

AMENDED APPENDIX A-22-B

BUTLER TOWNSHIP ACT 537 PLAN

**Butler Township
Butler County, Pennsylvania**

**ACT 537 Special Study
Within Butler Township
And Butler Area Sewer Authority
Service Area**

**Prepared for
Butler Township
290 South Duffy Road
Butler, PA 16001**

**Attn: Mr. Gerald S. Patterson, Jr.
Township Manager**

**Submitted:
October, 2006**

**Revised:
February, 2007**

Submitted by

**The Gateway Engineers, Inc.
400 Holiday Drive, Suite 300
Pittsburgh, PA 15220
Telephone (412) 921-4030
Fax (412) 921-9960**

**Daniel S. Deiseroth, P.E.
Matthew E. Bagaley, P.E.**

C-25452-0001



GATEWAY

On Call. On Time. On Target.

**RECEIVED
SEP 12 2007
BASA**



Pennsylvania Department of Environmental Protection

230 Chestnut Street
Meadville, PA 16335-3481

AUG 10 2007

Northwest Regional Office

814-332-6942
Fax: 814-332-6121

RECEIVED

AUG 13 2007

BASA

Mr. Gerald Patterson
Butler Township Manager
290 South Duffy Road
Butler, PA 16001

Re: Act 537 Special Study Approval
Butler Township, Butler County

Dear Mr. Patterson:

The Department of Environmental Protection (DEP) hereby **approves** the report titled "Act 537 Special Study within Butler Township and Butler Area Sewer Authority Service Area" (Special Study) as a revision to Butler Township's Official Sewage Plan. Gateway Engineers is the author of the report, and it is dated October 2006 with subsequent revisions February 2007 and June 2007.

This Special Study will provide Butler Area Sewer Authority (BASA) helpful potential growth information to aid them in their Act 537 planning efforts. Each Special Study prepared by the tributary municipalities will help BASA plan for future needs and eliminate the sewage problems in the Butler area.

Section 6 of the Pennsylvania Sewage Facilities Act provides for reimbursement to municipalities for the cost of preparing revisions to Official Sewage Plans. The reimbursement is limited to 50 percent of the eligible planning costs. With this plan approval action by the Department, Butler Township is now eligible to apply for this grant. An application is enclosed for your use.

If you have any questions, please contact Tomisa Schneider at the New Castle District Office at 724-656-3160.

Sincerely,

Ricardo F. Gilson
Regional Manager
Water Management

Enclosure

cc: Mr. Matthew Bagaley
Mr. John Schon
Mr. David Johnston
Ms. Tomisa Schneider
Mr. Michael Zimmerman/Ms. Cynthia Selby
File

RFG:CAS:jc





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GATEWAY ENGINEERS

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PITTSBURGH, PA 15220

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LETTER OF TRANSMITTAL

September 11, 2007
C-25452-0001

RECEIVED

SEP 12 2007

BASA

Butler Area Sewer Authority
100 Litman Road
Butler, PA 16001-3256

ATT: M. John Schon, P.E.

RE: **Butler Township**, Butler County, PA

Enclosed you will find the following items we are sending via U.S. Mail:

COPIES	DESCRIPTION
1	Act 537 Special Study – revisions included

This is being transmitted for your use.

Sincerely,
THE GATEWAY ENGINEERS, INC.

Matthew E. Bagaley, P.E.
Project Manager

cc. Gerald S. Patterson, Jr., Township Manager (w/o enclosure)

Rec'd report dated
10/2006, Revised 2/2007
on 9/12/2007.
What about June 2007
revisions cited by DEP?
- 12-05-07. D.S. HAD TO BE PROMISSA @ DEP.
SHE IS FACING OVER 07-12 RESOLUTION
(APP.J). WE WENT OVER REPORT AND WE HAVE 6/07
REVISIONS DS.

BUTLER AREA SEWER AUTHORITY

100 LITMAN ROAD • BUTLER, PA 16001-3256
(724) 282-1978 • FAX(724) 282-7656

JOHN M. HEIM
CHAIRMAN

M. JOHN SCHON, P.E.
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ASSISTANT SECRETARY
AND TREASURER

DILLON MC CANDLESS KING
COULTER & GRAHAM L.L.P.
SOLICITOR

COPY

September 7, 2007

Mr. Joseph J. Hasychak
President, Board of Commissioners
Butler Township
290 South Duffy Road
Butler, PA 16001

Dear Mr. Hasychak:

**RE: SUBMITTAL OF DEP-APPROVED
OFFICIAL PLAN REVISION SPECIAL STUDY**

On August 10, 2007, the Department of Environmental Protection (DEP) issued a letter to Butler Township approving the "Act 537 Special Study within Butler Township and Butler Area Sewer Authority Service Area" (Special Study), dated October 2006 with subsequent revisions dated February 2007 and June 2007, which was prepared by Gateway Engineers. The Authority received a copy of the Special Study dated October 2006, Revised February 2007, but we have not received the referenced revisions submitted to the DEP in June 2007.

Under Paragraph 3(a)(iv) on Page 9 of 32 of the DEP Consent Order and Agreement (CO&A) dated October 13, 2006, Butler Township was required to submit a complete copy of the approved Official Plan Revision Special Study to the Authority upon receipt of written notification that the DEP has approved the Official Plan Revision Special Study. To date, the Authority has not received a complete copy of the DEP-approved Official Plan Revision Special Study for Butler Township.

Please submit a complete copy of the DEP-approved "Act 537 Special Study within Butler Township and Butler Area Sewer Authority Service Area" (Special Study), dated October 2006 with subsequent revisions dated February 2007 and June 2007 as soon as possible. Failure to comply with the requirements of the CO&A in a timely manner may jeopardize the compliance status of the Tributary Municipalities and the Authority's ability to meet its deadlines under the CO&A and DEP approval of any additional sewer permit connections under the CO&A.

If you should have any questions, please call me at (724) 282-1978.

Very truly yours,

BUTLER AREA SEWER AUTHORITY

M. John Schon
M. John Schon, P. E.
Manager

cc: Compliance & Monitoring Manager, PA DEP Meadville
Gerald S. Patterson, Jr., Township Manager
Matthew Bagaley, Gateway Engineers

**BUTLER TOWNSHIP
ACT 537 SPECIAL STUDY**

MADE FOR

**BUTLER TOWNSHIP
BUTLER COUNTY, PA.**

Date: October, 2006
Revised: February, 2007

Prepared By:
The Gateway Engineers, Inc.
400 Holiday Drive, Suite 300
Pittsburgh, PA 15220-2727

BUTLER TOWNSHIP ACT 537 SPECIAL STUDY
 BUTLER TOWNSHIP
 BUTLER COUNTY, PA

Part 2 Administrative Completeness Checklist
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BUTLER TOWNSHIP ACT 537 SPECIAL STUDY**Background Information**

This Act 537 Special Study plan has been prepared at the request of the Pennsylvania Department of Environmental Protection (PA DEP) and in conformance with the approved Task Activity Report dated June 7, 2006 (Appendix A). As a result of sanitary overflows and overloading at the wastewater treatment plant (WWTP), the Butler Area Sewer Authority (BASA) entered into a Consent Order and Agreement (COA) with the PA DEP on February 20, 2001 in an effort to correct the existing deficiencies within their system by following a Corrective Action Plan (CAP). The primary elements of the approved CAP plan called for the systematic evaluation of the existing sewer system infrastructure, flow monitoring, infiltration and inflow (I & I) studies, elimination of extraneous water from the system through rehabilitation projects, private lateral investigation/ rehabilitation, etc. From the time of the execution of the first COA until the present date, it is the Township's understanding that the BASA has followed the approved CAP and made progress in minimizing overflows and overloads. However, isolated overflows and overloads still persist which violates the February 20, 2001 COA.

Through the February 20, 2001 COA, it became evident to the BASA that simply rehabilitating the existing sanitary sewer system would not be sufficient to correct the sanitary sewer overflow (SSO) problem; but rather, larger scale measures would be necessary (i.e. pump station upgrades, additional treatment plant(s), etc.). Therefore, in an effort to bring all communities tributary to BASA facilities and BASA together in planning for the future, the PA DEP has required that all communities tributary to the BASA system become party to the new 2006 COA. This measure provides each member community the ability to forecast for themselves the growth which they anticipate within their community that can be incorporated into the design of upgraded facilities by BASA.

This study provides BASA with quantitative planning information that can be used in the design of interceptor sewers, pump stations, treatment plant(s), expansions, etc. necessary to accommodate the flow of Butler Township for the next 20+ years.

Part 2 Administrative Completeness Checklist***Item 2 Plan Summary*****Part 2, Item 2A - Identification of Proposed Service Areas and Major Problems Evaluated**

The existing and proposed service areas encompassed within this study were easily delineated based upon the location of existing BASA facilities. This plan's study area can loosely be described as the area consisting solely of lands within Butler Township tributary to the existing BASA facilities as shown on "Exhibit 1 – Butler Township Act 537 Special Study Watershed Map." It should be noted hatching has been provided to identify those areas currently not sewerred within the Butcher Run, Sullivan Run, and Saxonburg watersheds. Also, an estimation of existing, clustered, unsewered homes within the Butcher Run watershed has been shown.

All areas within the study area have the capability of being serviced by the BASA system; however some areas will require larger and more costly infrastructure improvements than others. To reach some of the outlying areas, main line extensions would be required. It is anticipated that future development within the outlying areas would help fund the sanitary sewer main line extensions through tapping fees, but BASA would be required to have the base engineering completed to define the characteristics of the infrastructure (i.e. size, type, etc.) necessary to accommodate the development.

As a point of clarification, it is Butler Township's stance that BASA is not being asked to extend sewers into unsewered parts of watersheds at this time. The growth projections provided are merely a tool for use by BASA in designing what, if any, improvements need to be made to the existing infrastructure. Also, in the case that an existing sewer does not have a capacity issue today, the growth projections can be used by BASA to determine if and when a capacity issue may exist such that planning can begin now for those improvements to critical infrastructure (i.e. interceptors, pump stations, WWTP, etc.). It is also recommended that BASA can use the growth projections to develop a plan that once growth within a particular watershed reaches a certain threshold, it would trigger the requirement for certain improvements to be made to the existing infrastructure. Butler Township is not asking BASA to make the improvements any earlier than the point at which the growth threshold is met.

It is also assumed that the extension of sewers into currently unsewered areas is going to be largely developer driven and the cost of said extensions will be largely borne by the developer or other third parties.

Existing problems within the BASA system have been identified within the October 13, 2006 COA.

Part 2, Item 2B - Identification of Alternatives

Through the development of this report, Butler Township is making known their projection of sanitary sewer flows within 5, 10, 20, and 20+ year design periods. Upon review of the information provided by BASA, it is anticipated that various alternatives must be evaluated which will provide for the ability to convey these flows. As neither Butler Township nor its engineer are party to the engineering design discussions at BASA, the chosen alternative(s) to accommodate the projected flows will not be known for some time. It is anticipated that the alternatives available to BASA to not only accommodate the additional projected flows but also reduce / eliminate the SSOs could include any one or combination of the following:

1. Expansion of the existing BASA wastewater treatment plant.
2. Address Inflow & Infiltration within private laterals by requiring rehabilitation / reconstruction of laterals.
3. Construction of one or multiple additional wastewater treatment plants within the service area at critical junctions (i.e. Sullivan Run Interceptor, etc.).
4. Increase capacity of interceptor sewers by enlarging or laying parallel systems within known capacity issue areas (i.e. Sullivan Run Interceptor, etc.).
5. Increase capacity of existing pump stations and force mains with expansions / upgrades.
6. Construction of storage tanks to handle volume of overflows.
7. Reduce I & I within existing sanitary lines through the previously approved CAP program.

As the BASA design process commences, it is anticipated that Butler Township will receive draft plans for review and comment as part of this planning process and their adoption of the recommended plan.

Part 2, Item 2C - Estimated Cost

Until such time as the design alternative(s) are chosen for the long term handling of the projected flows and the reduction / elimination of the SSOs, a construction cost cannot be derived and has not been provided within this report. As this Act 537 Special Study will be incorporated into BASA's Official Update Revision, it is anticipated that the proposed construction cost of the chosen alternative(s) will be provided within the BASA report.

Part 2, Item 2D - Municipal Commitments

The commitments required on behalf of the Township are outlined in the 2006 COA which Butler Township is a party. No additional commitments past the COA will be required.

Part 2, Item 2E - Schedule of Implementation

The schedule of implementation is outlined in the 2006 COA under Section "ORDER" item 3 and is further defined as follows:

Required Action	Deadline
1. Butler Township to Submit Draft Official Plan Revision Special Study to Butler County Planning Commission, Butler Township Planning Commission, and BASA for Commenting	45 Calendar Days after COA execution Or November 27, 2006
2. Consider comments of Butler County Planning Commission, Butler Township Planning Commission, and BASA and Revise the Draft Official Plan Special Study as Necessary	105 Calendar Days after COA execution Or January 26, 2007
3. Butler Township Official Plan Revision Special Study to be Adopted and Submitted to the PA DEP for Approval	150 Calendar Days after COA execution Or March 12, 2007
4. BASA Task Activity Report Preparation	30 Calendar Days after BASA receives all of the DEP-approved Official Plan revision Special Studies from the municipalities
5. BASA Draft Official Plan Update Revision that incorporates Tributary Municipality's Official Plans submitted to DEP	180 Calendar Days after BASA TAR approval
6. BASA submit Final Update Revision to DEP	180 Calendar Days after receiving DEP comment on Official Plan Update Revision

The timeframes for the design, construction, and operation of future BASA improvements / infrastructure expansions / etc. will be outlined in the BASA Final Update Revision plan (as referenced in the 2006 COA). An implementation schedule will also be included within the BASA Final Update Revision.

Part 3 General Plan Content Checklist
Section II Physical and Demographic Analysis**Part 3, Section II, Items A & B – Identification of planning areas, municipal boundaries, sewer authority service areas, and physical characteristics**

As previously discussed the plans' study area can be described as the area consisting solely of lands within Butler Township tributary to the existing BASA facilities as shown on "Exhibit 1 – Butler Township Act 537 Special Study Watershed Map." All watersheds (with the exception of the Saxonburg area) are currently tributary to the BASA system. Within each watershed, there exist both sewered and unsewered areas.

The Saxonburg area is tributary (via gravity sewer) to the treatment plant currently under construction in Renfrew via gravity or could be tributary to BASA with the construction, permitting, and installation of a pump / force main system. It would appear to the Township that gravity service to this watershed via the Saxonburg Authority would be the most cost effective. However, prior to a final decision being made as to how the watershed would be serviced, a cost analysis would be required for review by the Township to aid in making the final decision.

The study area (as shown on Exhibit 1) is bounded by Penn Township to the south, Summit Township to the east, Center Township to the north, Connoquenessing Township to the west, and The City of Butler is encompassed by the study area.

The zoning classifications which exist within the study area consist of the following:

- A-1 Agricultural District
- C-1 General Commercial District
- C-2 Convenience Commercial District
- M Manufacturing District
- R-1 Single-Family Residential District
- R-2 Multifamily Residential District

A zoning map of the study area with a detailed zoning area summary per watershed has been included as "Exhibit 2 – Butler Township Act 537 Zoning Map." Provided on this plan are the municipal boundaries, zoning, physical characteristics, and existing BASA sanitary facilities.

The entire study area either flows by gravity or through a series of force mains to the existing BASA WWTP located at 100 Litman Road. The tributary streams (i.e. Connequenessing Creek, Little Connequenessing Creek, Butcher Run, Sullivan Run, Sawmill Run, and Rocklick Run) within the study area are classified as Warm Water Fishery except that Little Connequenessing Creek is classified as a Cold Water Fishery within PA DEP Chapter 93. The streams have also been shown on the Watershed Map.

Exhibits 1 and 2 depict the location of existing streams, impoundments, lakes, etc. as obtained from the Butler USGS Quadrangle and the Mount Chestnut USGS Quadrangle.

Part 3 General Plan Content Checklist**Section III Existing Sewage Facilities in the Planning Area – Identifying the Existing Needs****Part 3, Section III, Item A.(1) – Location and size of existing sewer lines and facilities**

Within Butler Township, the BASA owns, operates, and maintains the public sanitary sewer system. The current WWTP has a design and permitted average daily flow capacity of 10.0 mgd and a rated maximum flow capacity of 25.0 mgd. The treatment facility has a permitted organic loading capacity of 12,750 lbs BOD₅/day. The total BASA collection system is comprised of over 300 miles of collection and interceptor sewers ranging in size from 6-inches to 48-inches in diameter and 21 sewerage pumping stations. It should also be mentioned that a small flow treatment plant exists for a private residence at 891 Bullcreek Road and is shown on the exhibits as a private treatment plant. The Veterans Affairs Medical Facility located along New Castle Road also owns and operates private sanitary sewerage facilities including gravity lines and a pump station as shown on the mapping.

The existing sanitary sewer interceptor sewers have been shown on Exhibits 1 and 2 as well as the location of the sanitary sewer WWTP, pump stations, and SSOs. The location of the existing facilities was obtained from mapping provided by BASA.

Twelve pump stations are physically located within Butler Township as listed below along with their design capacity:

Pump Station Label (See Exhibit 1)	Design Capacity (GPD)
Benbrook Road	288,000
Bryson Road	288,000
Deshon	2,016,000
Foxcroft	23,040
Garden Grove	184,320
Greenwood Drive	288,000
Karns Crossing	2,073,600
Links	2,450
Rocklick	892,800
September Drive	43,200
Sugar Creek	46,080
Township Line	86,400

As previously mentioned in correspondence to PA DEP, it is our understanding that the Township will not be required to analyze the capacity of the existing treatment plants, interceptors, pump stations, and force mains and this item is not included within our Act 537 Special Study.

It is critical that any new sewers / facilities proposed to be installed are watertight to prevent infiltration into the system. Also, the existing residences to be connected into the system should be under strict inspection requirements to ensure that a watertight connection has been made and that all stormwater/french/basement/foundation drains have been removed from the sewer line.

Any increase in the average daily flow over 400 gallons per day per EDU would significantly impact the capacity of the BASA system.

Part 3, Section III, Item A.(3) – A Description of Problems with Existing Facilities

The underlying reason for the development of this report has been to project future growth such that the existing SSOs can be eliminated and facilities can be designed for the future. However, it should be mentioned that the existing BASA system (sewers, pump stations, and treatment plant) have adequate capacity to accommodate the normal (average) sanitary sewer flows with which they are subjected.

