

**Borough of Freeland Municipal Authority
711 Birkbeck Street
P O Box C
Freeland, PA 18224**

**Phone: (570) 636-1733 Fax: (570) 636-1700
Email: fmaws@fmaws.org Website: www.fmaws.org**

A-2021-3028676
CERTIFIED MAIL#: 7008 1830 0002 5747 8554

October 12, 2021

Rosemary Chiavetta, Secretary
Commonwealth of Pennsylvania
Pennsylvania Public Utility Company
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120

DATE OF DEPOSIT

OCT 12 2021

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

RE: Pennsylvania American Water Company filing for the transfer, sale of a portion of the Foster Township wastewater collection and conveyance system that discharges to the Freeland Municipal Authority Wastewater Treatment Plant.

Dear Ms. Chiavetta:

Please be advised that the Freeland Municipal Authority (FMA) met with the Foster Township supervisors over a year ago (August 24, 2020) and discussed several items (see attached letter) with the Foster Township Supervisors.

During the meeting the Foster Twp Supervisors agreed to address the items in this letter. It has now been over a year, and nothing has been done on the list. FMA has requested the status of the items in this letter on several occasions and Foster Township has not responded.

On September 20, 2021, we requested in writing (see attached letter) to be put on the October meeting agenda so we could discuss these items with Foster Township. We did not receive an acknowledgement for being put on the Foster Agenda.

This morning October 6, 2021, FMA finds out Foster Township has changed their Public Meeting into a Zoom Meeting and we have yet to be notified if we are on the agenda.

Until recently when you directed Pennsylvania American Water Company to provide FMA with a copy of the filing with PUC (for the transfer, sale of the Foster Wastewater Collection and Conveyance System) we were never contacted by either Foster Township or PA American. Considering Foster's wastewater discharges to FMA wastewater treatment system, it is

imperative we know what updates and improvements will be done to their operations. An agreement was sent to FMA by Foster's solicitor; however, before we will consider reviewing any agreements, we have an urgent need for the items that we discussed with Foster Township at the August 24, 2020, meeting be completed.

EPA has set a mandate requiring Foster Township, Butler Township and Freeland Borough to have the same Industrial Pre-treatment Ordinances. All through FMA has repeatedly asked, Foster has ignored adopting the same ordinance. Because of this and other issues called out, we will not accept the ordinance that is in the PUC filing.

We appreciate your cooperation in this matter and are available to discuss the ramifications of not having the items addressed and the lack of response for over a year from the Foster Township Supervisors.

Sincerely,



David J Kavitski, PE
Chairman FMA

Attachments: Initial List of Items for Foster Township to correct
Emails requesting Status Response from Foster Township
Letter requesting being put on the Oct 13, 2021, Foster Meeting Agenda

cc: Freeland Borough via email
Foster Township Supervisors via email
EPA-Ryan Shuart via email
DEP-Scott Novatnak via email
FMA Engineer-Joshua Fox via email

We are an Equal Opportunity Provider and Employer

Carlene Troell

From: Carlene Troell
Sent: Friday, April 9, 2021 2:55 PM
To: 'Brittany (foster1@ptd.net)'; Georgiann Twp; Gerald Brogan; hdsoftail2002@hotmail.com
Cc: PE Dave Kavitski (rdkeng@ptd.net); jfisher4; ppthomas1; tierney1602@yahoo.com; Chuck Madison; Carlene Troell
Subject: Foster Meeting

Good Afternoon,

On August 24 of 2020, Chairman Mr. Brogan, Attorney Karpowich and Tom Barna met with the Authority Chairman Mr. Kavitski, Attorney Fagan, Mr. Paul Thomas and Mr. Clymer to discuss Foster Township Sewer System.

