No.	1042		

Invoices Paid

<u>Date</u>	<u>Number</u>	<u>Amount Applied</u>
04/15/2005	466	-\$3,000.00

Felton Borough Sewer

88 Main Street
Felton, PA 17322

Invoice

Date	Invoice #
7/15/2005	

Bill To
Felton Borough 88 Main Street Felton, PA 17322 Property: 70 Main Street

PAID
04/24/2006

P.O. No.	Terms	Project
	Due upon receipt	

Quantity	Description	Rate	Amount
	Opening balance - tap in fee, inspection fee and permit fee.	3,055.00	3,055.00
Total			\$3,055.00

The York Water Company
Responses to Bureau of Technical Utility Services, Water/Wastewater Division
Data Request 2

Application of The York Water Company - Wastewater for approval of the acquisition of the wastewater system assets of the Felton Borough at Docket No. A-2019-3013113

DISCOVERY A-30

York Water-WW's response to Data Request A-23 indicated York Water-WW is not incorporating Section 3.03 of Felton's Ordinance No. 2004-01 into the company's wastewater tariff. If York Water-WW does not incorporate Section 3.03 of Felton's Ordinance No. 2004-01 into its wastewater tariff, please explain how York Water-WW will determine the appropriate number of EDUs to assign a new Bona Fide Service Applicant, as defined in York Water-WW's official tariff, if that customer is estimated to exceed 350 gallons per day of wastewater flow following the close of this transaction.

RESPONDENT:

Joseph T. Hand
Chief Operating Officer

RESPONSE:

Due to the residential nature of the Borough of Felton, York Water anticipates requests for service from a new Bona Fide Service Applicant will be for residential wastewater service. Each residential property will be the equivalent of one dwelling unit and charged a flat rate of \$79.50 per month.

If the new Bona Fide Service Applicant for wastewater service is a commercial or industrial customer, the Company's definition of EDU would apply. As a result, if that Applicant's estimated maximum daily wastewater flow exceeds 350 GPD as determined in accordance with York Water's Wastewater tariff, then the Applicant would be charged the number of EDUs equal to the estimated maximum daily wastewater flow divided by 350 GPD. *See Supplement No. 3 to Wastewater – PA P.U.C. No. 1, First Revised Page No. 8.*

The York Water Company
Responses to Bureau of Technical Utility Services, Water/Wastewater Division
Data Request 2

Application of The York Water Company - Wastewater for approval of the acquisition of the
wastewater system assets of the Felton Borough at Docket No. A-2019-3013113

DISCOVERY A-31

York Water-WW's response to Data Request A-23 that provided a revised *pro forma* tariff supplement incorrectly designates (C) to the Jacobus Borough Area on revised Page No. 4 rather than the Felton Borough Area. Please submit a revised *pro forma* tariff identifying the changes to the appropriate sections.

RESPONDENT:

Joseph T. Hand
Chief Operating Officer

RESPONSE:

A revised *pro forma* tariff is attached.

THE YORK WATER COMPANY

RATES, RULES AND REGULATIONS GOVERNING

THE PROVISION OF WASTEWATER COLLECTION, TREATMENT

AND/OR DISPOSAL SERVICE TO THE PUBLIC IN

THE BOROUGHES OF EAST PROSPECT, FELTON, JACOBUS AND WEST YORK (C)

AND THE

TOWNSHIPS OF EAST MANCHESTER (ASBURY POINTE RESIDENTIAL SUBDIVISION)

AND LOWER WINDSOR IN YORK COUNTY, PENNSYLVANIA

ISSUED: xxxxxxxxxxxxxxxx

EFFECTIVE: xxxxxxxxxxxxxxxx

By: Jeffrey R. Hines
President and CEO
130 East Market Street
York, Pennsylvania

(C) Indicates Change



NOTICE

Filed in compliance with the order of the Pennsylvania Public Utility Commission of XXXXXXXXXXXX, at
Docket No. A-XXXX-XXXXXX.
(SEE PAGE NO. 2)

The York Water Company
York, Pennsylvania

Supplement No. X
To
Wastewater – PA P.U.C. No. 1
XXXXXX Revised Page No. 2
Canceling
XXXXXX Revised Page No. 2

LIST OF CHANGES

This tariff supplement authorizes The York Water Company – Wastewater to begin to offer or furnish wastewater service to the public in Felton Borough, York County, Pennsylvania, as previously served by Felton Borough, in accordance with the Pennsylvania Public Utility Commission Order at Docket No. A-XXXX-XXXXXXX, entered XXXXXXXXXXXX.

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(C) Indicates Change

PART I: SCHEDULE OF RATES AND CHARGES

Asbury Pointe Area

A flat rate of \$62.50 per month per equivalent dwelling unit.

East Prospect and Lower Windsor Area

A metered rate (based on water consumption) as follows:

	<u>Per Month</u>	<u>Rate</u>
East Prospect and Lower Windsor area	1 st 4,000 Gals.	\$62.50
Over	4,000 Gals.	\$2.50 per 1,000 Gals.

West York Borough Area

Rate per Month

A flat rate per equivalent dwelling unit.

Residential	\$32.71
Commercial/Industrial	\$40.42

Jacobus Borough Area

A metered rate (based on water consumption) per equivalent dwelling unit as follows:

	<u>Per Month</u>	<u>Rate</u>
Jacobus Borough Area	1 st 4,000 Gals.	\$55.00
Over	4,000 Gals.	\$5.00 per 1,000 Gals.

Felton Borough Area

(C)

A flat rate of \$79.50 per month per equivalent dwelling unit.

(C) Indicates Change

The York Water Company
Responses to Bureau of Technical Utility Services, Water/Wastewater Division
Data Request 2

Application of The York Water Company - Wastewater for approval of the acquisition of the
wastewater system assets of the Felton Borough at Docket No. A-2019-3013113

DISCOVERY A-32

Data Request A-24 requested York-WW identify the number of Felton customers that are currently billed multiple EDUs and identify if it is York Water-WW's intent to maintain this bill practice or re-evaluate the number of EDUs assigned to these customers after closing. York Water-WW did not file a response for Data Request A-24. Please provide the above requested information.

RESPONDENT:

Joseph T. Hand
Chief Operating Officer

RESPONSE:

The response to Data Request A-24 was filed via electronic filing on November 15, 2019, and has been posted to the Commission's website.

VERIFICATION

I, Joseph T. Hand, being the Chief Operating Officer at The York Water Company, hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief, and that if asked orally at a hearing in this matter, my answers would be as set forth therein.

I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: December 6, 2019



Joseph T. Hand