Under average flow conditions it has been documented by BASA that sufficient capacity remains in the system to handle growth until the year 2025. However, due to persistent I & I issues within the system, during wet weather periods, it is readily apparent that the existing system is not adequate to handle the deluge of flow during these times to eliminate the SSOs. In fact, if the present system were required to handle the flow during wet weather periods a treatment plant capable of treating 69.2 mgd (as presented in a BASA report) would be required, which is unrealistic. The more favorable, and feasible, alternative is to seek out the elimination of I & I within the system such that the WWTP is not treating rain water during wet weather events.

Although the publicly owned portion of the BASA system displays signs of I & I during wet weather periods, it has been documented through closed circuit television (CCTV) inspection that the greater I & I problem lies within the private sector of the sewer system (private lateral sewers). Using past experience and knowledge of the existing BASA system, until such time as the private lateral I & I issue is addressed there will not be any substantial improvement to the overall I & I problem within the system regardless of the extent of publicly owned sewer rehabilitation. Therefore, a reduction in the amount of SSOs cannot be achieved by simply reconstructing / rehabilitating the public sewer system. Further means will need to be explored which may include: requiring the replacement of private laterals, expanding the treatment plant, construction of flow equalization holding tanks, constructing larger pump stations / force mains / interceptor sewers, etc.

The historical SSO problems within the BASA system for the years 1999 through 2005 have been provided within "Appendix B – Historical SSO Data." Previous problems with the existing system were outlined in the February 20, 2001 COA and the October 13, 2006 COA which have been provided as "Appendix C – 2001 and 2006 Consent Order & Agreements."

In summary, the existing BASA system is capable of collecting, conveying, and treating the average sewerage flows; however, during wet weather periods SSOs occur as a result of I & I into the system. The I & I is a result of multiple sources with the largest source being from private laterals. The long term solutions for the BASA system should include rehabilitation of private laterals as well as the upgrade of existing systems to handle some component of I & I due to the reality that all I & I will never be removed from the system.

Part 3 General Plan Content Checklist
Section IV Future Growth and Land Development

Part 3, Section IV, Items B(5) – Sewage planning for 5 and 10 year projected growth

The main focus of this Act 537 Special Study is the growth projections for each tributary Municipality, and although the study required 5 and 10 year growth projections, Butler Township thought it beneficial to provide growth projects for 5, 10, 20, and 20+ year time periods. The

purpose being that the additional data would be valuable to PA DEP and BASA alike for the long term planning of the sanitary sewer improvements. Due to the fact that treatment plants, storage tanks, interceptor sewers, pump stations, etc. are typically designed with a minimum useful design life of 40 years, the additional data will be helpful if one or a combination of these alternatives is chosen for implementation by BASA.

The following methodology was utilized in deriving the flow projections which will be presented later in the report.

1. Butler Township Base Mapping was Completed which included:
 - a. Zoning
 - b. Physical Characteristics (i.e. watercourses, lakes, topography, etc.)
 - c. Existing interceptor sewer locations (as provided by BASA)
 - d. Existing pump stations / forcemains / overflows (as provided by BASA)
 - e. Existing WWTP (as provided by BASA)
2. Butler Township Sewersheds were Delineated
3. Sewersheds were analyzed based upon existing development, known future development, and available "buildable" vacant land.
4. Residential development of "buildable" vacant land was analyzed under the following assumptions:
 - a. R-1 Zoned land developed at 25,000 s.f. / EDU
(Camelot Drive Development in Butler used as a template)
 - b. R-2 Zoned land developed at 0.25 acres / EDU
(Fairways at Krendale Development in Butler used as a template)
 - c. A-1 Zoned land developed at 0.60 acres / EDU
(Sugar Creek Drive Development in Butler used as a template)

Note: It should be noted that the projections used for each of the zoning classifications represents a density less than what could be accomplished using the straight zoning requirements. For example, by Ordinance, R-1 zoned property with sewers can be developed at one (1) structure per 9,000 s.f.; however, when the growth was estimated within the R-1 zoned property one (1) structure was assumed per 25,000 s.f. This assumption of 25,000 s.f. per structure considers un-developable land of flood plains, wetlands, steep slopes, roadways, detentions ponds, etc. and is based upon like developments within the Township. Also, the Ordinance for A-1 zoned properties with sewers states that one (1) structure can be placed per 20,000 s.f.; however, the growth projections used considered one (1) structure per 0.6 acres (26,136 s.f.).

5. Commercial development of "buildable" vacant land was based upon Township staff knowledge of future developments and discussions with facility owners about their future intentions.
6. Upon development of growth projections a historical check was completed to assure that the projections were not inflated beyond historical development trends.

Historical building permit applications indicate that approximately 50 new structures are constructed each year. Although census data indicates that the population has reduced over the past 20 years, the number of structures (EDUs) is increasing as evidenced by the building permit applications. Combining the census data with the building permit information lends to the conclusion that the average number of people per household is decreasing but the number of EDUs is increasing.

7. The projections were finalized and have been included herein and are described in more detail per watershed below.

8. Septic systems were not considered in the future growth calculations. Only new development was considered.

Please refer to "Appendix D – Growth Projections" for the detail on the total number of EDUs projected within each of the watersheds which are described in summary as follows:

Belmont Road Watershed

This watershed sits north of the City of Butler along State Route 8 and exists as a dense residential area. Future growth will be minimal and limited to the final build-out of the existing residential developments.

Benbrook Road Watershed

This watershed is bounded by the Township border and South Benbrook Road and is serviced by an existing pump station. It is anticipated that this watershed will see limited growth in the future as portions of the existing agricultural and residential lands are developed.

Bredinville Watershed

This watershed is situated south of the City of Butler along State Route 8 and consists of commercial / manufacturing / and residential land. This area is currently densely developed and offers limited future growth potential.

Bryson Road Watershed

This watershed is bounded by the Township border and South Benbrook Road and is serviced by an existing pump station. Although the topography is favorable for development, future development within this watershed will be limited as the area is approaching its ultimate build-out.

Butcher Run Watershed

This watershed is located within the southeast corner of the Township and has a great potential for future development as the existing land is largely undeveloped and consists, in large part, of agricultural lands. The topography of the land is conducive to development and gravity flow lines could be installed to service the area and convey sewage to the WWTP.

In summary the undeveloped residential and agricultural lands were projected to develop in accordance with zoning limitations as mentioned above. Also, at the time of ultimate build out, consideration was provided for the development of the Butler County owned Sunnyview Property into an Institutional Use.

A detailed EDU calculation for the Butcher Run watershed has been provided in Appendix D.

Butler Park Watershed

This watershed is located on the northern end of the Township and divided by State Route 422 and flows via a gravity system to the WWTP. This watershed is primarily comprised of large tracts of land as parcels. Therefore, until such time that a tract of land is made available, development will be stifled. On good authority, the Township believes that one such parcel will be developed starting in the 10 year growth projection and will carry into the 20 and 20+ year growth range as shown on the growth projection summary.

It should be noted that the future needs of this watershed may be impacted by those needs of the upstream Center Township.

Butler Road Watershed

This watershed is located central to the Township in the area of Butler Township Road Department Building and flows via a gravity system to the WWTP. A portion of the watershed is comprised of manufacturing land owned by Armco which will not see future development. However, the majority of the area is comprised of land zoned R-1 with large parcels currently vacant and available for future development. Specifically, the property owners in the vicinity of public works have expressed an interest in selling property for development as evidenced in the growth projection.

Cupps Road Watershed

This watershed is located on the western border of the Township and is serviced by an existing pump station. Potential exists for the final build-out of the existing residential plans as well as future residential developments on vacant parcels of property. It is unlikely that this watershed will see any large scale development as land is limited.

Decatur Drive Watershed

This watershed is located at the south central portion of the Township along State Route 8 and flows via a gravity system to the BASA WWTP. Unlike previous watersheds discussed that were located along State Route 8, this watershed has a large potential for development. Vacant commercial property exists which Township staff have commented that developers are interested in pursuing. Also, Butler County Community College has expressed interest in the expansion of their facility; finally, preliminary discussions regarding a large residential development in the watershed have been held.

Delwood Road Watershed

This watershed is located in the north east corner of the Township and exists primarily north of State Route 422. A large portion of this watershed is unfit for development as steep slopes exist. However, large parcels of R-2 and A-1 property with gentler slopes exist that could see development as the property is in close proximity to two (2) major state routes. Therefore, projections within this watershed have been reserved for the 10, 20, and 20+ year growth ranges.

Deshon Watershed

This watershed is located in the west central part of the Township and is serviced by an existing pump station. Within the recent past this watershed has seen a large amount of commercial development and this trend is expected to continue.

A detailed EDU calculation for the Deshon watershed has been provided in Appendix D.

Duffy Watershed

The Duffy Watershed is located adjacent to the Deshon Watershed, follows Duffy Road, and is serviced by the existing Deshon Pump Station as well. The area within this watershed is largely comprised of residential property. Although the existing residential lands are densely developed, indication has been provided by a property owner regarding the intent to develop a condominium plan. Indications point to the fact that this development will proceed in the near future.

It should be noted that the VA property located topographically between the Greenwood and Duffy watersheds pumps that portion of the watershed which would flow via gravity to the Greenwood watershed into the Duffy watershed. Therefore, the entire existing facility flows to the Duffy watershed; however, this does not preclude the VA facility from providing flow in the future to the Greenwood watershed via gravity sewers.

Erdley Watershed

This watershed is also located adjacent to the Deshon Watershed, is bisected by Whitestown Road, and is serviced by the existing Deshon Pump Station. The land within this watershed is densely developed with little opportunity for future development past lot build-out / simple subdivisions in the future.

Foxcroft Watershed

This watershed is entirely encompassed within the Butcher Run Watershed and services a small portion of a large residential development which is located over the ridge from the gravity sewers servicing the development. This watershed is serviced by a small pump station that could conceivably be eliminated with the future development of the Butcher Run Watershed. This watershed is fully developed.

Garden Grove Watershed

This watershed is located at the south central portion of the Township and is serviced by an existing pump station. The existing residential developments within this area are nearly built out; therefore, future development would be limited. This watershed provides little if any opportunity for future subdivisions for new development.

Greenwood Drive Watershed

This watershed is located in the northwest corner of the Township and is serviced by an existing pump station. This watershed has good access to both State Route 8 and State Route 422. Also, "pockets" of residential land exist that are ideal for development due to the close proximity of state roads, shopping centers, etc.

Also, an item of consideration, a planning module has already been approved for the Wyncrest Plan which has 47 EDUs, but has been on hold due to the moratorium on new connections.

It should be noted that the future needs of this watershed may be impacted by those needs of the upstream Center Township.

Hansen Watershed

This watershed is bounded by the City of Butler, State Route 68, and a ridgeline to the east of Whitestown Road. The zoning within this area is equally split between residential and commercial. Township staff has indicated that a future overlay district may be developed within this is anticipated to spur development.

Henricks Road Watershed

This watershed is located in the north east corner of the Township and is serviced by an existing pump station. Historically, this area within the Township has seen limited growth over the years. However, it is anticipated that as development pressure moves north within the future, this area will be improved. At present, this area is largely undeveloped however infrastructure is in place which could promote growth as well as the proximity to State Route 422. Topography is the only potentially limiting characteristic of this watershed which may lend some insight into why this area was not developed previously.

Karns Crossing Watershed

This watershed is located along the Township border near the northeast corner of the study area and is serviced by an existing pump station. This watershed is densely developed and future growth for the most part will be limited to expansions of existing facilities. In discussion with the existing hospital located within this watershed, it was mentioned that a 70 bed addition is proposed within the next 5 years.

It should be noted that since the hospital is located at the border of Butler Township and the City of Butler, it is anticipated that both communities will be counting this anticipated development. BASA should recognize this fact and ensure that the flow is not double counted in their report and in their calculation of required improvements downstream of this facility.

Links Watershed

This watershed is located along Aubrey Drive in the north central part of the Township and is serviced by an existing pump station. Little to no development is anticipated within this watershed within the foreseeable future.

Lyndora Watershed

This watershed is located in the central portion of the Township, is bisected by Whitestown Road, and is serviced via gravity sewers. Although the watershed is primarily residentially zoned property, there are few opportunities for future growth as this area is an older section of the Township which has been densely developed and /or is not conducive to development due to slope concerns. Consequently, future growth within this watershed will be limited.

Monroe Watershed

This watershed is primarily located within the City of Butler; however a small portion extends into the Township and is serviced by an existing pump station. Although, the topography is gentle within this area, existing waterways limit the developable area. Therefore, future growth will be limited.

Rocklick Watershed

This watershed is located between Meridian Road and South Eberhart Road and serviced by an existing pump station. Although this area has been subdivided to near full potential, the existing subdivisions have not been fully built-out at this point. Therefore, marginal growth will prevail in the future subdivisions "fill out."

Sawmill Run Watershed

This watershed is located in the area of Sawmill Run Road and South Eberhart Road and is serviced by the existing Deshon pump station. Property exists within this area for future development; however growth within this portion of the Township historically has been minimal and all indications point to the fact that this trend will continue into the future.

September Drive Watershed

This watershed is located along September Drive within the Butcher Run Watershed and is serviced by an existing pump station. The pump station was installed simply to accommodate the flow of those homes located over the ridgeline such that they would be serviced by public sewers. The development is fully built-out and future growth is not projected. In fact, as the public sewer expands throughout the Butcher Run Watershed it is anticipated that the pump station will be abandoned in favor of gravity sewer conveyance to the treatment plant.

Sugar Creek Watershed

This watershed is located along the southern border of the Township, services the development along Sugar Creek Drive, and is serviced by an existing pump station. This watershed is primarily comprised of the Sugar Creek development which was recently approved by the Township and the planning module approved by PA DEP. It should be noted that while the development is under construction, the proposed 52 EDUs and sewage facilities have been approved. Therefore, other than the approved 52 EDUs, development is not anticipated within this watershed.

Sullivan Run Watershed

This watershed extends from the northern border of the Township to New Castle Road and is serviced by a gravity flow interceptor. In the near future a large commercial development (Butler Crossings) is anticipated and with that this watershed will see development pressure. Therefore, there are projections that the existing golf course will be abandoned to make way for development.

A detailed EDU calculation for the Sullivan Run watershed has been provided in Appendix D.

It should be noted that the future needs of this watershed may be impacted by those needs of the upstream Center Township.

Sunnyview Avenue Watershed

This watershed is located at the southeast corner of the City of Butler and is tributary to the City. Development within this area has seen marginal growth over the years namely due to its proximity to the City limits and the services available within the City. It is anticipated that this growth rate will continue into the future. The development of Butler County's Sunnyview Property is the only larger scale development on the horizon within this watershed.

Township Line Watershed

This watershed is located at the south central border of the Township, encompasses a few neighborhoods, and is serviced by an existing pump station. As this area has been previously subdivided to its ultimate potential, future development will be limited to the complete build-out of the existing subdivisions.

Ziegler Avenue Watershed

This watershed is located to the east of the City of Butler and is serviced by an existing pump station. The existing development within this watershed has utilized the only real land available for development. Topography and water features (i.e. lake, streams) have significantly impaired any future growth.

Saxonburg Watershed

This watershed is located at the southwest corner of the Township and is currently not serviced. It is anticipated that the flow from this watershed would be conveyed via gravity sewers to the new WWTP being constructed in Renfrew. As part of the study, the Saxonburg Area Authority was contacted and they have confirmed that a large portion of this watershed could flow by gravity to their new plant located approximately 1 mile south of the Township line (Appendix E). To eliminate the need for future pump station installations by BASA, Butler Township has considered the flow being conveyed via gravity sewer to the new Renfrew WWTP. It would appear to the Township that gravity service to this watershed via the Saxonburg Authority would be the most cost effective. However, prior to a final decision being made as to how the watershed would be serviced, a cost analysis would be required for review by the Township to aid in making this decision.

A detailed EDU calculation has been provided in Appendix D relative to the projections for the Saxonburg Watershed.

Growth Projection Conclusions:

1. It should be noted that the growth projections presented are based upon an EDU equating to 400 GPD (As defined by the COA).

2. Butler Township has prepared these projections using past experience and knowledge of future developments.
3. It is anticipated that the future growth within the Township will be concentrated within the southeast and northwest regions. These regions will call for the adequate capacity of the Greenwood, Benbrook, Bryson, and Deshon pump stations, the Sullivan Run Interceptor, and the Butcher Run Interceptor.

Summary & Conclusions

As documented within this report, the existing BASA system suffers from excessive I & I during wet weather events which lead to SSOs. It is anticipated that a major source of the I & I originates from private laterals. To "eliminate" future SSOs, further I & I reduction should be pursued as well as the design of larger facilities to accommodate some portion of the I & I due to the fact that its complete elimination is unrealistic. While designing the larger facilities, BASA must take into consideration the future growth within Butler Township as presented within Appendix D. In general, approximately 50 new residential EDUs are anticipated per year in addition to the anticipated commercial / institutional development.

Appendix A
Approved Task Activity Report



Pennsylvania Department of Environmental Protection

121 North Mill Street
New Castle, PA 16101
June 28, 2006

724-656-3160
Fax: 724-656-3267

New Castle District Office

Butler Township
Donna Donaldson
290 South Duffy Road
Butler PA 16001

Re: Act 537 Special Study
Future Needs/BASA
Butler Township, Butler County

Dear Ms. Donaldson:

The Department of Environmental Protection hereby approves the Task Activity Report (TAR) submitted on your behalf by Gateway Engineers for the above-captioned planning effort. The TAR contains the basic outline for the submission of an Act 537 Special Study of the Butler Area Sewer Authority's current and potential service areas in Butler Township.

This Special Study, along with those being prepared by the other municipalities which contribute sewage flows to BASA, is an important step in resolving the sewage problems in the Butler area.

The projected cost for completion of this planning effort is \$14,990. Under Act 537, the Department is able to reimburse up to 50% of the municipality's eligible costs of preparing and submitting an Official Sewage Plan Update Revision or Special Study. Once the Special Study has been submitted, reviewed and approved by the Department, an application will be provided for you to request this planning grant.

Should you have any questions on this matter, please do not hesitate to contact me at the above referenced telephone number.

Sincerely,

Tomisa Schneider
Sewage Planning Specialist
Water Management

cc: Gateway Engineers/Daniel S. Deiseroth
Butler Co. Planning Commission
BASA
RO: W.Crawford
File

TS:emr





On Call. On Time. On Target.

THE GATEWAY ENGINEERS, INC.