The Authority is requesting an update to the issues that were discussed:

- Dye Test of Storm Drains
- Go out in Rainstorm to check manholes from Pump Station into the system
- Foster to get High Tides back up and running
- Check on old abandon lines
- Check on roof leaders & sump pumps from going into sewer system
- Are you keeping overflow records now?
- Quote was to be obtained for hose & pipe for 2nd Force Main at Wyoming St PS
- Quote was to be obtained for macerator repair at Wyoming St PS
- Pre Treatment Ordinance to be adopted (mirror Freeland Borough's) except Foster will issue the permits

Carlene Troell
Office Manager
My Direct Email: omfma@fmaws.org
General Email: fmaws@fmaws.org
Freeland Municipal Authority
PO Box C
711 Birkbeck Street
Freeland PA 18224
570-636-1733 Phone
570-636-1700 Fax
NOTE: My e-mail addresses have changed. Please update your address book.

DATE OF DEPOSIT

OCT 12 2021

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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Carlene Troell

From: Carlene Troell
Sent: Wednesday, July 14, 2021 8:47 AM
To: 'Brittany (foster1@ptd.net)'; Gerald Brogan; Georgiann Twp; John Pavuk
Cc: Dave Kavitski (rdkeng@ptd.net); 'James Fisher (jfisher4@ptd.net)'; Paul Thomas (ppthomas1@ptd.net); Tom Tierney II; Attorney Peter Fagan (pjfagan@epix.net); Chuck Madison; Ryan Smith
Subject: FW: Foster Meeting (3rd Request)

Tracking:	Recipient	Delivery	Read
	'Brittany (foster1@ptd.net)'		
	Gerald Brogan		
	Georgiann Twp		
	John Pavuk		
	Dave Kavitski (rdkeng@ptd.net)		
	'James Fisher (jfisher4@ptd.net)'		
	Paul Thomas (ppthomas1@ptd.net)		
	Tom Tierney II		
	Attorney Peter Fagan (pjfagan@epix.net)		
	Chuck Madison	Delivered: 07/14/2021 8:48 AM	Read: 07/14/2021 9:19 AM
	Ryan Smith	Delivered: 07/14/2021 8:48 AM	Read: 07/15/2021 8:02 AM

Good Morning,

Freeland Municipal Authority is looking for an update on the following issues/items that were discussed on August 24, 2020.

Please advise on this request.

Carlene Troell
Office Manager
My Direct Email: omfma@fmaws.org
General Email: fmaws@fmaws.org
Freeland Municipal Authority
PO Box C
711 Birkbeck Street
Freeland PA 18224
570-636-1733 Phone
570-636-1700 Fax

NOTE: My e-mail addresses have changed. Please update your address book.

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From: Carlene Troell
Sent: Friday, April 9, 2021 2:55 PM
To: 'Brittany (foster1@ptd.net)' <foster1@ptd.net>; Georgiann Twp <foster2@ptd.net>; Gerald Brogan <gjbrog@hotmail.com>; hdssoftail2002@hotmail.com
Cc: PE Dave Kavitski (rdkeng@ptd.net) <rdkeng@ptd.net>; 'James Fisher (jfisher4@ptd.net)' <jfisher4@ptd.net>; 'Paul Thomas (ppthomas1@ptd.net)' <ppthomas1@ptd.net>; tierney1602@yahoo.com; Chuck Madison <tmfma@fmaws.org>; Carlene Troell <omfma@fmaws.org>
Subject: Foster Meeting

Good Afternoon,

On August 24 of 2020, Chairman Mr. Brogan, Attorney Karpowich and Tom Barna met with the Authority Chairman Mr. Kavitski, Attorney Fagan, Mr. Paul Thomas and Mr. Clymer to discuss Foster Township Sewer System.

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- Pre Treatment Ordinance to be adopted (mirror Freeland Borough's) except Foster will issue the permits

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Office Manager
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Carlene Troell

From: Carlene Troell
Sent: Tuesday, September 21, 2021 9:08 AM
To: 'Brittany (foster1@ptd.net)'; Gerald Brogan; Georgiann Twp; John Pavuk; Attorney Donald Karpowich (donald@karpowichlaw.com)
Cc: Dave Kavitski (rdkeng@ptd.net); 'James Fisher (jfisher4@ptd.net)'; 'Paul Thomas (ppthomas1@ptd.net)'; Tom Tierney II; 'Attorney Peter Fagan (pjfagan@epix.net)'
Subject: Agenda
Attachments: Foster Township 09202021.doc

Everyone:

Attached is a letter from the Freeland Municipal Authority requesting to be added to the October 13th Meeting Agenda.