1011 ALCON STREET
PITTSBURGH, PA 15220-3424
412.921.4030 PHONE
412.921.9960 FAX

C-25452-0001

June 7, 2006

www.gatewayengineers.com

Pennsylvania Department of Environmental Protection
121 North Mill Street
New Castle, PA 16101

Att: Lisa Schneider

Re: Butler Township, Butler County - Revised Task Activity Report for Special Study

Dear Lisa:

Per our conversation, please accept this letter revising our Task Activity Report to reflect the required work to meet the needs of DEP requirements. After review of the standard DEP Act 537 Plan Content and Environmental Assessment Checklist and in light of our telephone conversation in which we discussed the need to provide a description of existing problems and a conclusion along with time for administrative functions; we have determined that the tasks requested by DEP fit best under the following items:

- Part 2, Items 1-8 – Administrative Completeness Checklist
- Part 3, Section II – Physical and Demographic Analysis, A – Identification of planning areas, municipal boundaries, sewer authority service area boundaries
- Part 3, Section II – Physical and Demographic Analysis, B – Identification of physical characteristics (streams, lakes, impoundments, natural conveyance, channels, drainage basins in the planning area)
- Part 3, Section III – Existing Sewage Facilities in the Planning Area, A(1) – Location and size of existing sewer lines and facilities
- Part 3, Section III – Existing Sewage Facilities in the Planning Area, A(3) – A description of problems with existing facilities.
- Part 3, Section IV – Future Growth and Land Development, B (5) – Sewage planning for 5 and 10 year growth.

We would like to reiterate that it is our understanding that we will not be required to analyze the capacity of the existing treatment plants, interceptors, pump stations, and force mains and this item is not included in our proposed Task Activity Report

Upon review of the attached information, if you should have any questions, or require additional information, please call.



GATEWAY

On Call. On Time. On Target.

Sincerely,
THE GATEWAY ENGINEERS, INC.

Daniel S. Deiseroth, P.E.
Township Engineer

Matthew E. Bagaley, P.E.
Project Manager

Enclosure

Cc: Gerald S. Patterson, Jr., Township Manager

G:\Projects\25000 Butler Twp\25452 BASAAct537-0001 Act 537 Study\Docs\Rev-TARtrans.doc

3800-FM-WSFR0005 9/2005



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

TASK/ACTIVITY REPORT

Butler Township
Municipality

Butler County
County

Butler Twp Drainage Area to BASA
Proposed Planning Area (Attach Map)
Date of Report

Date Completed plan will be submitted to DEP _____

Estimated Cost of Plan \$14,990 _____

Column Headings May Be Changed To Suit The Needs of the Planning Effort Use Additional Sheets if Necessary Sheet 1 of 1

TASK ACTIVITY NUMBER FROM APPENDIX I	PRINCIPAL		PROJECT ENG.		SR. ENG.		ENGINEER		PLANNER		DRAFTSMAN		CLERICAL		LEGAL		SUB TOTAL
	HR/ RATE	100	HR/ RATE	73	HR/ RATE	83	HR/ RATE	52	HR/ RATE	63	HR/ RATE	52	HR/ RATE	41	HR/ RATE		
	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	
Part 3, II.A	1	\$100	6	\$438							10	\$520	4	\$164			\$1,222
Part 3, II.B			6	\$438			6	\$312	2	\$126	20	\$1,040	6	\$246			\$2,162
Part 3, III.A.1	4	\$400	10	\$730	6	\$498	8	\$416	8	\$504	35	\$1,820	12	\$492			\$4,860
Part 3, III.A.3	4	\$400	8	\$584	5	\$415	5	\$260	4	\$252	8	\$416	2	\$82			\$2,409
Part 3, IV.B.5.	5	\$500	8	\$584	5	\$415	10	\$520	4	\$252	14	\$728	6	\$246			\$3,245
Part 2, 1-8	2	\$200	6	\$438			4	\$208					6	\$246			\$1,092
TOTAL	16	\$1,600	44	\$3,212	16	\$1,328	33	\$1,716	18	\$1,134	87	\$4,524	36	\$1,476			\$14,990

Daniel S. Deiseroth, P.E.
Name of Person Completing Report

Signature

Township Engineer
Title

Municipal Secretary Signature

Appendix B
Historical SSO Data

**BUTLER AREA SEWER AUTHORITY
1999 SANITARY SEWER OVERFLOW (SSO) DATA**

JANUARY	0.74"	1/13/1999	4.00	108,493	1/13/1999	3.50	34,031						
JANUARY	1.73"	1/14-15/1999	4.25	108,443	1/14-15/1999	3.00	21,171						
JANUARY	0.88"	1/18-19/1999	26.75	3,357,547	1/18-19/1999	26.25	1,438,587	1/18/1999	12.50	810,107	1/18/1999	3.75	100,965
JANUARY	0.44"	1/22-24/1999	58.25	7,034,493	1/22-24/1999	57.50	3,112,859	1/22-24/1999	57.25	4,882,501			
FEBRUARY	1.14" in 6.0 hrs	2/28/1999	5.00	291,857	2/28/1999	4.25	127,971						
APRIL	2.73"	4/9-10/1999	15.75	937,791	4/9-10/1999	14.00	318,129	4/9/1999	1.50	28,504	4/9/1999	4.00	206,022
MAY	2.92" in 7.0 hrs	5/18-19/1999	3.00	192,403	5/18-19/1999	3.00	98,988						
JULY	1.75" in 2.0 hrs	7/2/1999	4.75	894,152	7/2/1999	4.50	301,520	7/2/1999	2.25	208,847	7/2/1999	1.00	19,660
JULY											07/09/1999*	1.00	56,158
NOVEMBER	2.87" in 16.5 hrs	11/2/1999	4.75	218,326	11/2/1999	4.75	108,392	11/2/1999	2.00	37,384			
DECEMBER	1.66" in 7.0 hrs	12/14/1999	5.50	209,900	12/14/1999	5.75	132,822	12/14/1999	2.75	222,552			
		10 Events	132.00	13,353,404	10 Events	126.50	5,694,469	6 Events	78.25	6,189,897	4 Events	9.75	382,805
		--	13.20	1,335,340	--	12.65	569,447	--	13.04	1,031,649	--	2.44	95,701

* Caused by mechanical failure of pump control system.

**BUTLER AREA SEWER AUTHORITY
2000 SANITARY SEWER OVERFLOW (SSO) DATA**

JANUARY	1.60"	1/4/2000	1.00	2,900	1/4/2000	1.00	6,100	1/4/2000	1.50	38,200			
FEBRUARY	1.48"	2/14/2000	14.25	147,800	2/14/2000	15.50	403,300						
APRIL	2.64	4/3-4/2000	24.50	537,200	4/3-4/2000	25.50	1,211,000	4/3-4/2000	28.75	3,158,700	4/3-4/2000	12.25	158,300
APRIL	0.85-0.94"	4/8/2000	8.25	102,400	4/8/2000	8.75	273,300	4/8/2000	9.50	600,800			
MAY	1.19"	5/28/2000	2.25	123,400	5/28/2000	2.75	83,700	5/28/2000	1.25	8,374			
AUGUST	1.58-2.35	8/6/2000	4.50	183,300	8/6/2000	5.25	69,600	8/6-7/2000	2.00	41,460			
SEPT.	0.47-0.69	9/12/2000	0.25	6,100	9/12/2000	1.50	27,700	9/12/2000	0.75	20,700			
DECEMBER	1.78	12/16/2000	6.00	317,000	12/16/2000	6.45	287,000	12/16/2000	5.25	431,000			
		8 Events	61.00	1,420,100	8 Events	66.70	2,361,700	7 Events	49.00	4,299,234	1 Event	12.25	158,300
		—	7.63	177,513	—	8.34	295,213	—	7.00	614,176	—	12.25	158,300

**BUTLER AREA SEWER AUTHORITY
2001 SANITARY SEWER OVERFLOW (SSO) DATA**

								01/16/2001*	0.25	6,000	01/31/2001*	0.25	44,000
JANUARY								1/31/2001	8.75	258,000			
JANUARY	1.05"+ melt	1/30-31/2001	11.00	161,000	1/30-31/2001	12.30	154,000	02/10/2001*	3.25	305,000			
FEBRUARY								3/16/2001	1.75	29,000			
MARCH	0.4 - 0.8"							3/21/2001	10.50	261,000			
MARCH	1.32"	3/21/2001	10.25	291,000	3/21/2001	11.25	237,000	4/7/2001	8.00	878,300			
APRIL	2.0"+	4/7/2001	5.00	282,800	4/7/2001	5.50	214,100	4/15-16/2001	0.75	1,500			
APRIL	1.24 - 1.70"	4/15-16/2001	2.50	11,300	4/15-16/2001	3.50	48,000	6/30/2001	1.50	107,100			
JUNE	0.7"/30 Min.	6/30/2001	1.75	109,800	6/30/2001	2.00	83,500						
JULY	0.7"/15 Min.	7/1/2001	2.25	119,900	7/1/2001	2.75	68,800						
JULY	0.5"/15 Min.	7/24/2001	1.00	23,800	7/24/2001	1.00	14,300						
OCTOBER	0.47 - 0.69"	10/23-24/2001	7.00	703,400	10/23-24/2001	8.25	472,200	10/23-24/2001	3.75	277,100	10/23-24/2001	3.00	100,800
NOVEMBER	0.61"/15 Min.	11/25/2001	0.75	5,000	11/25/2001	0.30	4,000						
DECEMBER	2.24 - 2.75"	12/17-18/2001	23.25	1,834,700	12/17-18/2001	24.25	1,878,700	12/17-18/2001	23.25	2,114,300	12/17-18/2001	8.00	67,900
		10 Events	64.75	3,542,700	10 Events	71.10	3,174,600	10 Events	61.75	4,237,300	3 Events	11.25	212,700
		—	6.48	354,270	—	7.11	317,460	—	6.18	423,730	—	3.75	70,900

* Mechanical equipment problem.

**BUTLER AREA SEWER AUTHORITY
2002 SANITARY SEWER OVERFLOW (SSO) DATA**

MONTH	DEPTH	DATE	DEPTH	VOLUME	DATE	DEPTH	VOLUME	DATE	DEPTH	VOLUME	DATE	DEPTH	VOLUME
MARCH	1.05 - 1.24"	03/26-27/2002	15.25	1,306,700	03/26-27/2002	16.25	1,009,200	03/26-27/2002	16.00	1,305,300	3/26/2002	9.75	120,800
APRIL	1.94 - 3.01"	04/14-15/2002	7.25	504,800	04/14-15/2002	7.00	270,100	04/14-15/2002	6.50	412,500			
MAY	1.08 - 1.52" Per Hour	5/13/2002	STREAM INFLOW	(15,200)	5/13/2002	1.50	16,200	5/13/2002	1.00	18,300			
MAY	2.46 - 2.90"	05/13-14/2002	9.25	262,400	05/13-14/2002	10.25	191,400	05/13-14/2002	9.50	354,400			
MAY	1.43 - 1.64"	5/18/2002	7.50	107,200	5/18/2002	7.50	91,100	5/18/2002	6.75	108,900			
JUNE	1.56 - 2.45"	6/6/2002	12.50	1,085,500	6/6/2002	13.00	720,300	6/6/2002	10.00	588,700	6/6/2002	3.25	27,700
SEPTEMBER	2.59 - 3.26"	9/27/2002	2.75	109,600	9/27/2002	2.75	65,500						
OCTOBER	0.53 - 0.55" in 15 min.	10/3/2002	0.25	200									
DECEMBER	0.73 - 0.78" + Snowmelt	12/14/2002	8.75	140,100	12/14/2002	9.00	107,100						
		8 Events	63.50	3,516,500	8 Events	67.25	2,470,900	6 Events	49.75	2,788,100	2 Events	13.00	148,500
		—	7.94	439,563	—	8.41	308,863	—	8.29	464,683	—	6.50	74,250

**BUTLER AREA SEWER AUTHORITY
2003 SANITARY SEWER OVERFLOW (SSO) DATA**

JANUARY	1.21 - 1.60"	01/01-02/2003	14.75	1,464,900	01/01-02/2003	15.00	1,004,300	01/01-02/2003	14.25	1,533,100	01/01-02-2003	15.25	600,700
FEBRUARY	0.47 - 0.71" + Snowmelt	02/22-23-2003	8.00	122,600	02/22-23/2003	8.25	159,100						
MARCH	0.11 - 0.14" + Snowmelt							3/9/2003	2.50	53,100			
MARCH	0.55 - 0.67" + Snowmelt	3/13/2003	2.75	8,000	3/13/2003	3.50	27,800	3/13/2003	2.50	32,900			
MAY Rock Lick PS	Mechanical Failure 23,000 Gals												
JUNE	2.28 - 2.88"	06/12-13/2003	25.75	2,147,900	06/12-13/2003	26.75	1,903,500	06/12-13/2003	16.25	1,087,000	06/12-13/2003	19.50	1,206,400
JULY	1.51 - 2.41"	7/8/2003	2.50	41,800	7/8/2003	2.75	42,100						
JULY	0.88 - 1.36"	7/10/2003	4.25	97,900	7/10/2003	4.25	88,900	7/10/2003	2.50	48,600			
JULY	1.78 - 2.07"	07/21-22/2003	2.25	97,800	07/21-22/2003	2.25	88,700						
JULY	0.42 - 0.60" in 30 min.	7/22/2003	1.25	13,000	7/22/2003	1.25	19,100						
AUGUST	0.45 - 0.87" in 45 min.	8/7/2003 Stream Inflow	1.50	97,600	8/7/2003 Stream Inflow	1.50	41,400						
AUGUST	0.92 - 1.73"				8/27/2003	0.25	200						
AUGUST	1.88 - 3.13" 8/29-30/03	8/30/2003	6.50	282,700	8/30/2003	6.75	331,500	8/30/2003	3.25	152,400	8/30/2003	0.50	2,200
SEPTEMBER	1.15 - 1.62"	9/1/2003	0.50	1,000									
SEPTEMBER	0.41 - 1.00" in 60 min.	9/3/2003	2.50	42,100	9/3/2003	3.00	61,500						
SEPTEMBER	1.14 - 1.36" in 6 hours	9/19/2003	3.00	31,500	9/19/2003	3.00	60,300	9/19/2003	1.75	34,200			
OCTOBER	0.78 - 0.93" in 60 min.	10/14/2003	1.25	6,900	10/14/2003	2.25	35,000	10/14/2003	2.75	131,900			
NOVEMBER	2.39 - 2.62" in 16 hours.	11/19-20/2003	16.75	814,100	11/19-20/2003	17.25	1,577,800	11/19-20/2003	17.25	1,887,300	11/19-20/2003	12.75	550,700
DECEMBER	1.39 - 1.4" + Snowmelt	12/10-11/2003	17.00	588,300	12/10-11/2003	18.00	1,200,900	12/10-11/2003	16.25	1,155,900	12/10-11/2003	9.25	268,400
		16 Events	76.75	4,447,700	16 Events	80.75	3,843,400	10 Events	45.75	3,073,200	5 Events	35.25	1,809,300
		—	4.80	296,513	—	5.05	240,213	—	4.58	307,320	—	7.05	361,860

**BUTLER AREA SEWER AUTHORITY
2004 SANITARY SEWER OVERFLOW (SSO) DATA**

JANUARY	1.79 - 2.35" + Snowmelt	01/04-05/2004	36.25	1,349,000	01/04-05/2004	37.25	2,991,000	01/04-06/2004	40.50	4,284,600	01/04-05/2004	14.00	1,333,000
FEBRUARY	1.61 - 2.22"	02/06-07/2004	25.00	1,102,400	02/06-07/2004	25.50	1,876,800	02/06-07/2004	25.25	2,509,200	2/6/2004	17.50	520,300
FEBRUARY	0.32 - 0.47"	02/21/2004	0.25	200	02/21/2004	1.25	8,300	02/21/2004	7.50	27,100			
MARCH	1.07 - 1.37" in 8 hours	03/20-21/2004	16.50	695,800	03/20-21/2004	17.25	1,372,200	03/20-21/2004	23.25	2,259,200	03/20-21/2004	11.75	211,700
APRIL	1.00 - 1.29"	04/01/2004	2.00	7,100	04/01/2004	2.25	33,700	04/01/2004	5.25	177,100			
APRIL	0.75 - 1.10" in 5 hours	04/12/2004	0.50	800	04/12/2004	0.75	8,200						
APRIL	0.82 - 1.29" in 9 hours	04/13-14/2004	12.25	477,000	04/13-14/2004	12.75	906,600	04/13-14/2004	11.25	920,400			
APRIL	0.43 - 1.22" in 30 mins.	04/25-26/2004	2.75	101,000	04/25-26/2004	3.50	174,100	04/25-26/2004	2.00	152,500			
MAY	0.60 - 0.83" in 2.75 hours				05/21/2004	1.25	786,300	05/21/2004	0.50	5,700			
MAY	0.52 - 1.06" in 3 hours	05/22/2004	9.50	295,500	05/22/2004	11.00	786,300	05/22/2004	15.25	1,444,800			
JUNE	1.61 - 1.73" in 3 hours	06/14/2004	5.25	317,600	06/14/2004	5.50	403,700	06/14/2004	4.75	263,200			
JUNE	1.57 - 1.84" in 3 hours	06/15/2004	13.25	1,024,500	06/15/2004	14.25	1,395,600	06/15/2004	23.00	1,732,800			
JULY	2.74 - 3.30" in 9 hours	07/26/2004	10.50	794,700	07/26/2004	10.75	1,090,700	07/26/2004	8.25	497,900			
AUGUST	1.50 - 1.88"	08/19/2004	0.75	8,300	08/19/2004	1.00	15,700						
AUGUST	3.24 - 3.77"	08/20-21/2004	26.50	2,200,700	08/20-21/2004	27.25	2,949,300	08/20-21/2004	20.50	1,924,300	08/20-21/2004	12.00	1,025,900
SEPTEMBER	4.92 - 6.56" "Francis"	09/08-10/2004	34.50	2,883,000	09/08-10/2004	40.00	5,214,800	09/08-10/2004	32.00	5,036,100	09/08-10/2004	35.50	1,415,400
SEPTEMBER	5.70 - 7.44" "Ivan"	09/17-19/2004	47.25	2,658,500	09/17-19/2004	49.25	5,274,000	09/17-19/2004	38.25	5,997,900	09/17-19/2004	?	Flooded
OCTOBER	1.16 - 1.57"	10/18-19/2004	2.50	68,700	10/18-19/2004	2.75	97,200						
DECEMBER	1.01 - 1.32"	12/01/2004	8.25	238,800	12/01/2004	9.00	360,300	12/01/2004	4.75	178,300			
		18 Events	253.75	14,223,600	19 Events	272.50	25,742,800	16 Events	262.25	27,411,100	5 Events	90.75	4,506,300
			14.10	790,200		14.34	1,354,884		16.39	1,713,194		18.15	901,260

**BUTLER AREA SEWER AUTHORITY
2005 SANITARY SEWER OVERFLOW (SSO) DATA**

JANUARY	1.45 - 1.65"	01/03-04/2005	10.00	905,700	01/03-04/2005	10.75	436,800	01/03-04/2005	9.75	389,300			
JANUARY	2.06 - 2.73"	01/05-07/2005	50.25	2,994,400	01/05-07/2005	53.25	4,913,400	01/05-07/2005	55.00	7,374,100	01/06-07/2005	19.75	1,477,500
JANUARY	0.32 - 0.47"							01/08/2005	7.50	216,100			
JANUARY	0.89 - 1.18"	01/11/2005	7.00	163,500	01/11/2005	8.00	349,900	01/11-12/2005	9.75	515,800			
JANUARY	0.61 - 0.73"	01/12/2005	17.25	658,600	01/12/2005	18.50	1,117,700	01/12-13/2005	21.25	1,881,800			
JANUARY	0.71 - 0.77"	01/14/2005	6.00	53,500	01/14/2005	8.50	196,900	01/14/2005	11.25	431,700			
FEBRUARY	0.29 - 0.35" + Snowmelt	02/09/2005	2.00	64,700	02/09/2005	2.75	43,500	02/09/2005	3.25	105,400			
FEBRUARY	1.01 - 1.30" in 14 hours	02/14-15/2005	10.50	689,900	02/14-15/2005	11.25	643,100	02/14-15/2005	10.25	682,800			
MARCH	0.45" in 1.5 hr	03/07-08/2005	3.75	277,800	03/07-08/2005	4.25	134,800	03/07/2005	1.75	35,300			
APRIL	1.60 - 2.10"	04/02-03/2005	38.75	707,400	04/02-03/2005	39.75	2,044,300	04/02-03/2005	17.75	646,900			
APRIL	0.86 - 0.92" in 1 hour				04/23/2005	1.00	32,600						
AUGUST	2.34 - 2.96" in 2 hours	08/30-31/2005	4.25	184,600	08/30-31/2005	4.75	181,700	08/31/2005	0.75	38,100			
SEPT.	1.51" in 6.5 hr				09/28/2005	0.50	1,700						
NOVEMBER	0.67 - 0.95" in 4 hours	11/16/2005	1.00	5,000	11/15/2005	2.00	18,000						
NOVEMBER	1.32 - 1.50" in 6 hours	11/29/2005	6.50	173,900	11/29/2005	7.00	463,200	11/29/2005	4.75	299,700			
		12 Events	157.25	6,879,000	14 Events	172.25	10,577,600	12 Events	153.00	12,617,000	1 Events	19.75	1,477,500
		—	13.10	573,250	—	12.30	755,543	—	12.75	1,051,417	—	19.75	1,477,500

↑
OVER
FLOW

Appendix C

2001 & 2006 Consent Order & Agreements

ORIGINAL

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of:

BUTLER AREA SEWER	:	
AUTHORITY	:	NPDES Permit No. PA0026697
100 Litman Road	:	Clean Streams Law
Butler, PA 16001	:	Sewage Facilities Act

CONSENT ORDER AND AGREEMENT

This Consent Order and Agreement is entered into this 20th day of February, 2001, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department") and Butler Area Sewer Authority ("Authority").

Findings

The Department has found and determined the following:

A. The Department is the agency with the duty and authority to administer and enforce The Clean Streams Law, Act of June 22, 1937, P.L. 1987, *as amended*, 35 P.S. §§691.1-691.1001 ("Clean Streams Law"); the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, *as amended*, 35 P.S. §§750.1-750.20a ("Sewage Facilities Act"); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. §510-17 ("Administrative Code"); and the rules and regulations promulgated thereunder ("Regulations").

B. The Authority is a municipal authority, organized and existing under the Municipality Authorities Act of 1945, 53 P.S. §301, *et seq.*, which maintains a mailing address of 100 Litman Road, Butler, Pennsylvania 16001. The Authority was created by the Butler City Council and the Butler Township Commissioners in November 1963.

C. The Authority owns and operates a publicly-owned treatment works ("POTW"), which discharges treated sewage effluent into Connoquenessing Creek. The Authority's POTW consists of a sewage treatment plant ("STP") and the sewage collection and conveyance systems located in the City of Butler, Butler Township, Center Township, Summit Township, and East Butler Borough as well as a few customers in Connoquenessing, Oakland, and Penn Townships, in Butler County.

D. POTWs that discharge into waters of the Commonwealth must first obtain a National Pollutant Discharge Elimination System ("NPDES") permit for their discharges, as required by the Federal Water Pollution Control Act, 33 U.S.C. §1251, *et seq.* ("Clean Water Act") and the Clean Streams Law. Any violation of the conditions or effluent limitations contained in an NPDES Permit issued by the Department is a violation of the Clean Streams Law. In addition, the Authority is required by Section 207 of the Clean Streams Law 35 P.S. §691.207, to obtain a Water Quality Management ("WQM") permit from the Department prior to installing any new or additional sewage treatment facilities and/or collection and conveyance lines.

E. A standard condition in the Authority's NPDES Permit requires the Authority to monitor and report information about the discharge to the Department and the U.S. Environmental Protection Agency ("EPA") by submitting monthly Discharge Monitoring Reports to both agencies.

WQM Permits

F. On November 28, 1960, the Sanitary Water Board, a predecessor agency of the Department, issued Sewerage Permit No. 9817-S to the City of Butler for the construction of sewers and revisions to the STP, which was originally constructed in the 1920's and began operations in 1924.

G. On July 3, 1963, the Sanitary Water Board transferred Sewerage Permit No. 9817-S to the Authority, now known as Sewerage Permit No. 9817-S-T1.

H. On January 7, 1977, the Department (known then as the Department of Environmental Resources) issued WQM Permit No. 1074404 to the Authority, thereby authorizing the Authority to expand and upgrade the existing STP, as well as the interceptor and other sewerage facilities associated with the STP. This expansion was designed to treat average flows of 10.0 million gallons per day ("mgd").

I. On June 8, 1990, the Department issued a Minor Amendment to WQM Permit No. 1074404 for modifications to the Monroe Street pump station and the STP. This modification was a change in screening technology and included the installation of sewage screening and grinding equipment.

NPDES Permits

J. On September 30, 1974, the EPA issued NPDES Permit No. PA0026697 to the Authority under the Clean Water Act, thereby authorizing the discharge of treated sewage effluent into Connoquenessing Creek. The Permit contained an interim monthly average flow not to exceed 5.0 mgd and a final monthly average flow not to exceed 10.0 mgd. The final average flow became effective upon commencement of operation of the new STP. The Permit authorized two bypasses, now known as sanitary sewer overflows ("overflows") to Connoquenessing Creek for use when unavoidable to prevent personal injury, loss of life or severe property damage, or where excessive storm drainage or runoff would damage any facilities necessary for compliance with the terms and conditions of this permit. One overflow was located at the Center Avenue Pump Station ("Outfall 002"), and one at the Monroe Street Pump Station ("Outfall 003"). The 1974 NPDES Permit also set forth specific discharge limitations and monitoring requirements for the discharge at Outfall 001.

K. On December 31, 1979, the Department issued NPDES Permit No. PA0026697 to the Authority, thereby re-authorizing the discharge of treated sewage effluent from the STP to Connoquenessing Creek. The 1979 NPDES Permit contained an interim monthly average flow not to exceed 6.6 mgd and a final monthly average flow not to exceed 10.0 mgd. The final average flow became effective upon commencement of operation of the new STP, which did not occur within the time specified in the schedule of compliance contained in the previous NPDES Permit. The 1979 NPDES Permit also set specific discharge limitations and monitoring requirements for the discharge, authorized the same two overflows permitted in the previous permit, and authorized one additional overflow at Outfall 004 of the STP, which, when in use, would discharge to Butchers Run.

L. On March 8, 1985, the Department reissued NPDES Permit No. PA0026697 to the Authority, again with a monthly average flow not to exceed 10.0 mgd. The 1985 NPDES Permit authorized overflows at Outfalls 002 and 003 to Connoquenessing Creek and Outfall 004 to Butchers Run for use as appropriate. (See, Paragraph J, above). The 1985 NPDES Permit also authorized two additional overflow outfalls to Butchers Run and four overflow outfalls to Sullivan Run. Three of the overflow outfalls authorized are located at the STP, with one overflow at the pump house, also known as Outfall 004, one overflow at Outfall 005, and one overflow at Outfall 006. Additional overflow outfalls were authorized at the Diamond Street Pump Station ("Outfall 007"), the Negley Avenue Pump Station ("Outfall 008"), the General Tire area ("Outfall 009"), and the Ball Park area ("Outfall 010"), which all discharge into Sullivan Run.

M. On August 31, 1995, the Department reissued NPDES Permit No. PA0026697 to the Authority. The 1995 NPDES Permit also set specific discharge limitations and monitoring requirements for the discharge, authorized the same nine overflow outfalls permitted in the 1985 NPDES Permit. In addition, four stormwater outfalls ("Outfalls 011, 012, 013, and 014") were

added which consist of stormwater runoff from the STP only. These stormwater outfalls discharge into Butchers Run.

N. On October 14, 1997, the Department issued NPDES Permit No. PA0026697-Amendment No. 1 to the Authority. The monitoring requirements for copper, dichlorobromomethane, and Total Residual Chlorine were amended based on the Authority's Phase I Toxics Reduction Evaluation results and the Department's reevaluation of data. NPDES Permit No. PA0026697 was scheduled to expire on August 30, 2000, but has been administratively extended by the Department. The Department no longer authorizes sanitary sewer overflows in NPDES Permits; therefore, the overflow outfalls listed in Paragraph L, above, will not be authorized in NPDES Permit No. PA0026697 when renewed.

O. The Authority is responsible for properly operating and maintaining its STP and sewage collection and conveyance system in good working order as required by its NPDES Permit, and may lawfully discharge sewage effluent only as authorized by, and subject to, the limitations set forth in its NPDES Permit.

Hydraulic Loading and Sanitary Sewer Overflows

P. Section 94.1 of the Regulations, 25 Pa. Code §94.1, defines a "sanitary sewer overflow" as "an intermittent overflow of waste water, or other untreated discharge from a separate sanitary sewer system (which is not a combined sewer system), which results from a flow in excess of the carrying capacity of the system or from some other cause prior to reaching the headworks of the plant."

Q. Section 94.1 of the Regulations, 25 Pa. Code §94.1, defines "hydraulic overload" as "the condition that occurs when the monthly average flow entering a plant exceeds the hydraulic

design capacity for three consecutive months out of the preceding 12 months or when the flow in a portion of the sewer system exceeds its hydraulic carrying capacity.”

R. Connoquenessing Creek, Butchers Run, and Sullivan Run are each a “water of the Commonwealth” as defined in Section 1 of the Clean Streams Law, 35 P.S. §691.1.

S. As documented in the Authority’s discharge monitoring reports submitted to the Department, the Authority has discharged inadequately treated sewage from the overflows into the waters of the Commonwealth from January 1996 to December 2000. These discharges of untreated sewage through the overflows are set forth in Exhibit A, which is attached hereto and incorporated herein by reference. Exhibit A does not identify all of the overflows in January 1996 or May 1997 because no flow monitoring was available at the overflows, therefore frequency, duration, and volume data was not available.

T. Section 94.21 of the Regulations, 25 Pa. Code §94.21, requires permittees of hydraulically overloaded sewerage facilities to: 1) prohibit new connections to the overloaded sewerage facilities; 2) immediately begin work for the planning, design, financing, construction, and operation of the sewerage facilities that may be necessary to provide required capabilities to meet anticipated demands for a reasonable time in the future; and 3) submit to the Department, for review and approval, a written Corrective Action Plan, with the annual Chapter 94 report or within 90 days of being notified of the Department’s determination that hydraulic overload conditions exist, setting forth the actions to be taken to reduce the hydraulic overload and provide the needed additional capacity.

U. The Authority’s discharge of inadequately treated sewage as described in Paragraph S, above, and failure to satisfy the requirements of Section 94 of the Regulations, 25 Pa. Code §94, is contrary to the terms and conditions of the Authority’s NPDES Permit and Sections 201, 202, and 401 of the Clean Streams Law, 35 P.S. §§691.201, 691.202, and 691.401; constitute unlawful conduct

pursuant to Section 611 of the Clean Streams Law, 35 P.S. §691.611; constitute statutory nuisances pursuant to Section 601 of the Clean Streams Law, 35 P.S. §691.601; and subject the Authority to civil penalty liability pursuant to Section 605 of the Clean Streams Law, 35 P.S. §691.605.

V. On April 26, 2000, the Department met with the Authority to discuss several issues, including the overflows and the requirements of the Regulations. At this meeting, the Department and the Authority discussed options to eliminate the overflows and reduce the hydraulic overload at the STP.

Order

After full and complete negotiation of all matters set forth in this Consent Order and Agreement and upon mutual exchange of covenants contained herein, the Parties desiring to avoid litigation and intending to be legally bound, it is hereby ORDERED by the Department and AGREED to by the Authority as follows:

1. **Authority.** This Consent Order and Agreement is an Order of the Department authorized and issued pursuant to the Clean Streams Law; the Pennsylvania Sewage Facilities Act; and Section 1917-A of the Administrative Code. The failure of the Authority to comply with any term or condition of this Consent Order and Agreement shall subject the Authority to all penalties and remedies provided by those statutes for failing to comply with an order of the Department.

2. **Findings.**

a. The Authority agrees that the Findings in Paragraphs A through T, and V are true and correct and, in any matter or proceeding involving the Authority and the Department, the Authority shall not challenge the accuracy or validity of these Findings.

b. The Parties do not authorize any other persons to use the Findings in this Consent Order and Agreement in any matter or proceeding.

3. *Authority' Obligations – Schedule of Tasks.* The Authority shall attain, and thereafter maintain, compliance with its NPDES and WQM permits, the Clean Streams Law, and the Sewage Facilities Act. "Compliance" will be determined by the Department, and will be achieved when the Authority has completed the tasks required by this Consent Order and Agreement and has not violated any NPDES Permit limitation, standard, term, or condition for six consecutive months. To do so, the Authority shall complete the tasks contained in the following sub-paragraphs according to the schedule set forth therein:

2/13/2001 JCM
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a. Within 30 days of the date of execution of this Consent Order and Agreement, the Authority shall submit a comprehensive and acceptable Corrective Action Plan, which will include the following at a minimum: 1) a specific plan for eliminating the Overflows and hydraulic overload condition of the sewerage system; 2) a map depicting the overloaded facilities and delineating the sewer collection systems tributary to the overflows; and 3) a schedule for the prohibition or limitation of connections to the STP each year until the hydraulic overload at the STP is eliminated and the requirements of this Section 94 of the Regulations and Consent Order and Agreement are satisfied. The tasks and completion dates in the approved Corrective Action Plan will become a compliance schedule enforceable under this Consent Order and Agreement, and will be incorporated by reference.

b. The Authority shall submit a summary report ("Report") within 60 days after the conclusion of all the Corrective Action Plan activities, outlining the current flows at the STP, the status of the overflows, and a recommendation of whether to continue the Corrective Action Plan, modify it, or plan for enlargement of the sewerage facilities. This Report shall contain a schedule reflecting the future course of action. If the recommendation is to continue or modify the Corrective Action Plan, the Department will approve or disapprove the proposal in writing. If the Report recommends enlargement of the sewerage facilities, the Authority shall submit an "Update Revision"

to the appropriate municipal Official Sewage Plan(s). Before submitting the Update Revision, the Authority shall submit to the Department, within 90 days of the Report's determination that an Update Revision is necessary, a Task Activity Report in accordance with 25 Pa. Code §71.21. The Task Activity Report shall contain all of the planning elements necessary to address the existing and future needs of the Authority and all estimated costs of preparing an Update Revision to the Official Plan(s). Specifically, the Task Activity Report shall be accompanied by the following:

- 1) A letter from the Authority acknowledging that each member municipality received a copy of the Task Activity Report;
- 2) A map delineating the planning area boundaries and political subdivision boundaries;
- 3) A brief description of the existing sewage needs; and
- 4) A list of potential alternatives to be evaluated in the Update Revision to address the existing and future needs.

c. The Authority shall submit to the Department, within one year of the Task Activity Report approval, an Update Revision of the Official Plan in accordance with 25 Pa. Code §§71.21 and 71.31, which shall become incorporated herein by reference. The Authority shall also submit a resolution from each member municipality evidencing adoption of the Update Revision to the respective municipal Official Plan(s).

d. The Authority shall implement the approved Update Revision in accordance with the schedule contained in the approved Update Revision, and the approved implementation schedule shall be incorporated herein by reference.

e. With regard to each proposal or plan submitted to the Department pursuant to this Paragraph, the Department will review the Authority's submittal and will approve, modify, or disapprove, in writing, the submittal. If the Department disapproves the submittal, the Authority shall

submit a revised submittal to the Department within a reasonable time specified by the Department.

The Department will approve, or modify and approve, the revised submittal in writing. The approved submittal shall become a part of this Consent Order and Agreement for all purposes and shall be enforceable as such.

4. *Authority's Obligations - Quarterly Progress Reporting.* By the 10th day of each calendar quarter – commencing April 10, 2001, and continuing every calendar quarter thereafter until the Authority completes its obligations under Paragraph 3, above, the Authority shall submit to the Department written reports of its efforts to comply with the requirements of this Consent Order and Agreement.

5. *Civil Penalty Settlement.* Upon execution of this Consent Order and Agreement, the Authority shall pay a civil penalty of \$10,000. This payment is in settlement of the Department's claim for civil penalties for the violations set forth in Paragraph U, above, covering the dates or periods specifically identified and no others. The payment shall be made by corporate check or the like made payable to "Commonwealth of Pennsylvania Clean Water Fund" and sent to the Department at the address set forth in Paragraph 12, below.