Sincerely,
Carlene

Carlene Troell
Office Manager
My Direct Email: omfma@fmaws.org
General Email: fmaws@fmaws.org
Freeland Municipal Authority
PO Box C
711 Birkbeck Street
Freeland PA 18224
570-636-1733 Phone
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P O Box C
Freeland, PA 18224

Phone: (570) 636-1733 Fax: (570) 636-1700
Email: fmaws@fmaws.org Website: www.fmaws.org

September 20, 2021

Foster Township Supervisors
ATTN: Gerald Brogan, Chairman
1000 Wyoming Ave
Freeland, PA 18224

Dear Foster Township Supervisors:

On August 24, 2020, Chairman Gerald Brogan, Attorney Karpowich, and Tom Baran, Foster Township Engineer met with the Authority Chairman Mr. Kavitski, Attorney Fagan, Mr. Paul Thomas, and Mr. Clymer to discuss the Foster Township Sewer System.

The following items were discussed at this meeting, and we are looking for an update on all:

1. Dye test of storm drains
2. Check manholes from Pump Station into the sewer system during rainstorms
3. Foster to get High Tides back up and running
4. Check to see if old, abandoned lines are capped
5. Check on roof leaders, rain gutters, and sump pumps from going into sewer system
6. Are you keeping overflow records now?
7. Quote was to be obtained for hose & pipe for 2nd Force Main at Wyoming St PS
8. Quote was to be obtained for macerator repair at Wyoming St PS
9. Pretreatment Ordinance to be adopted (mirror Freeland Borough) exception would be for Foster Township to issue the permits.
10. Status of the sale of the sewer system to PA American Water

The Authority is requesting to be added to the Foster Township Agenda for the upcoming meeting on October 13, 2021, at 6:30 PM.

Sincerely,



David Kavitski
Chairman of the
Borough of Freeland Municipal Authority

FMA - FOSTER Meeting

8-24-2020 6PM - 7PM

ATTORNEY Karpowich

Dave Kavitski

JERRY BROGAN

ATTORNEY Fagan

Tom Barna

Ray Clymer

Paul Thomas

provided
FOSTER
w/6/19/20

Request from Foster for deferring \$2000/month
Dave K. explained inflow from Foster

JERRY Brogan Foster will:

1. DYE TEST STORM DRAINS
2. GO OUT IN RAIN STORM and check MH'S FROM PUMP STATION INTO SYSTEM.
3. FOSTER WILL GET HYPHIDES BACK ON
4. FOSTER TO CHECK OLD ABANDON LINES
5. FOSTER SAID THEY HAD MASSIVE EFFORT GETTING ROOF LEADERS, SUMP PUMPS OFF SYSTEM
6. PROVIDED PERMIT
7. DON'T KEEP OVERFLOW RECORDS SAID IT HAS NOT OVERFLOWED LATELY
8. WE NEED QUOTE FOR PIPE & HOSE FOR 2ND F.M.
9. PETER TO SEND DANNIE ^{OUR} PRETREATMENT ORD TO DEPT EXCEPT FOSTER TO ISSUE PERMITS
10. WE NEED QUOTE ON MACERATOR REPAIR AT P.S.
11. WE SAID WE WOULD POSSIBLY BID ON FOSTER SEWER IF THEY FIXED IT OR SOME OTHER AGREEMENT.



Pennsylvania Department of Environmental Protection

2 Public Square
Wilkes-Barre, PA 18711-0790
October 23, 2006

Northeast Regional Office

570-826-2511
Fax 570-830-3016

CERTIFIED MAIL NO. 7005 1160 0001 3021 7981

Foster Township
1000 Wyoming Avenue
P. O. Box 465
Freeland, PA 18225

Attention: Ms. Ellen Gelezinsky, Township Secretary

Re: Sewage
Foster Township
WQM Part II Permit No. 4006404
(Woodside, Youngstown, Highland, Upper Lehig h and
Subarea 5)
APS ID No. 579569
Foster Township, Luzerne County

Dear Ms. Gelezinsky:

Your Water Quality Management permit is enclosed.