6. *Stipulated Civil Penalties.* If the Authority fails to comply in a timely manner with any term or provision of this Consent Order and Agreement, the Authority shall be in violation of this Consent Order and Agreement and, in addition to other applicable remedies, shall pay a civil penalty in the amount determined under the following schedule:

a. \$200 per day for each violation of this Consent Order and Agreement (other than effluent violations as set forth below) including but not limited to, the Authority's obligations under Paragraphs 3 and 4.

b. Overflows

1) **Payment:** The Authority shall submit a monthly payment for overflows in the amount set forth below:

TOTAL VOLUME DISCHARGED IN GALLONS PER CALENDAR MONTH FROM SANITARY SEWER OVERFLOWS	FROM DATE OF SIGNING CONSENT ORDER AND AGREEMENT THROUGH TERMINATION OF THE CONSENT ORDER AND AGREEMENT
< 25,000	\$100
25,000 to 500,000	\$500
500,001 to 1,000,000	\$1,000
1,000,001 to 2,000,000	\$1,500
> 2,000,001	\$2,000

2) **Request for Exemption of payment:**

- a) The Authority may submit a written request that such an overflow be covered under any defense available under state or federal law. Each request must include: the date, duration, and frequency of the overflow; the specific nature of the conditions which may give rise to a defense; and the amount of stipulated civil penalty which is calculated under Sub-paragraph 6.b.1), above.
- b) The Department shall review the request and submit a response to the request within 30 days of receipt of the request. The Department reserves the right to request additional information to determine the validity of the request. If the Department does not approve the request within 30 days, the request is deemed denied.
- c) If the Department approves the request, the penalty calculated under Sub-paragraph 6.b.1), above, is deemed to be waived.

c. If the Authority violates any monthly average effluent discharge limitation (loadings and concentrations treated separately) in NPDES Permit No. PA0026697, the Authority shall submit \$500 per violation. If a monthly average violation occurs for the same parameter for concentration and loadings, a penalty will only be assessed for the monthly average violation for concentration, but will cover a violation of a monthly average violation for loading.

d. If the Authority violates any maximum weekly average effluent discharge limitation, daily pH, or Dissolved Oxygen in NPDES Permit No. PA0026697, the Authority shall submit \$100 per violation, with a maximum of \$500 per month for each parameter. If a monthly average limit has also been violated during the month for the same parameter, a penalty will only be assessed for the monthly average violation, but will cover a violation of a weekly average effluent limitation.

e. Stipulated civil penalty payments shall be payable monthly on or before the 30th day of each succeeding month, and shall be forwarded as described in Paragraph 5 (Civil Penalty Settlement), above.

f. Any payment under this Paragraph shall neither waive Authority's duty to meet its obligations under this Consent Order and Agreement nor preclude the Department from commencing an action to compel the Authority's compliance with the terms and conditions of this Consent Order and Agreement. The payment resolves the Authority's liability for civil penalties arising from the violation of this Consent Order and Agreement and the NPDES Permit for which the payment is made.

g. Stipulated penalties shall be due automatically and without notice.

7. *New Connections.*

a. Any and all new connections to the STP and sewage conveyance system is specifically limited to the allocation of new, if any, connections granted to the Authority as described in the Authority's approved Corrective Action Plan, as described in Paragraph 3.a, above.

b. The Department may rescind and ban the allocation of new connections granted to the Authority under this Paragraph if the Authority is in violation of any term or condition of this Consent Order and Agreement. If and when the Authority comes back into compliance with this Consent Order and Agreement, the Department shall reinstate the connection allocation upon a written request from the Authority, as determined by the Department in its sole discretion.

c. If additional development is proposed, the Authority may request, in writing, that the Department grant additional connections. The Department will consider the Authority's progress. The Department will notify the Authority, in writing, of its determination, within 60 days of receipt. If the Department does not respond within 60 days, the request is deemed denied.

d. A connection is defined in terms of Equivalent Dwelling Units ("EDUs"). An EDU is an amount of sewage flow equal to 350 gallons per day.

8. *Additional Remedies.*

a. If the Authority fails to comply with any provision of this Consent Order and Agreement, the Department may, in addition to the remedies prescribed herein, pursue any remedy available for a violation of an order of the Department, including an action to enforce this Consent Order and Agreement.

b. The remedies provided by this Paragraph and Paragraph 6 (Stipulated Civil Penalties) are cumulative and the exercise of one does not preclude the exercise of any other. The failure of the Department to pursue any remedy shall not be deemed to be a waiver of that remedy.

The payment of a stipulated civil penalty, however, shall preclude any further assessment of civil penalties for the violation for which the stipulated civil penalty is paid.

9. *Reservation of Rights.* The Department reserves the right to require additional measures to achieve compliance with applicable law. The Authority reserves the right to challenge any action which the Department may take to require those measures.

10. *Liability of Operator.* The Authority shall be liable for any violations of the Consent Order and Agreement, including those caused by, contributed to, or allowed by its officers, agents, employees, or contractors. The Authority also shall be liable for any violation of this Consent Order and Agreement caused by, contributed to, or allowed by its successors and assigns.

11. *Transfer of Site.*

a. The duties and obligations under this Consent Order and Agreement shall not be modified, diminished, terminated, or otherwise altered by the transfer of any legal or equitable interest in the sanitary sewer system, STP, the POTW, or any part thereof.

b. If the Authority intends to transfer any legal or equitable interest in the sanitary sewer system, STP, the POTW, or any parts thereof, the Authority shall serve a copy of this Consent Order and Agreement upon the prospective transferee of the legal and equitable interest at least 30 days prior to the contemplated transfer and shall simultaneously inform the Northwest Regional Office of the Department of such intent.

12. *Correspondence with Department.* All correspondence with the Department concerning this Consent Order and Agreement shall be addressed to:

Ms. Christina S. Nagy
Water Quality Compliance Specialist
Department of Environmental Protection
230 Chestnut Street
Meadville, PA 16335-3481
814-332-6942
FAX: 814-332-6121

13. *Correspondence with the Authority.* All correspondence with the Authority concerning this Consent Order and Agreement shall be addressed to:

Mr. M. John Schon
Manager
Butler Area Sewer Authority
100 Litman Road
Butler, PA 16001
724-282-1978

The Authority shall notify the Department whenever there is a change in the contact person's name, title, or address. Service of any notice or any legal process for any purpose under this Consent Order and Agreement, including its enforcement, may be made by mailing a copy by first class mail to the above address.

14. *Severability.* The Paragraphs of this Consent Order and Agreement shall be severable and should any part hereof be declared invalid or unenforceable, the remainder shall continue in full force and effect between the Parties.

15. *Entire Agreement.* This Consent Order and Agreement shall constitute the entire integrated agreement of the Parties. No prior or contemporaneous communications or prior drafts shall be relevant or admissible for purposes of determining the meaning or intent of any provisions herein in any litigation or any other proceeding.

16. *Attorney Fees.* The Parties shall bear their respective attorney fees, expenses, and other costs in the prosecution or defense of this matter or any related matters, arising prior to execution of this Consent Order and Agreement.

17. *Modifications.* No changes, additions, modifications, or amendments of this Consent Order and Agreement shall be effective unless they are set out in writing and signed by the Parties hereto.

18. *Titles.* A title used at the beginning of any Paragraph of this Consent Order and Agreement may be used to aid in the construction of that Paragraph, but shall not be treated as controlling.

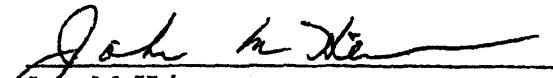
19. *Termination of Consent Order and Agreement.* The Authority's obligations, but not the Findings, of this Consent Order and Agreement shall terminate when the Authority: 1) has completed all of the requirements of this Consent Order and Agreement; 2) has achieved compliance with the Clean Streams Law, Sewage Facilities Act, and Regulations by having no sanitary sewer overflows for 12 consecutive months; and 3) has paid any outstanding penalties due under Paragraphs 5 and 6 of this Consent Order and Agreement. The Authority's compliance with this Consent Order and Agreement shall be determined by the Department.

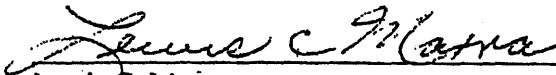
20. *Resolution.* Attached hereto as Exhibit B is a resolution of the Authority Board Members authorizing its signatories below to enter into this Consent Order and Agreement on its behalf.

IN WITNESS WHEREOF, the Parties hereto have caused this Consent Order and Agreement to be executed by their duly authorized representatives. The undersigned representative of the Authority certifies under penalty of law, as provided by 18 Pa.C.S. §4904, that he is authorized to execute this Consent Order and Agreement on behalf of the Authority; that the Authority consents to

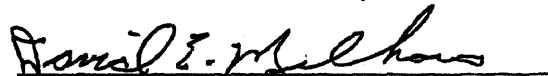
the entry of this Consent Order and Agreement as a final ORDER of the Department; and that the Authority hereby knowingly waives its rights to appeal this Consent Order and Agreement and to challenge its content or validity, which rights may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, No. 1988-94, 35 P.S. §7514; the Administrative Agency Law, 2 Pa.C.S. §103(a) and Chapters 5A and 7A; or any other provision of law.


**FOR THE BUTLER AREA
SEWER AUTHORITY:**


John M. Heim
Chairman


Lewis C. Marra
Secretary

**FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:**


David E. Milhous P.E.
Regional Manager
Water Management
Northwest Region


Stephanie R. Gallogly
Assistant Counsel

G:\Butler\Butler COA.wpd 2/9/01

Exhibit A

BUTLER AREA SEWER AUTHORITY OVERFLOW DATA SUMMARY

<u>OVERFLOW EVENTS</u>		<u>OVERFLOW VOLUME</u>		<u>COMMENTS</u>	
<u>YEAR</u>	<u>DATE</u>	<u>GALLONS</u>	<u>LOCATION</u>		
1996	January 18-19	unknown	manholes and SSOs	snow melt/rain	
1997	May 26	unknown	003, 009, 010, Deshon Pump Station, Zeigler Ave Pump Station, Benbrook Pump Station, Cupps Road Pump Station, Garden Grove Pump Station, Rock Lick Pump Station, Township Line Pump Station	rain	
1998	January 7-9	unknown 2,900,000 - 5,200,000	Deshon PS 009 010	rain	
	April 14	unknown 87,700 191,100 430,800	Deshon PS 009 010	rain	
	April 19-20	536,900 714,200 1,326,500	Deshon PS 009 010	rain	
	April 26-27	709,400 1,183,500 2,029,600	Deshon PS 009 010	rain	
	July 8	336,500 161,300	009 010	rain	
	August 16	106,900	009	rain	
	August 25	282,600 102,900	009 010	rain	
	October 8	1,095,100 461,700	009 010	rain	
	December 21-22	218,500 453,700 916,700	Deshon PS 010 009	rain rain	
	1999	January 13	108,492 34,031	009 010	rain
		January 14-15	108,442 21,170	009 010	rain
		January 18	810,107 100,965	Deshon PS 003	rain
		January 18-19	3,357,547 1,438,587	009 010	rain

EXHIBIT A - BUTLER AREA SEWER AUTH. OVERFLOW DATA SUMMARY, Cont'd.

<u>OVERFLOW EVENTS</u>		<u>OVERFLOW VOLUME</u>		<u>COMMENTS</u>
<u>YEAR</u>	<u>DATE</u>	<u>GALLONS</u>	<u>LOCATION</u>	
1999 Cont'd.	January 22-24	4,882,500	Deshon PS	rain
		7,034,492	009	
	February 28	3,112,858	010	rain
		291,900	009	
	April 5	128,000	010	mechanical failure
		206,000	003	
	April 9	28,500	Deshon PS	rain
	April 9-10	937,800	009	rain
		318,100	010	rain
	May 18-19	192,400	009	rain
		99,000	010	
	July 2	894,200	009	rain
		301,500	010	
	November 2	37,400	Deshon PS	rain
		218,300	009	
December 14	108,300	010	rain	
	222,500	Deshon PS		
	209,900	009		
	132,800	010		
2000	January 4	38,200	Deshon PS	rain
		2900	009	
	February 14	6100	010	rain
		147,800	009	
	April 3-4	403,300	010	rain
		3,158,700	Deshon PS	
		158,300	003	
		537,200	009	
	April 8	1,211,000	010	rain
		600,800	Deshon PS	
		102,400	009	
	April 21-24	273,300	010	power failure/ mechanical problems
		unknown	Brewster Road PS	
	May 28	8,374	Deshon PS	rain
		123,400	009	
	August 6	83,700	010	rain
		41,460	Deshon PS	
183,300		009		
September 12	69,600	010	rain	
	20,700	Deshon PS		
	6,100	009		
December 16	27,700	010	rain	
	431,000	Deshon PS		
	317,000	009		
	287,000	010		

Butler Area Sewer Authority

Butler, PA, February 13, 2001

RESOLVED, by the Board of the Butler Area Sewer Authority,

That:

1. The attached agreement is hereby approved and adopted as and for a binding and effective agreement of the Butler Area Sewer Authority in accord with its terms; and
2. Appropriate Authority Officials are hereby authorized and directed to execute the attached agreement in the manner required by law.

Consent Order and Agreement

Butler Area Sewer Authority/Commonwealth of PA, DEP

CERTIFICATION

I, LEWIS C. MARRA, hereby certify that I am the duly appointed Secretary of the Butler Area Sewer Authority, that the above Resolution was adopted at a duly advertised, special public meeting of the Authority held on February 13, 2001, and that a minimum number of Authority members were in attendance to represent a quorum.


Secretary) Lewis C. Marra

FEBRUARY 13, 2001

Date Signed



Pennsylvania Department of Environmental Protection

Office of Chief Counsel
230 Chestnut Street
Meadville, PA 16335-3481
October 19, 2006

Northwest Regional Counsel

814-332-6070
FAX 814-332-6996

Michael D. Hnath, Esquire
DILLON MCCANDLESS KING COULTER
& GRAHAM, LLP
128 West Cunningham Street
Butler, PA 16001

✓ Bruno A. Muscatello, Esquire
STEPANIAN & MUSCATELLO, LLP
222 S. Main Street
Butler, PA 16001

Michael Gallagher, Esquire
110 E. Diamond Street
Butler, PA 16001

Gwilym A. Price, Esquire
129 South McKean Street
Butler, PA 16001-6029

James P. Coulter, Esquire
DILLON MCCANDLESS KING COULTER
& GRAHAM, LLP
128 West Cunningham Street
Butler, PA 16001

Re: Final Consent Order and Agreement - BASA's POTW

Dear Messrs. Hnath, Muscatello, Gallagher, Price, and Coulter

Enclosed please find a copy of the fully-executed Consent Order and Agreement between the Department and your clients. As previously agreed upon with BASA's counsel, the Department will consider the following when reviewing the activities that BASA has taken to reduce flow within the POTW, as set forth in BASA's 2007 Chapter 94 Wasteload Management Report, pursuant to Paragraph 10.i. of the Consent Order and Agreement:

1. All work done during the year 2007;
2. Work that BASA completed in 2006 for the Deshon Sewer Rehabilitation Project; and
3. Work that BASA completed throughout the POTW after the date of the Consent Order and Agreement (October 13, 2006).



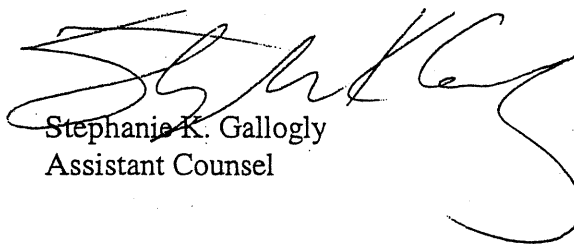
Michael D. Hnath, Esquire
Bruno A. Muscatello, Esquire
Michael Gallagher, Esquire
James P. Coulter, Esquire
Gwilym A. Price, Esquire

- 2 -

October 19, 2006

Please contact me if you have any questions.

Sincerely,



Stephanie K. Gallogly
Assistant Counsel

Enclosures

cc: R. Gilson
K. Burch

I:\sgallogly\BASA\Executed COA\tr.wpd

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of:

Butler Area Sewer Authority,	:	
City of Butler, Butler Township,	:	
Center Township, Summit	:	The Clean Streams Law
Township, Borough of East	:	Pennsylvania Sewage Facilities Act
Butler, Oakland Township, and	:	
Connoquenessing Township	:	
Butler County, Pennsylvania	:	

CONSENT ORDER AND AGREEMENT

This Consent Order and Agreement is entered into this 13th day of October 2006,

by and between the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), Butler Area Sewer Authority ("BASA"), the City of Butler, Butler Township, Center Township, Summit Township, the Borough of East Butler, Oakland Township, and Connoquenessing Township.

FINDINGS

The Department has found and determined the following:

Parties

A. The Department is the agency with the duty and authority to administer and enforce The Clean Streams Law, Act of June 22, 1937, P.L. 1987, *as amended*, 35 P.S. §§691.1-691.1001 ("Clean Streams Law"); the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, *as amended*, 35 P.S. §§750.1-750.20a ("Sewage Facilities Act"); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. §510-17 ("Administrative Code"); and the rules and regulations promulgated thereunder ("Regulations").

B. BASA is a municipal authority organized and existing under the Municipality Authorities Act of 1945, Act of May 2, 1945, P.L. 382, *as amended*, 53 Pa.C.S. §§5601-5623 (“Municipality Authorities Act”), with a mailing address of 100 Litman Road, Butler, Pennsylvania 16001-3256. BASA was created by the Butler City Council and the Butler Township Commissioners on November 13, 1962.

C. The City of Butler is a municipal entity with a mailing address of 140 West North Street, Butler, Pennsylvania 16001.

D. Butler Township is a municipal entity with a mailing address of 290 South Duffy Road, Butler, Pennsylvania 16001.

E. Center Township is a municipal entity with a mailing address of 419 Sunset Drive, Butler, Pennsylvania 16001.

F. Summit Township is a municipal entity with a mailing address of 502 Bonniebrook Road, Butler, Pennsylvania 16002.

G. The Borough of East Butler is a municipal entity with a mailing address of P.O. Box 195, East Butler, Pennsylvania 16029.

H. Oakland Township is a municipal entity with a mailing address of 565 Chicora Road, Butler, Pennsylvania 16001.

I. Connoquenessing Township is a municipal entity with a mailing address of 102 Township Drive, Renfrew, Pennsylvania 16053.

J. BASA, the City of Butler, Butler Township, Center Township, Summit Township, the Borough of East Butler, Oakland Township, and Connoquenessing Township are each a “municipality” as defined in Section 1 of the Clean Streams Law, 35 P.S. §691.1, and Section 2 of the Sewage Facilities Act, 35 P.S. §750.2. For the purpose of this Consent Order and Agreement, the

City of Butler, Butler Township, Center Township, Summit Township, the Borough of East Butler, Oakland Township, and Connoquenessing Township shall be referred to collectively as “the Tributary Municipalities.”

Background

K. BASA owns and operates public sewerage facilities under the provisions of Sewerage Permit No. 9817-S-T1 issued by the Sanitary Water Board and Water Management Permit No. 1074404 issued by the Department.