You must comply with all Standard and Special Conditions attached to this Permit.
Construction must be done in accordance with the permit application and all supporting documentation.
Please review the permit conditions and the supporting documentation submitted with your application
~~before starting construction.~~

Enclosed is the "Sewage and Industrial Wastewater Facilities Construction Certification" form.
A Pennsylvania-registered Professional Engineer must sign and complete this form prior to startup of
the facilities (see Permit Conditions). You or your authorized representative must also sign the form.
This certification and other post-construction documentation must be submitted to the Department
within 30 days following startup of the facilities.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental
Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A,
to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market
Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board
through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental
Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute
provides a different time period. Copies of the appeal form and the Board's rules of practice and
procedure may be obtained from the Board. The appeal form and the Board's rules of practice and
procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-



3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717-787-3483) FOR MORE INFORMATION.

If you have any questions, please call Mary Hastings of my staff at 570-826-2313.

Sincerely,



Kate Crowley
Program Manager
Water Management Program

Enclosures

cc: Mr. Thomas E. Barna, Jr./Michael J. Pasonick, Jr., Inc.



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

P. ERMIT NO. 400640

AMMENDMENT NO. _____

APS ID. 579569

ALJTH. ID. 627313

**WATER QUALITY MANAGEMENT
PERMIT**

A. PERMITTEE (Name and Address): Foster Township 1000 Wyoming Avenue, P. O. Box 465 Freeland, PA 18224	CLIENT ID#: 115743
B. PROJECT/FACILITY (Name): Woodside, Youngstown, High and, Upper Lehigh and Subarea 5	

C. LOCATION (Municipality, County): Foster Township, Luzerne County	SITE ID#: 669947
--	------------------

D. This permit approves the construction/operation of sewerage facilities consisting of:

- A new gravity wastewater collection system and associated submersible pump stations and force mains to serve the Woodside, Youngstown, Highland and Upper Lehigh Areas.
- Replacement of the wastewater collection system serving Subarea 5.

Pump Stations: <u>X</u> Design Capacity: <u>100</u> GPM (Highland) <u>140</u> GPM (Upper Lehigh) <u>320</u> GPM (Youngstown) <u>800</u> GPM (Woodside/Wyoming Ave.)	Manure Storage: N/A Volume: _____ MG Freeboard: _____ inches	Industrial Wastewater/Sewage Treatment Facility: N/A Annual Average Flow: _____ MGD Design Hydraulic Capacity: _____ MGD Design Organic Capacity: _____ lb/day
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E. APPROVAL GRANTED BY THIS PERMIT IS SUBJECT TO THE FOLLOWING:

1. **New Permits:** All construction, operations and procedures shall be in accordance with the Water Quality Management Permit application, dated April 3, 2006, its supporting documentation and addendums dated October 4 and October 20, 2006, which are hereby made a part of this permit.
2. Permit Conditions Relating to Sewerage are attached and made part of this permit.

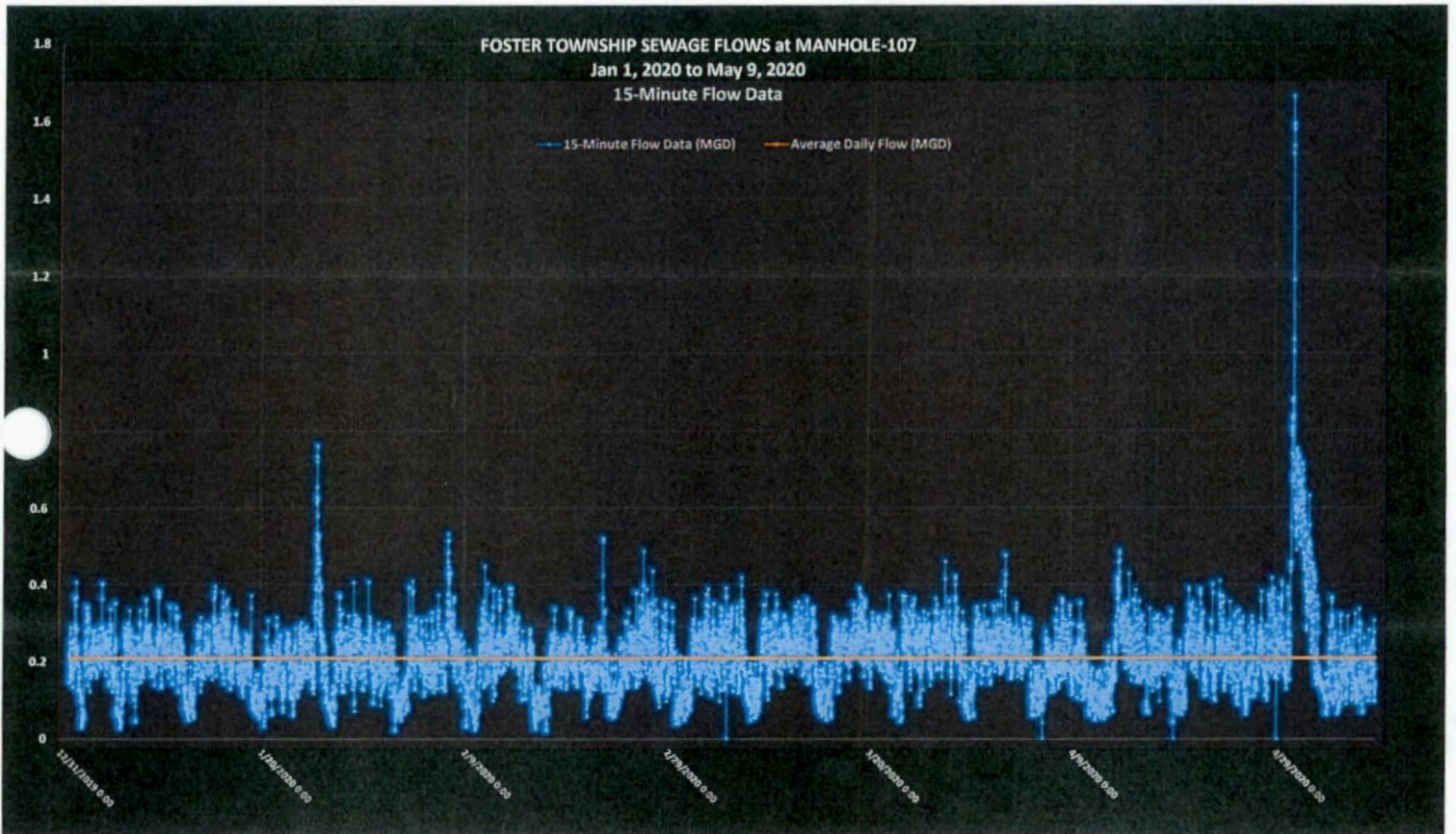
F. THE AUTHORITY GRANTED BY THIS PERMIT IS SUBJECT TO THE FOLLOWING FURTHER QUALIFICATIONS:

1. If there is a conflict between the application or its supporting documents and amendments and the attached conditions, the attached conditions shall apply.
2. Failure to comply with the rules and regulations of DEP or with the terms or conditions of this permit shall void the authority given to the permittee by the issuance of this permit.
3. This permit is issued pursuant to the Clean Streams Law Act of June 22, 1937, P.L. 1987, as amended 35 P.S. §691.1 et seq. Issuance of this permit shall not relieve the permittee of any responsibility under any other law.