L. BASA’s sewerage facilities are part of a publicly-owned treatment works (“POTW”) that consists of a sewage treatment plant, a sewer system, and sewage pumping stations. The POTW includes the public sewage collection and conveyance systems located within the boundaries of the Tributary Municipalities that connect to BASA’s sewage treatment plant.

M. Section 5 of the Sewage Facilities Act, 35 P.S. §750.5, requires a municipality to maintain an Official Plan for the provision of adequate sewage systems. Official Plans address both the existing and future sewage disposal needs of a municipality. The Official Plans of the Tributary Municipalities provide that the POTW shall supply sewer service for designated portions of the Tributary Municipalities.

N. The POTW is a separate sanitary sewer system that collects, conveys, and treats “sewage,” as defined in Section 1 of the Clean Streams Law, 35 P.S. §691.1. The sewage treatment plant has a permitted monthly average daily design capacity of 10 million gallons per day, and a permitted maximum peak flow capacity of 25 million gallons per day.

O. BASA’s sewage treatment plant discharges treated sewage effluent by authorization of NPDES Permit No. PA0026697 into Connoquenessing Creek, a “water of the Commonwealth,” as that term is defined in Section 1 of the Clean Streams Law, 35 P.S. §691.1.

P. Based on information that the Department has obtained to date, the POTW has ten structures located before the headworks of the sewage treatment plant that are capable of discharging untreated sewage into the Connoquenessing Creek watershed ("Sanitary Sewer Overflow Structures"). These Sanitary Sewer Overflow Structures are located at the Deshon pump station, Monroe pump station, the General Tire area, the Ball Park area, the 006 Overflow, the Center Avenue pump station, the Diamond Street pump station, the Negley Avenue pump station, the Ziegler Avenue pump station, and the September Drive pump station. During the past five years, discharges of untreated sewage have occurred from some, but not all, of the Sanitary Sewer Overflow Structures during wet weather events. Discharges from any Sanitary Sewer Overflow Structure are not authorized by any current permit issued by the Department and discharges of untreated sewage from the POTW into the waters of the Commonwealth are not authorized or permitted by federal or State law.

Q. The POTW has been and continues to be hydraulically overloaded, whereby the flow exceeds its hydraulic carrying capacity in portions of the system and causes overflows, as defined by Section 94.1 of the Regulations, 25 Pa. Code §94.1.

February 20, 2001, Consent Order and Agreement

R. On February 20, 2001, the Department and BASA entered into a Consent Order and Agreement ("2001 Agreement") to resolve violations of the Clean Streams Law and the Sewage Facilities Act. The 2001 Agreement included, among other things, a requirement for BASA to fully implement the March, 20, 2001, Corrective Action Plan (revised April 23, 2001), to eliminate the discharges, caused by the hydraulic overload conditions, from the Deshon pump station, the General Tire area, and the Ball Park area Sanitary Sewer Overflow Structures. The 2001 Agreement is maintained as a public record by the Department at its Northwest Regional Office in Meadville,

Pennsylvania, and the Findings contained in the 2001 Agreement are incorporated herein by reference.

S. On December 31, 2005, BASA informed the Department by letter that it had not completed all of the tasks under the March 20, 2001, Corrective Action Plan, as amended, as required under the 2001 Agreement (“December 31, 2005 Letter”).

T. In the December 31, 2005 Letter, BASA also requested an extension of time until April 30, 2009, to complete all of the tasks set forth in the March 20, 2001, Corrective Action Plan, as well as an additional project funded by a \$7.2 million PENNVEST loan (identified as ME #71317). The PENNVEST funded project, as set forth in Contract 2004-4, executed December 13, 2005, and inclusive of all maps and general specifications regarding Contract 2004-4, is for the reconstruction and rehabilitation of the public sewers within the Deshon service area to address extraneous flow from storm water and groundwater (“Deshon Sewer Rehabilitation Project”).

U. On January 24, 2006, BASA requested by letter that the Department approve 195 equivalent dwelling units (“EDUs”) in new sewer connections to the POTW as provided by the 2001 Agreement.

V In a letter dated February 9, 2006, the Department informed BASA that, because it had not completed all of the tasks under the March 20, 2001, Corrective Action Plan, as amended, BASA was in violation of the 2001 Agreement, and owed stipulated penalties under the 2001 Agreement. The Department also denied BASA’s request for 195 new sewer connections.

W. On April 27, 2006, BASA paid all outstanding stipulated civil penalties owed under the 2001 Agreement.

NPDES Permit

X. Pursuant to 25 Pa. Code §§92.9(a) and (b), all NPDES permits have a fixed term not to exceed five years. Moreover, the terms and conditions of a NPDES permit can only be administratively extended if the permittee submits a timely application within 180 days prior to the expiration date of the NPDES permit and the Department, through no fault of the permittee, is unable to issue or deny a new permit before the expiration date of the previous permit.

Y. BASA's NPDES Permit has an expiration date of July 2, 2006. Therefore, in accordance with 25 Pa. Code §92.9(b), an application to renew the NPDES Permit was due by January 3, 2006. BASA submitted its administratively complete application to renew the NPDES Permit to the Department on February 3, 2006, *e.g.* 31 days late.

Z. BASA has requested that the Department accept the February 3, 2006, application as a timely submittal so that the terms and conditions of the existing NPDES Permit can be administratively extended until a renewal NPDES permit is issued by the Department. For settlement purposes only, the Department has agreed to this request. The Department published a notice of the draft renewal NPDES Permit in the *Pennsylvania Bulletin* on June 10, 2006, and BASA reviewed and commented on the draft. Upon signing this Consent Order and Agreement, the Department will issue the final renewal NPDES Permit for the POTW. The final renewal NPDES Permit for the POTW is attached as Exhibit A, and incorporated by reference.

Official Plans

AA. Because the POTW remains hydraulically overloaded, the Tributary Municipalities must revise their official plans pursuant to 25 Pa. Code §71.12.

AB. As of the date of this Consent Order and Agreement, all of the Tributary Municipalities have begun the process of revising their official plans by submitting a Task Activity Report (“TAR”) to the Department, as detailed below:

<u>TRIBUTARY MUNICIPALITY</u>	<u>DATE TAR SUBMITTED</u>	<u>DATE TAR APPROVED</u>
Butler Township	May 18, 2006	June 28, 2006
City of Butler	June 2, 2006	June 28, 2006
Summit Township	June 19, 2006	June 28, 2006
Borough of East Butler	June 21, 2006	August 2, 2006
Center Township	June 21, 2006	August 2, 2006
Connoquenessing Township	July 10, 2006	July 25, 2006
Oakland Township	July 26, 2006	July 31, 2006

Violations

AC. BASA’s failure to comply with the 2001 Agreement violates Sections 5 and 610 of the Clean Streams Law, 35 P.S. §§691.5 and 691.610.

AD. BASA’s failure to submit an application to renew its NPDES Permit within 180 days prior to the expiration of its existing NPDES Permit constitutes a violation of 25 Pa. Code §92.1.

AE. BASA’s past and continuing unpermitted discharges from the Sanitary Sewer Overflow Structures constitute separate violations of Sections 201, 202, 401, and 402 of the Clean Streams Law, 35 P.S. §§691.201, 691.202, 691.401, and 691.402.

AF. The violations set forth in Paragraphs AC-AE, above, constitute unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. §691.611; a statutory nuisance under Sections

401 and 601 of the Clean Streams Law, 35 P.S. §§691.401 and 691.601, and subject BASA to civil penalty liability under Section 605 of the Clean Streams Law, 35 P.S. §691.605.

ORDER

After full and complete negotiation of all matters set forth in this Consent Order and Agreement, and upon mutual exchange of the covenants contained herein, BASA and the Tributary Municipalities, desiring to avoid litigation and intending to be legally bound, it is hereby ORDERED by the Department and AGREED to by BASA and the Tributary Municipalities as follows:

1. **Authority.** This Consent Order and Agreement is an Order of the Department authorized and issued pursuant to Section 610 of the Clean Streams Law, 35 P.S. §691.610; Section 10 of the Sewage Facilities Act, 35 P.S. §750.10; and Section 1917-A of the Administrative Code.

2. **Findings.**

a. BASA and the Tributary Municipalities agree that the Findings in Paragraphs A through AF are true and correct and, in any matter or proceeding involving BASA and the Tributary Municipalities, BASA and the Tributary Municipalities shall not challenge the accuracy or validity of these Findings.

b. The Parties do not authorize any other persons to use the Findings in this Consent Order and Agreement in any matter or proceeding.

3. **Planning and Plan Implementation Obligations of BASA and the Tributary Municipalities.**

a. Each Tributary Municipality shall prepare and submit to the Department for approval, an administratively complete Official Plan revision Special Study that focuses on each municipality's current and future sewage needs to be served by the POTW according to the following schedule:

- i. Within **45 days** of the date of this Consent Order and Agreement, each Tributary Municipality shall submit a draft Official Plan revision Special Study to its respective municipal planning agency, the Butler County Planning Commission, and BASA to solicit comments on each Tributary Municipality's projections of future sewage needs;
- ii. Within **105 days** of the date of this Consent Order and Agreement, each Tributary Municipality shall consider the comments of its respective municipal planning agency, the Butler County Planning Commission, and BASA, and revise its draft Official Plan revision Special Study, as necessary; and
- iii. Within **150 days** of the date of this Consent Order and Agreement, each Tributary Municipality shall submit to the Department, for approval, an Official Plan revision Special Study that shall include a resolution from the Tributary Municipality evidencing adoption of the Special Study as a revision to the respective municipality's Official Plan.
- iv. Upon a Tributary Municipality's receipt of written notification that the Department has approved the Tributary Municipality's Official Plan revision Special Study, that Tributary Municipality shall submit a copy of the approved Official Plan revision Special Study to BASA.

b. BASA, on behalf of the Tributary Municipalities, shall prepare and submit to the Department, for approval, an administratively complete Official Plan Update Revision to the Tributary Municipalities Official Plans that: provides adequate conveyance and treatment for the future sewage needs of each Tributary Municipality, as defined in Paragraph 3.a., above; provides for the elimination of all unpermitted discharges from the POTW; and provides for the closure of the Deshon, General Tire, and Ball Park Sanitary Sewer Overflow Structures, according to the following schedule:

- i. Within **30 days** of BASA's receipt of all Department-approved Official Plan revision Special Studies by all Tributary Municipalities, BASA shall, on behalf of the Tributary Municipalities, prepare and submit to the Department, for approval, a proposed TAR. The TAR shall list the planning elements from 25 Pa. Code §71.21, that are needed to prepare an Official Plan Update Revision that provides adequate conveyance and treatment for the future sewage needs of

Amended Appendix A-22-b

each Tributary Municipality, as defined in Paragraph 3.a., above; provides for the elimination of all unpermitted discharges from the POTW; and provides for the closure of the Deshon, General Tire, and Ball Park Sanitary Sewer Overflow Structures. The TAR shall include an itemized cost proposal to prepare the Official Plan Update Revision.

- ii. Within **180 days** of the Department's approval of the TAR, BASA shall simultaneously submit to the Department and each Tributary Municipality, for review and comment, a draft Official Plan Update Revision that updates each of the Tributary Municipality's Official Plans. The draft Update Revision shall evaluate the alternatives and recommend an alternative which shall adequately address the existing sewage needs and the future sewage needs of each Tributary Municipality as specified in each Tributary Municipality's Special Study. The draft Update Revision shall be prepared in accordance with 25 Pa. Code §§71.21 and 71.31, and shall contain an implementation schedule that provides for all projects to be completed by July 31, 2012, and provides for the elimination of all unpermitted discharges from the POTW and the closure of the Deshon, General Tire, and Ball Park Sanitary Sewer Overflow Structures by July 31, 2012.
- iii. Within **180 days** of receiving written comments from the Department and the Tributary Municipalities concerning the draft Official Plan Update Revision, BASA shall submit to the Department, on behalf of the Tributary Municipalities, and after review, comment, and approval by the Tributary Municipalities, the final Update Revision ("Final Update Revision"). The Final Update Revision shall be administratively complete and include a resolution from each Tributary Municipality evidencing adoption of the Final Update Revision as an update to each Tributary Municipality's Official Plan.
- iv. If the Department determines that the Final Update Revision is not administratively and technically complete, BASA shall, within **90 days** of receiving the Department's written comments, submit to the Department, on behalf of the Tributary Municipalities, a revised Final Update Revision that addresses the Department's written comments.
- v. If the Department determines that revisions to the Final Update Revision under Paragraph 3.b.iv., above, represent significant changes to the selected alternative and/or the implementation schedule set forth in the original Final Update Revision submitted pursuant to Paragraph 3.b.iii., above; the Tributary Municipalities agree, upon written notice from the Department of such determination, to submit to the

Department updated resolutions evidencing their adoption of the revised Final Update Revision.

- vi. If the Department disapproves the revised Final Update Revision submitted by BASA, BASA, on behalf of the Tributary Municipalities shall, within 90 days of receipt of the Department's written disapproval, submit a new revised Final Update Revision that includes a resolution from each Tributary Municipality evidencing adoption of the new revised Final Update Revision. This process shall continue until such time as the Department has approved an Update Revision for the Tributary Municipalities.
- vii. Upon the Department's written approval of the Final Update Revision, the revised Final Update Revision, or a new revised Final Update Revision, BASA, on behalf of the Tributary Municipalities, shall implement the approved Final Update Revision in accordance with the schedule(s) therein, and the approved implementation schedule(s) shall be incorporated herein by reference, and shall be an obligation under this Consent Order and Agreement and enforceable hereunder.

4. *BASA's Corrective Actions.* BASA shall take all actions necessary and shall timely obtain all funding necessary to comply with the Clean Streams Law, the Sewage Facilities Act, all relevant Regulations, the renewal NPDES Permit, Water Quality Management Permits, the Department-approved Final Update Revision, and any other obligations under this Consent Order and Agreement. In doing so, BASA shall also perform the following tasks in accordance with the following schedule:

a. Deshon Sewer Rehabilitation Project. BASA shall complete the Deshon Sewer Rehabilitation Project, according to the following schedule:

- i. As of the date of this Consent Order and Agreement, continue sewer rehabilitation work;
- ii. Within 30 months of the date of this Consent Order and Agreement, complete the Deshon Sewer Rehabilitation Project and begin post-construction flow monitoring for a period of six months; and
- iii. Within 38 months of the date of this Consent Order and Agreement, submit a summary of the results of the post construction flow

monitoring within the Deshon service area in a report to the Department.

b. Quarterly Progress Reporting. BASA shall submit to the Department, with a copy to all Tributary Municipalities, written progress reports of its efforts to comply with the requirements of this Consent Order and Agreement. The written progress reports shall be submitted by the 30th day after each calendar quarter and continue every calendar quarter thereafter until this Consent Order and Agreement is terminated. The Quarterly Progress Reports shall specifically include, at a minimum, a description of BASA's progress with the Deshon Sewer Rehabilitation Project, progress with the preparation of any planning and plan implementation obligations, and a report of sewage connections issued.

5. *Implementation Schedule Submittals*. For any proposal, plan, permit, or other document that is required to be submitted to the Department pursuant to the implementation schedule incorporated in this Consent Order and Agreement under Paragraph 3.b.vii., above, the Department will review the document and will approve, modify, or disapprove the document in writing. If the Department disapproves the document, BASA or the Tributary Municipality, as the case may be, shall submit a revised document to the Department within the time specified by the Department. Upon receipt of the revised document, the Department will approve, disapprove, or modify and approve, the revised document in writing. The approved document, or approved and modified document, shall become a part of this Consent Order and Agreement for all purposes and shall be enforceable as such.

6. *Administrative Completeness*. For the purposes of this Consent Order and Agreement, the term "administratively complete" shall mean that all permit applications and planning documents (including public and planning agency comments and responses) submitted by

BASA and the Tributary Municipalities shall contain all applicable fees, modules, signatures, certifications/reports by applicable licensed professionals, with all necessary laboratory analyses, plans, maps, drawings, specifications, and/or supporting calculations, and any other necessary information/documents of sufficient quality to merit a full technical review by the Department or other applicable agency.

7. *Civil Penalty Settlement.* Upon signing this Consent Order and Agreement, BASA shall pay a civil penalty of \$500. This payment is in settlement of the Department's claim for civil penalties for the violation set forth in Paragraph AD, above, relating to the NPDES application and permit, and covering the dates set forth herein. The payment shall be made by corporate check or the like made payable to Commonwealth of PA Clean Water Fund, and sent to the individual at the address set forth in Paragraph 15 (Correspondence with the Department), below.

8. *Stipulated Civil Penalties.*

a. If BASA fails to comply with the terms or conditions of this Consent Order and Agreement, BASA shall be in violation of this Consent Order and Agreement and, in addition to other applicable remedies, shall pay a civil penalty in the amount determined under the following schedule and for the following violations:

- i. \$200 per day for any unpermitted discharges from the sewerage facilities or POTW other than those set forth in Sub-paragraphs ii.-v., below;
- ii. \$1,000 per month for all unpermitted discharges from the Sanitary Sewer Overflow Structures reported during a monthly monitoring period from the date of this Consent Order and Agreement until July 31, 2012;
- iii. \$100 per parameter for each effluent violation of weekly average loading or concentration reported on the monthly Discharge Monitoring Reports;
- iv. \$150 per parameter for each effluent violation of monthly average

loading or concentration reported on the monthly Discharge Monitoring Reports; and

- v. \$25,000 for the first day, plus \$200 per day thereafter, for each day after July 31, 2012, that one or more unpermitted discharges from the Sanitary Sewer Overflow Structures occur.

- b. Stipulated civil penalty payments shall be payable monthly on or before the 30th day of each succeeding month, and shall be forwarded as described in Paragraph 7 (Civil Penalty Settlement), above.

- c. Any payment under this Paragraph shall neither waive BASA's duty to meet its obligations under this Consent Order and Agreement, nor preclude the Department from commencing an action to compel BASA to comply with the terms and conditions of this Consent Order and Agreement. The payment resolves only BASA's liability for civil penalties arising from specific violations of this Consent Order and Agreement for which the payment is made.

9. ***Civil Penalty Liability for Planning.***

- a. If the Department disapproves the revised Final Update Revision submitted by BASA on behalf of the Tributary Municipalities, pursuant to Paragraph 3.b.iv., above, one or more of the Tributary Municipalities may be subject to civil penalty liability under Section 605 of the Clean Streams Law, 35 P.S. §691.605, and Section 13a of the Sewage Facilities Act, 35 P.S. §750.13a.