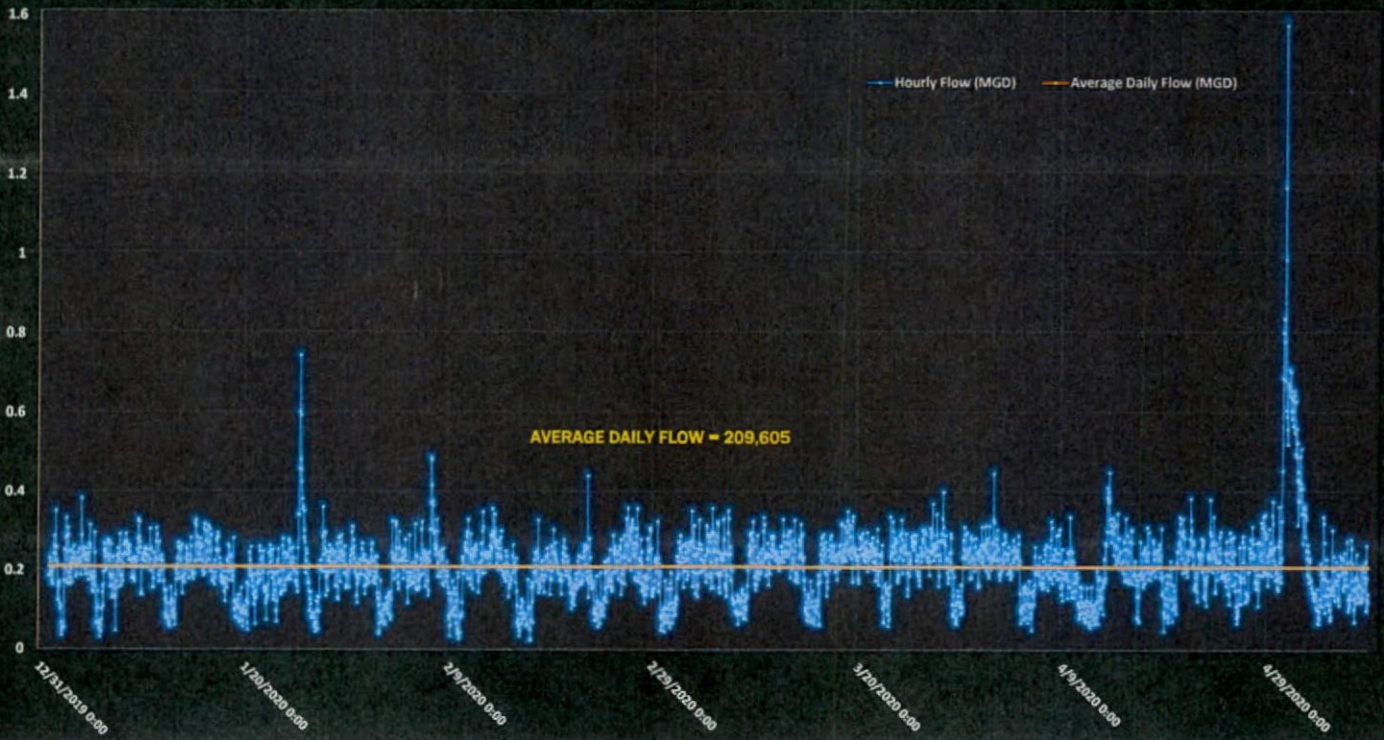
PERMIT ISSUED: <u>October 23, 2006</u>	BY: <u>Kate Crowley</u> TITLE: <u>Water Management Program Manager</u>
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FOSTER TOWNSHIP SEWAGE FLOWS at MANHOLE-107
Jan 1, 2020 to May 9, 2020
15-Minute Flow Data

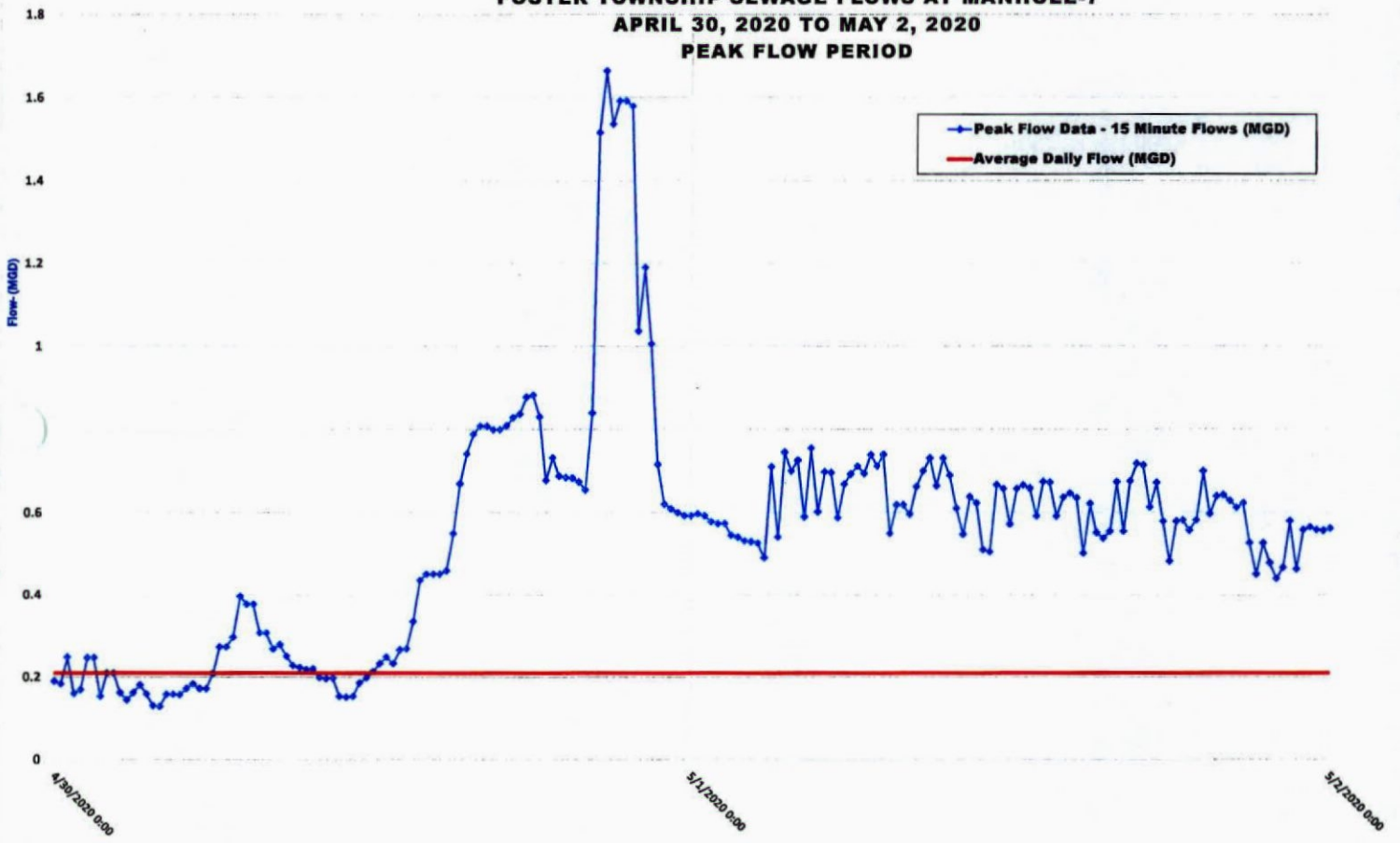
15-Minute Flow Data (MGD) Average Daily Flow (MGD)



FOSTER TOWNSHIP SEWAGE FLOWS at MANHOLE-107
Jan 1, 2020 to May 9, 2020
Hourly Flow Data