- b. For all other violations of the obligations under this Consent Order and Agreement, except those violations set forth in Paragraph 9.a., above, and those violations subject to stipulated penalties under Paragraph 8, above, BASA and/or the specific Tributary Municipality may be subject to civil penalty liability for their respective violations under Section 605 of the Clean Streams Law, 35 P.S. §691.605, and Section 13a of the Sewage Facilities Act, 35 P.S. §750.13a.

10. *Prohibition on Connections.*

a. For the purposes of this Consent Order and Agreement, the following definitions shall apply:

- i. The term "connection," as defined in 25 Pa. Code §94.1, is a connection of a structure that contributes sewage to an organically and/or hydraulically overloaded sewerage system, or one equivalent dwelling unit;
- ii. The term "EDU" is a connection to a sewerage system with the amount of sewage flow equal to 400 gallons per day;
- iii. The term "Economic Development" is defined as local development projects that are specifically created to serve the public good and are supported by at least 50% public funding, or are Special Industrial Areas as specified in Section 305(a) of the Land Recycling and Environmental Remediation Standards Act, 35 P.S. §6026.305(a); and
- iv. The term "all of their obligations under this Consent Order and Agreement" shall mean and include all of the obligations under Paragraphs 3-5 and 8 of this Consent Order and Agreement, including all of the obligations under any document approved by the Department under this Consent Order and Agreement.

Grant of Initial Connections

b. Upon signing this Consent Order and Agreement, BASA shall receive an allocation of 200 EDUs. BASA shall continue to be the approving and issuing agency for new connections to the POTW.

Connection Prohibition

c. Upon issuance of all permits exhausting the initial allocation of 200 EDUs, BASA and the Tributary Municipalities agree to a Prohibition on issuing new connections within the area of the City of Butler, Butler Township, Center Township, Summit Township, the Borough of

East Butler, Oakland Township, and Connoquenessing Township served by the POTW, except as allowed below.

Exceptions to the Prohibition

- d. BASA may request exceptions to the Prohibition from the Department for the following circumstances:
 - i. Connections for those exceptions as set forth in 25 Pa. Code §§94.51-94.57; and/or
 - ii. connections for projects for Economic Development.
- e. Any proposed exceptions to the Prohibition shall be submitted to the Department by BASA. Such proposals shall be in writing and shall comply with the requirements of Section 94.51 of the Regulations, 25 Pa. Code §94.51.
- f. The Department, in its sole discretion which will include consideration of whether BASA and the Tributary Municipalities are in compliance with all of their obligations under this Consent Order and Agreement, shall determine whether or not to grant any requests for exceptions to the Prohibition, and BASA and the Tributary Municipalities agree to waive their right to appeal any such determination.

Future Connections

- g. Beginning with BASA's 2007 Chapter 94 annual Wasteload Management Report, the Department will consider written annual requests from BASA for additional connections to the sewer system.
- h. Such annual requests for additional connections shall be submitted to the Department, in writing, in BASA's annual Wasteload Management Report, pursuant to 25 Pa. Code

§94.12, and shall include a detailed accounting of all of the activities that BASA has taken over the past year to reduce flow within the POTW.

i. The Department, in its sole discretion, which will include consideration of whether BASA and the Tributary Municipalities are in compliance with all of their obligations under this Consent Order and Agreement, and the activities that BASA has taken during the past year to reduce flow within the POTW, shall determine whether or not to grant any requests for additional connections, and BASA and the Tributary Municipalities agree to waive their right to appeal any such determination.

j. If BASA and the Tributary Municipalities are in violation of any term or condition of this Consent Order and Agreement, the Department may rescind and ban any allocation of new connections granted to BASA. Any such rescission and ban shall not apply to any new connection that has been lawfully issued a building permit by the municipality. If and when BASA and the Tributary Municipalities come back into compliance with all of their obligations under this Consent Order and Agreement, the Department may reinstate the connection allocation upon a written request from BASA, as determined by the Department in its sole discretion, and BASA and the Tributary Municipalities agree to waive their right to appeal any such determination.

11. *Additional Remedies.*

a. If BASA and the Tributary Municipalities fail to comply with any of their obligations under this Consent Order and Agreement, the Department may, in addition to the remedies prescribed herein, pursue any remedy available for a violation of an order of the Department, including an action to enforce this Consent Order and Agreement.

b. The remedies provided by this Paragraph and Paragraph 8 (Stipulated Civil Penalties), above, are cumulative and the exercise of one does not preclude the exercise of any other.

The failure of the Department to pursue any remedy shall not be deemed to be a waiver of that remedy. The payment of a stipulated civil penalty, however, shall preclude any further assessment of civil penalties for the violation for which the stipulated civil penalty is paid.

12. *Reservation of Rights.* The Department reserves the right to require additional measures to achieve compliance with applicable law. BASA and the Tributary Municipalities reserve the right to challenge any action that the Department may take to require those measures.

13. *Liability of BASA and the Tributary Municipalities.* BASA and the Tributary Municipalities shall be separately and individually liable for any of their respective violations of this Consent Order and Agreement, including those caused by, contributed to, or allowed by their council members, officers, directors, agents, employees, contractors, successors, and assigns.

14. *Transfer of Sewerage Facilities and POTW.*

a. BASA's and the Tributary Municipalities' duties and obligations under this Consent Order and Agreement shall not be modified, diminished, terminated, or otherwise altered by the transfer of any legal or equitable interest in the sewerage facilities and POTW or any part thereof.

b. If BASA intends to transfer any legal or equitable interest in the sewerage facilities and POTW, or any part thereof, which is affected by this Consent Order and Agreement, BASA shall serve a copy of this Consent Order and Agreement upon the prospective transferee of the legal and equitable interest at least 30 days prior to the contemplated transfer, and shall simultaneously inform the Department of such intent pursuant to Paragraph 15 (Correspondence with the Department), below.

c. Until BASA and the Tributary Municipalities have satisfied all of their obligations under this Consent Order and Agreement, BASA and the Tributary Municipalities shall not transfer any legal or equitable interest in the sewerage facilities and POTW, or any part thereof,

except upon the Department's prior written approval as documented in a consent order and agreement between the Transferee and the Department concerning the matters addressed under this Consent Order and Agreement.

15. *Correspondence with the Department.* All correspondence with the Department concerning this Consent Order and Agreement shall be addressed to the following with copies sent to all other Parties to this Consent Order and Agreement:

Compliance and Monitoring Manager
Water Management
Department of Environmental Protection
230 Chestnut Street
Meadville, PA 16335-3481
Telephone: 814-332-6942
Fax: 814-332-6121

16. *Correspondence with BASA.*

a. All correspondence with BASA concerning this Consent Order and Agreement shall be addressed to the following, with copies sent to all other Parties to this Consent Order and Agreement:

Authority Manager
Butler Area Sewer Authority
100 Litman Road
Butler, PA 16001

b. All correspondence and service of any notice of any legal correspondence for any purpose under this Consent Order and Agreement, including its enforcement, may be made by mailing a copy by first-class mail to the above address.

17. *Correspondence with the Tributary Municipalities.*

a. All correspondence with the Tributary Municipalities concerning this Consent Order and Agreement shall be addressed to the following, with copies sent to all other Parties to this Consent Order and Agreement:

Mayor
City of Butler
140 West North Street
Butler, PA 16001

Chairman of the Board of Supervisors
Oakland Township
565 Chicora Road
Butler, PA 16001

Chairman of the Board of Supervisors
Center Township
419 Sunset Drive
Butler, PA 16001

Chairman of the Board of Supervisors
Connoquenessing Township
102 Township Drive
Renfrew, PA 16053

Chairman of the Board of Supervisors
Summit Township
502 Bonniebrook Road
Butler, PA 16002

Chairman of the Board of Supervisors
Butler Township
290 South Duffy Road
Butler, PA 16001

Mayor
East Butler Borough
P.O. Box 195
East Butler, PA 16029

b. Service of any notice or any legal process for any purpose under this Consent Order and Agreement, including its enforcement, may be made by mailing a copy by first-class mail to the above addresses.

18. *Force Majeure.*

a. If BASA and/or a Tributary Municipality is prevented from complying in a timely manner with any time limit imposed in this Consent Order and Agreement solely because of a strike, fire, flood, act of God, or other circumstances beyond BASA's and/or a Tributary Municipality's control and which BASA and/or the Tributary Municipality by the exercise of all reasonable diligence is unable to prevent, then BASA and/or the Tributary Municipality may petition

the Department for an extension of time. An increase in the cost of performing the obligations set forth in this Consent Order and Agreement shall not constitute circumstances beyond BASA's and/or a Tributary Municipality's control. BASA and/or a Tributary Municipality's economic inability to comply with any of the obligations of this Consent Order and Agreement shall not be grounds for any extension of time.

b. BASA and/or a Tributary Municipality shall only be entitled to the benefits of this Paragraph if it notifies the Department within five working days by telephone and within ten working days in writing of the date it becomes aware or reasonably should have become aware of the event impeding performance. The written submission shall include all necessary documentation, as well as a notarized affidavit from an authorized individual specifying the reasons for the delay, the expected duration of the delay, and the efforts which have been made and are being made by BASA and/or the Tributary Municipality to mitigate the effects of the event and to minimize the length of the delay. The initial written submission may be supplemented within ten working days of its submission. BASA's and/or a Tributary Municipality's failure to comply with the requirements of this Paragraph specifically, and in a timely fashion, shall render this Paragraph null and of no effect as to the particular incident involved.

c. The Department will decide whether to grant all or part of the extension requested on the basis of all documentation submitted by BASA and/or the Tributary Municipality and other information available to the Department. In any subsequent litigation, BASA and/or the Tributary Municipality shall have the burden of proving that the Department's refusal to grant the requested extension was an abuse of discretion based upon the information then available to it.

19. *Severability.* The Paragraphs of this Consent Order and Agreement shall be severable and should any part hereof be declared invalid or unenforceable, the remainder shall continue in full force and effect between the Parties.

20. *Entire Agreement.* This Consent Order and Agreement shall constitute the entire integrated agreement of the Parties. No prior or contemporaneous communications or prior drafts shall be relevant or admissible for purposes of determining the meaning or intent of any provisions herein in any litigation or any other proceeding.

21. *Attorney Fees.* The Parties shall bear their respective attorney fees, expenses, and other costs in the prosecution or defense of this matter or any related matters, arising prior to execution of this Consent Order and Agreement.

22. *Modifications.* No changes, additions, modifications, or amendments of this Consent Order and Agreement shall be effective unless they are set out in writing and signed by all of the Parties.

23. *Titles.* A title used at the beginning of any Paragraph of this Consent Order and Agreement may be used to aid in the construction of that Paragraph, but shall not be treated as controlling.

24. *Replacement of 2001 Agreement.* Upon signature of this Consent Order and Agreement by all of the Parties, this Consent Order and Agreement shall supercede the Order but not the Findings contained in the 2001 Agreement.

25. *Limited Right to Appeal Final Renewal NPDES Permit.* BASA has reviewed, and commented on the final renewal NPDES Permit for the POTW that is attached to this Consent Order and Agreement at Exhibit A. Pursuant to this Consent Order and Agreement, BASA may only appeal to the Environmental Hearing Board the Whole Effluent Toxicity ("WET") numeric limit set

forth in Part A, on page 2 of the final renewal NPDES Permit. This appeal right shall only be available to BASA for 30 days after the WET numeric limit becomes effective under the final renewal NPDES Permit. Except for the WET numeric limit, BASA agrees that it will not appeal any other terms and conditions of the final renewal NPDES Permit, which will be issued by the Department to BASA on the date of this Consent Order and Agreement.

26. *Termination of Consent Order and Agreement.*

a. The obligations, but not the Findings, of this Consent Order and Agreement shall terminate when **EITHER**:

i. BASA has:

- (1) Completed all of its obligations under this Consent Order and Agreement;
- (2) closed the Deshon, General Tire, and Ball Park Sanitary Sewer Overflow Structures;
- (3) had 36 consecutive months without an unpermitted discharge from the Sanitary Sewer Overflow Structures that BASA has not closed; and
- (4) paid any outstanding stipulated civil penalties owed by BASA pursuant to Paragraph 8, above; and

the Tributary Municipalities have fully-complied with Paragraph 3, of this Consent Order and Agreement; **OR**

ii. on July 31, 2015, whichever occurs first.

b. BASA's and the Tributary Municipalities' compliance with this Consent Order and Agreement shall be determined by the Department and in any subsequent litigation regarding a determination by the Department that BASA and/or a Tributary Municipality has failed to comply with the terms and conditions of this Consent Order and Agreement, BASA and/or the Tributary Municipality, as applicable, shall have the burden of proving that the Department's

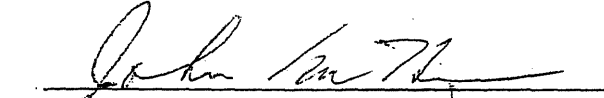
determination of noncompliance was an abuse of discretion and was arbitrary and capricious based upon the information available to the Department at that time.

27. *Resolution.* Attached as Exhibit B are resolutions of BASA and the Tributary Municipalities authorizing their signatories below to enter into this Consent Order and Agreement on their behalf.

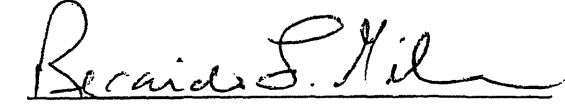
28. *Execution of Agreement.* This Consent Order and Agreement may be executed in counterparts.


IN WITNESS WHEREOF, the Parties have caused this Consent Order and Agreement to be executed by their duly authorized representatives. The undersigned representatives of BASA and the Tributary Municipalities certify under penalty of law, as provided by 18 Pa.C.S. §4904, that they are authorized to execute this Consent Order and Agreement on behalf of BASA and the Tributary Municipalities that BASA and the Tributary Municipalities consent to the entry of this Consent Order and Agreement as a final ORDER of the Department; and that BASA and the Tributary Municipalities hereby knowingly waive their rights to appeal this Consent Order and Agreement and to challenge its content or validity, which rights may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, No. 1988-94, 35 P.S. §7514; the Administrative Agency Law, 2 Pa.C.S. §103(a) and Chapters 5A and 7A; or any other provision of law. Signature by BASA's and the Tributary Municipalities' attorneys certify only that the agreement has been signed after consulting with counsel.


FOR THE BUTLER AREA SEWER
AUTHORITY:


Name
Chairman

FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:


Ricardo F. Gilson
Regional Manager
Water Management
Northwest Region


Name
Attorney


Stephanie K. Gallogly
Assistant Counsel

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FOR THE CITY OF BUTLER:

Margaret W Stock


Name
Mayor

James P. Coulter


Name
Solicitor

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FOR BUTLER TOWNSHIP:



Name
Chairman




Name
Secretary



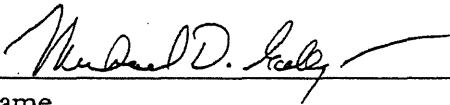
Name
Solicitor

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FOR CENTER TOWNSHIP:



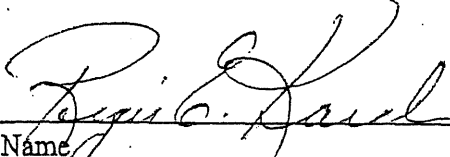
Name *Ronald E Flatt*
Chairman



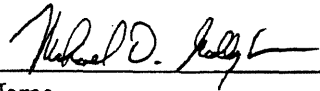
Name
Solicitor

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FOR SUMMIT TOWNSHIP:




Name
Chairman



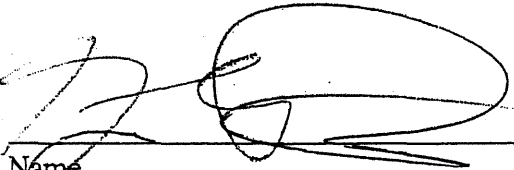
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**FOR THE BOROUGH OF EAST
BUTLER:**



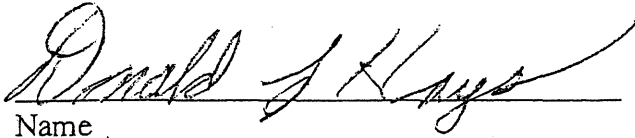
Name
Mayor



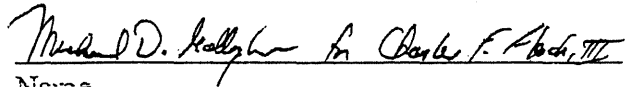
Name
Solicitor

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FOR OAKLAND TOWNSHIP:

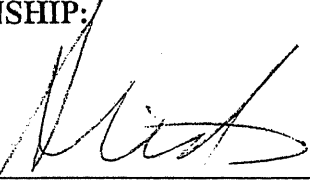


Name
Chairman

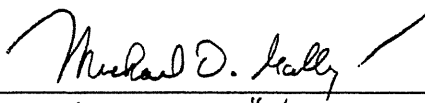


Name
Solicitor

FOR CONNOQUENESSING
TOWNSHIP:



Name Steven H. Niets
Chairman



Name Michael D. Gallagher
Solicitor

3800-PM-WSWM0012 Rev. 4/2005
Permit



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

**AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
DISCHARGE REQUIREMENTS FOR PUBLICLY OWNED
TREATMENT WORKS (POTWs)**

NPDES PERMIT NO: PA0026697

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 *et seq.* ("the Act") and Pennsylvania's Clean Streams Law, as amended, 35 P.S. Section 691.1 *et seq.*,

Butler Area Sewer Authority

100 Littman Road

Butler, PA 16001-3256

is authorized to discharge from a facility known as **Butler Area STP**, located at **100 Littman Road, Butler, PA 16001-3256, Butler Township, Butler County** to the **Connoquenessing Creek (Outfall 001) and Butchers Run (Outfalls 005, 011-014)** in Watershed **20-C** in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts A, B and C hereof.

THIS PERMIT SHALL BECOME EFFECTIVE ON

THIS PERMIT SHALL EXPIRE AT MIDNIGHT ON

The authority granted by this permit is subject to the following further qualifications:

1. If there is a conflict between the application, its supporting documents and/or amendments and the terms and conditions of this permit, the terms and conditions shall apply.
2. Failure to comply with the terms, conditions or effluent limitations of this permit is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
3. A complete application for renewal of this permit, or notice of intent to cease discharging by the expiration date, must be submitted to DEP at least 180 days prior to the above expiration date (unless permission has been granted by DEP for submission at a later date), using the appropriate NPDES permit application form.

In the event that a timely and complete application for renewal has been submitted and DEP is unable, through no fault of the permittee, to reissue the permit before the above expiration date, the terms and conditions of this permit, including submission of the Discharge Monitoring Reports (DMRs), will be automatically continued and will remain fully effective and enforceable against the discharger until DEP takes final action on the pending permit application.