**FOSTER TOWNSHIP SEWAGE FLOWS AT MANHOLE-7
APRIL 30, 2020 TO MAY 2, 2020
PEAK FLOW PERIOD**



FOSTER TOWNSHIP SEWAGE FLOWS AT MANHOLE-7

APRIL 30, 2020 TO MAY 2, 2020

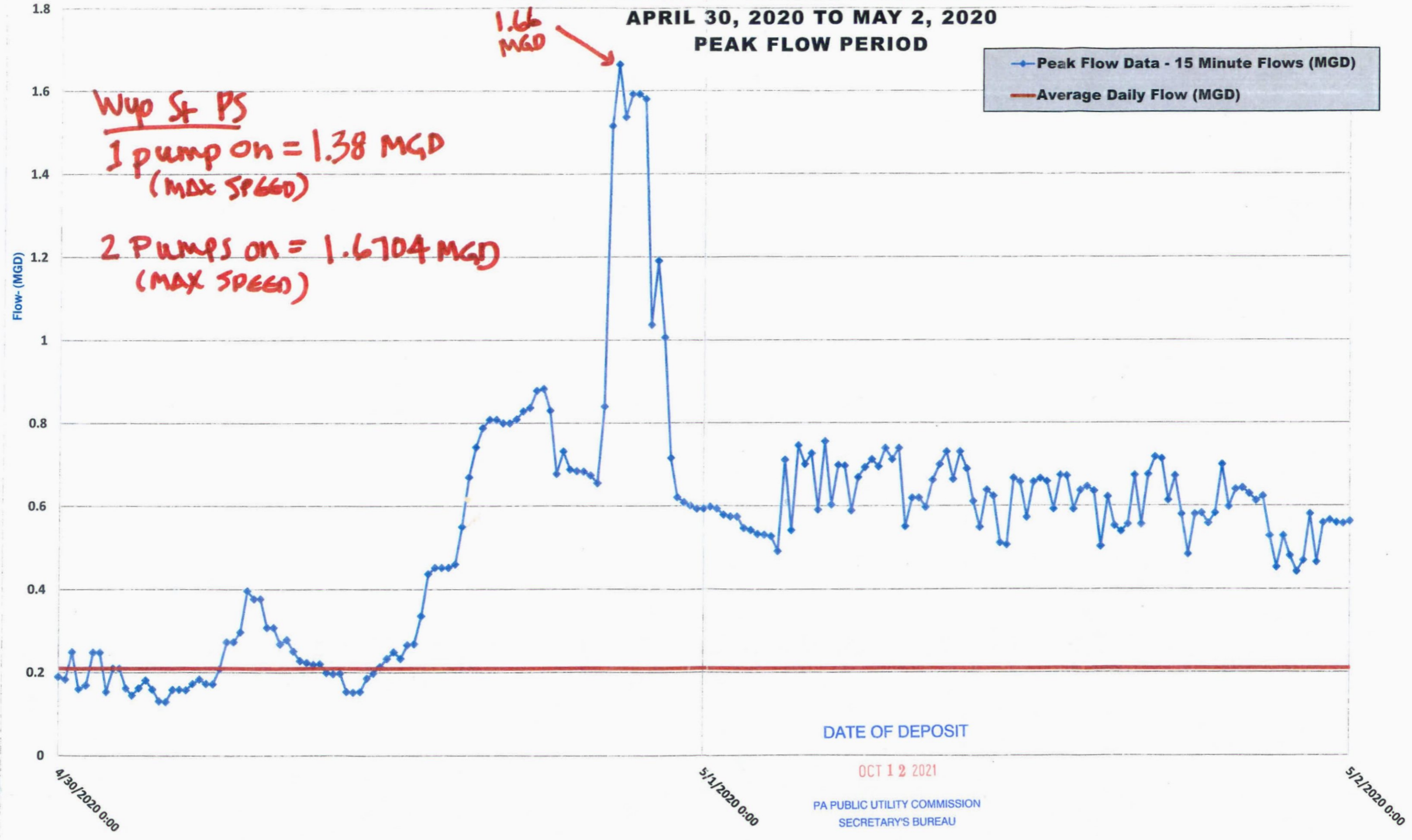
PEAK FLOW PERIOD

1.66
MGD

Peak Flow Data - 15 Minute Flows (MGD)
Average Daily Flow (MGD)

Wup St PS
1 pump on = 1.38 MGD
(MAX SPEED)

2 PUMPS ON = 1.6704 MGD
(MAX SPEED)



DATE OF DEPOSIT

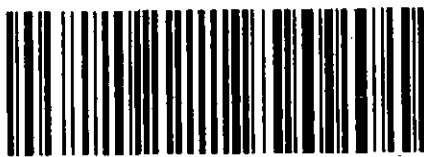
OCT 12 2021

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

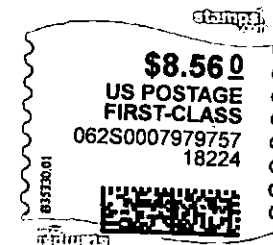
Municipal Authority

Street
18224

CERTIFIED MAIL™



7008 1830 0002 5747 8554



RECEIVED

OCT 18 2021

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

|||||
Ms. Rosemary Chiavette
Secretary
Commonwealth Keystone Bldg
Pennsylvania Public Utility Company
400 North St. Flr 2nd
Harrisburg PA 17120-0093