4. This NPDES permit does not constitute authorization to construct or make modifications to wastewater treatment facilities necessary to meet the terms and conditions of this permit.

DATE PERMIT ISSUED _____

ISSUED BY _____
Ricardo F. Gilson

DATE PERMIT AMENDMENT ISSUED _____

TITLE: Water Management Program Manager
Northwest Regional Office

PART A - EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. For Outfall 001, Latitude 40° 50' 21", Longitude 79° 55' 13", River Mile Index 43.73, Stream Code 34025

which receives wastewater from treated domestic sewage and industrial wastewater

- a. The permittee is authorized to discharge during the period from issuance date through expiration date.
- b. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements, Footnotes and Supplemental Information).

Discharge Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) ⁽¹⁾		Concentrations (mg/L)				Minimum ⁽³⁾ Measurement Frequency	Required Sample Type
	Monthly Average	Average Weekly	Minimum	Monthly Average	Average Weekly	Instantaneous Maximum ⁽²⁾		
Flow (MGD)	XX	XX					continuous	measurement
CBOD5								
(05/01 - 10/31)	1001	1501		12	18	24	daily	24-hr comp
(11/01 - 04/30)	2001	3002		24	36	48	daily	24-hr comp
TSS	2502	3753		30	45	60	daily	24-hr comp
Ammonia Nitrogen								
(05/01 - 10/31)	167			2		4	daily	24-hr comp
(11/01 - 04/30)	500			6		12	daily	24-hr comp
Chronic Whole Effluent Toxicity				1.38TUc			**	24-hr comp
Fecal Coliform*								
(05/01 - 09/30)				200/100ml			daily	grab
(10/01 - 04/30)				2000/100ml			daily	grab

PART A EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

I. For Outfall 001, (continued)

Discharge Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) ⁽¹⁾		Concentrations (mg/L)				Minimum ⁽³⁾ Measurement Frequency	Required Sample Type
	Monthly Average	Average Weekly	Minimum	Monthly Average	Average Weekly	Instantaneous Maximum ⁽²⁾		
Total Residual Chlorine				0.33		1.1	daily	grab
Dissolved Oxygen			5				daily	grab
Phosphorus	167			2		4	daily	24-hr comp
pH			6.0			9.0	daily	grab

XX – Monitor and report on monthly DMRs.

* – Average monthly limits expressed as a geometric mean.

** – Refer to Special Condition #4.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Outfall 001-after disinfection

PART A EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS (Cont.)

Additional Requirements

- c. The permittee shall provide for effective disinfection of this discharge to control disease-producing organisms during the swimming season (May 1 through September 30) to achieve a fecal coliform concentration not greater than 200/100 ml as a geometric average (mean), and not greater than 1,000/100 ml in more than 10% of the samples tested.
- d. All discharges of floating materials, oil, grease, scum, sheen and substances which produce color, tastes, odors, turbidity or settle to form deposits shall be controlled to levels which will not be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life.
- e. Except as otherwise specified in this permit, the 30-day average percent removal for carbonaceous biochemical oxygen demand and total suspended solids shall not be less than 85 percent.

Footnotes

- (1) When sampling to determine compliance with mass effluent limitations, the discharge flow at the time of sampling must be measured and recorded.
- (2) The Instantaneous Maximum Discharge Limitations are for compliance use by DEP only. Do not report instantaneous maximums on DMRs or supplemental DMRs unless specifically required on those forms to do so.
- (3) This is the minimum number of sampling events required. Permittees are encouraged, and it may be advantageous in demonstrating compliance, to perform more than the minimum number of sampling events.

Supplemental Information

- (1) The hydraulic design capacity of 10.0 million gallons per day for the treatment facility is used to prepare the annual Municipal Wasteload Management Report to help determine whether a "hydraulic overload" situation exists, as defined in Title 25 Pa. Code Chapter 94.
- (2) The effluent limitations for this outfall were determined using an effluent discharge rate of 10.0 million gallons per day for Outfall 001.

II. DEFINITIONS

At Outfall (XXX) means a sampling location in outfall line XXX below the last point at which wastes are added to outfall line (XXX), or where otherwise specified.

Average refers to the use of an arithmetic mean, unless otherwise specified in this permit.

Best Management Practices (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollution to surface waters of the Commonwealth. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

Clean Water Act means the Federal Water Pollution Control Act, as amended. (33 U.S.C.A. §§1251 to 1387).

Composite Sample (for all except GC/MS volatile organic analysis) means a combination of individual samples (at least eight for a 24-hour period or four for an 8-hour period) of at least 100 milliliters (mL) each obtained at spaced time intervals during the compositing period. The composite must be flow-proportional; either the volume of each individual sample is proportional to discharge flow rates, or the sampling interval is proportional to the flow rates over the time period used to produce the composite.

Composite Sample (for GC/MS volatile organic analysis) consists of at least four aliquots or grab samples collected during the sampling event (not necessarily flow proportioned). The samples must be combined in the laboratory immediately before analysis and then one analysis is performed.

Daily Average Temperature means the average of all temperature measurements made, or the mean value plot of the record of a continuous automated temperature recording instrument, either during a calendar day or during the operating day if flows are of a shorter duration.

Daily Discharge means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

Daily Maximum Discharge Limitation means the highest allowable "daily discharge."

Discharge Monitoring Report (DMR) means the DEP or EPA supplied form(s) for the reporting of self-monitoring results by the permittee.

Estimated Flow means any method of liquid volume measurement based on a technical evaluation of the sources contributing to the discharge including, but not limited to, pump capabilities, water meters and batch discharge volumes.

Geometric Mean means the average of a set of n sample results given by the nth root of their product.

Grab Sample means an individual sample of at least 100 mL collected at a randomly selected time over a period not to exceed 15 minutes.

Hazardous Substance means any substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act.

Immersion Stabilization (i-s) means a calibrated device is immersed in the wastewater until the reading is stabilized.

Industrial User or Indirect Discharger means a non-domestic discharger introducing pollutants to a Publicly Owned Treatment Works (POTW).

Maximum Any Time or Instantaneous Maximum means the level not to be exceeded at any time in any grab sample.

Measured Flow means any method of liquid volume measurement, the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.

Monthly Average Discharge Limitation means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Municipality means a city, town, borough, country, parish, district, association or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under §1288 of the Clean Water Act.

Publicly Owned Treatment Works (POTW) means a treatment works as defined by §1292. of the Clean Water Act, owned by a municipality. The definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes or other conveyances if they convey wastewater to a POTW providing treatment.

Severe Property Damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Stormwater means the runoff from precipitation, snow melt runoff, and surface runoff and drainage.

Stormwater Associated With Industrial Activity means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw materials storage areas as defined at 40 CFR §122.26(b)(14).

Toxic Pollutant means those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains may, on the basis of information available to DEP cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations in these organisms or their offspring.

Weekly Average Discharge Limitation means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week.

III. SELF-MONITORING, REPORTING AND RECORDKEEPING

A. Representative Sampling

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
2. Records Retention

Except for records of monitoring information required by this permit related to the permittee's sludge use and disposal activities which shall be retained for a period of at least 5 years, all records of monitoring activities and results (including all original strip chart recordings for continuous monitoring instrumentation and calibration and maintenance records), copies of all reports required by this permit, and records of all data used to complete the application for this permit shall be retained by the permittee for 3 years from the date of the sample measurement, report or application. The 3-year period shall be extended as requested by DEP or the EPA Regional Administrator.

Amended Appendix A-22-b

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3. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The exact place, date and time of sampling or measurements.
- b. The person(s) who performed the sampling or measurements.
- c. The date(s) the analyses were performed.
- d. The person(s) who performed the analyses.
- e. The analytical techniques or methods used; and the associated detection level.
- f. The results of such analyses.

4. Test Procedures

Facilities that test or analyze environmental samples used to demonstrate compliance with this permit shall be in compliance with laboratory accreditation requirements of Act 90 of 2002 (27 Pa. C.S. §§4101-4113), relating to environmental laboratory accreditation. Unless otherwise specified in this permit, the test procedures for the analysis of pollutants shall be those approved under 40 CFR Part 136 (or in the case of sludge use or disposal, approved under 40 CFR Part 136, unless otherwise specified in 40 CFR Part 503), or alternate test procedures approved pursuant to those parts, unless other test procedures have been specified in this permit.

5. Quality/Assurance/Control

In an effort to assure accurate self-monitoring analyses results:

- a. The permittee, or its designated laboratory, shall participate in the periodic scheduled quality assurance inspections conducted by DEP and EPA.
- b. The permittee, or its designated laboratory, shall develop and implement a program to assure the quality and accurateness of the analyses performed to satisfy the requirements of this permit, in accordance with 40 CFR Part 136.

B. Reporting of Monitoring Results

1. The permittee shall effectively monitor the operation and efficiency of all wastewater treatment and control facilities, and the quantity and quality of the discharge(s) as specified in this permit.
2. Unless instructed otherwise in PART C of this permit, a properly completed DMR must be received by the following address within 28 days after the end of each monthly report period:

Department of Environmental Protection
Water Management Program
230 Chestnut Street
Meadville, PA 16335

Office of Compliance & Enforcement (3WP31)
NPDES Branch
Water Protection Division
US EPA -- Region III
1650 Arch Street
Philadelphia, PA 19103-2029

3. The completed DMR Form shall be signed and certified either by the following applicable person, as defined in 40 CFR 122.22(a), or by that person's duly authorized representative, as defined in 40 CFR §122.22(b):
 - For a corporation - by a principal executive officer of at least the level of vice president, or an authorized representative, if the representative is responsible for the overall operation of the facility from which the discharge described in the NPDES form originates.
 - For a partnership or sole proprietorship - by a general partner or the proprietor, respectively.
 - For a municipality, state, federal or other public agency - by a principal executive officer or ranking elected official.

If signed by a person other than the above, written notification of delegation of DMR signatory authority must be submitted to DEP in advance of or along with the relevant DMR form.

4. If the permittee monitors any pollutant, using analytical methods described in PART A III.A.4. herein, more frequently than the permit requires, the results of this monitoring shall be incorporated, as appropriate, into the calculations used to report self-monitoring data on the DMR.

C. Reporting Requirements

1. Planned Changes - The permittee shall give notice to DEP as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
 - a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR §122.29(b).
 - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in this permit, nor to notification requirements under 40 CFR §122.42(a)(1).
 - c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan.

2. Anticipated Noncompliance

The permittee shall give advance notice to DEP of any planned changes in the permitted facility or activity that may result in noncompliance with permit requirements.

3. Unanticipated Noncompliance or Potential Pollution Reporting

- a. The permittee shall report any noncompliance, accident or incidents causing or threatening pollution pursuant to Title 25 Pa. Code §91.33 to DEP by telephone immediately giving the location and nature of the danger and, if reasonably possible to do so, to notify known downstream users of the waters.
- b. The permittee shall immediately take or cause to be taken steps necessary to prevent injury to property and downstream users of the waters from pollution or a danger of pollution and, in addition, within 15 days from the incident, shall remove any residual substances from the ground and affected waters to the extent required as stated in Title 25 Pa. Code §91.33.
- c. A written submission shall also be provided within 5 days of the time the permittee becomes aware of any noncompliance or incident causing or threatening pollution. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including the exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the noncompliance.
- d. DEP may waive the written report on a case-by-case basis for reports under paragraph C.3.c. of this section if the oral report was received immediately and no adverse impact has been reported.

4. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under paragraph C.3.a of this section, at the time DMRs are submitted. The reports shall contain the information listed in paragraph C.3.c. of this section.

PART B**I. MANAGEMENT REQUIREMENTS****A. Compliance Schedules**

1. The permittee shall achieve compliance with the terms and conditions of this permit within the time frames specified in this permit.
2. The permittee shall submit reports of compliance or noncompliance, or progress reports as applicable, for any interim and final requirements contained in this permit. Such reports shall be submitted no later than 14 days following the applicable schedule date or compliance deadline.

B. Permit Modification, Termination, or Revocation and Reissuance

1. This permit may be modified, terminated, or revoked and reissued during its term in accordance with Title 25 Pa. Code Chapter 92.
2. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
3. In the absence of DEP action to modify or revoke and reissue this permit, the permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time specified in the regulations that establish those standards or prohibitions.

C. Duty to Provide Information

1. The permittee shall furnish to DEP, within a reasonable time, any information which DEP may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit.
2. The permittee shall furnish to DEP, upon request, copies of records required to be kept by this permit.
3. Other Information - Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to DEP, it shall promptly submit the correct and complete facts or information.
4. The permittee shall provide the following information in the annual Municipal Wasteload Management Report, required under the provisions of Title 25 Pa. Code Chapter 94.
 - a. A new introduction of pollutants into the POTW from an indirect discharger which would be subject to Sections 301 and 306 of the Clean Water Act if it were directly discharging pollutants.
 - b. A substantial change in the volume or character of pollutants being introduced into the POTW by an indirect discharger introducing pollutants into the POTW at the time of issuance of this permit.
 - c. Information on the quality and quantity of the effluent introduced into the POTW by an industrial user or an indirect discharger and the anticipated impact of the change in the quality and quantity of effluent to be discharged from the POTW.
 - d. The identity of the industrial users served by the POTW which are subject to pretreatment standards adopted under Section 307(b) of the Clean Water Act; the POTW shall also specify the total volume of discharge and estimate concentration of each pollutant discharged into the POTW by the industrial user.

- e. The POTW shall require all industrial users subject to pretreatment standards adopted under Section 307(b) of the Clean Water Act to comply with the reporting requirements of Sections 204(b), 307, and 308 of the Clean Water Act and regulations thereunder.

D. Proper Operation and Maintenance

1. The permittee shall employ operator's certified in compliance the Water and Wastewater Systems Operators Certification Act (63 P.S. §§1001-1015.1).
2. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes, but is not limited to, adequate laboratory controls including appropriate quality assurance procedures. This provision also includes the operation of backup or auxiliary facilities or similar systems that are installed by the permittee, only when necessary to achieve compliance with the terms and conditions of this permit.

E. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge, sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

F. Bypassing

1. Bypassing Not Exceeding Permit Limitations - The permittee may allow a bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the reporting and notification requirements of Part A.III.C.4. (Other Noncompliance).
2. Other Bypassing - In all other situations, bypassing is prohibited and DEP may take enforcement action against the permittee for bypass unless:
 - a. A bypass is unavoidable to prevent loss of life, personal injury or "severe property damage."
 - b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance.
 - c. The permittee submitted the necessary notice required in F.4.a. and b. below.
3. DEP may approve an anticipated bypass, after considering its adverse effects, if DEP determines that it will meet the conditions listed in F.2. above.
4. Notice
 - a. Anticipated Bypass - If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least 10 days before the bypass.
 - b. Unanticipated Bypass - The permittee shall submit notice of an unanticipated bypass causing or threatening pollution as required in PART A III.C.3. (Unanticipated Noncompliance or Potential Pollution Reporting) and other bypass as required in C.4. (Other Noncompliance).

II. PENALTIES AND LIABILITY**A. Violations of Permit Conditions**

Any person violating Sections 301, 302, 306, 307, 308, 318 or 405 of the Clean Water Act or any permit condition or limitation implementing such sections in a permit issued under Section 402 of the Act is subject to civil, administrative and/or criminal penalties as set forth in 40 CFR §122.41(a)(2).

Any person or municipality who violates any provision of this permit; any rule, regulation or order of DEP; or any condition or limitation of any permit issued pursuant to the Clean Streams Law, is subject to criminal and/or civil penalties as set forth in Sections 602, 603 and 605 of the Clean Streams Law.

B. Falsifying Information

The Clean Water Act provides that any person who does any of the following:

- Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, or
- Knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit (including monitoring reports or reports of compliance or noncompliance), shall, upon conviction, be punished by a fine and/or imprisonment as set forth in 18 P.S. §4904 and 40 CFR §122.41(j)(5) and (k)(2).

C. Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance pursuant to Section 309 of the Clean Water Act or Sections 602, 603 or 605 of the Clean Streams Law.

Nothing in this permit shall be construed to preclude the institution of any legal action or to relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject to under the Clean Water Act and the Clean Streams Law.

D. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

III. OTHER RESPONSIBILITIES**A. Right of Entry**

Pursuant to Sections 5(b) and 305 of Pennsylvania's Clean Streams Law, and Title 25 Pa. Code Chapter 92 and 40 CFR §122.41(i), the permittee shall allow authorized representatives of DEP and EPA, upon the presentation of credentials and other documents as may be required by law:

1. To enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. To have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. To inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and

4. To sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Clean Streams Law, any substances or parameters at any location.

B. Transfer of Permits

1. Transfers by modification. Except as provided in paragraph 2 of this section, a permit may be transferred by the permittee to a new owner or operator only if this permit has been modified or revoked and reissued, or a minor modification made to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act.
2. Automatic transfers. As an alternative to transfers under paragraph 1 of this section, any NPDES permit may be automatically transferred to a new permittee if:
 - a. The current permittee notifies DEP at least 30 days in advance of the proposed transfer date in paragraph 2.b. of this section;
 - b. The notice includes the appropriate DEP transfer form signed by the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them; and
 - c. If DEP does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue this permit, the transfer is effective on the date specified in the agreement mentioned in paragraph 2.b. of this section.
3. In the event DEP does not approve transfer of this permit, the new owner or controller must submit a new permit application.

C. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege.

D. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit.

E. Other Laws

The issuance of this permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations.

PART C**I. OTHER REQUIREMENTS**

ONE: No storm water from pavements, area ways, roofs, foundation drains or other sources shall be admitted to the sanitary sewers associated with the herein approved discharge.

TWO: The approval herein given is specifically made contingent upon the permittee acquiring all necessary property rights by easement or otherwise, providing for the satisfactory construction, operation, maintenance and replacement of all sewers or sewerage structures associated with the herein approved discharge in, along, or across private property, with full rights of ingress, egress and regress.

THREE: If, in the opinion of the Department, these works are not so operated or if by reason of change in the character of wastes or increased load upon the works, or changed use or condition of the receiving body of water, or otherwise, the said effluent ceases to be satisfactory or the sewerage facilities shall have created public nuisance, then upon notice by the Department the right herein granted to discharge such effluent shall cease and become null and void unless within the time specified by the Department, the permittee shall adopt such remedial measures as will produce an effluent which, in the opinion of the Department, will be satisfactory for discharge into the said receiving body of water.

FOUR: Collected screenings, slurries, sludges, and other Solids shall be handled and disposed of in compliance with 25 Pa. Code, Chapter 75, and in a manner "equivalent" to the requirements indicated in Chapters 271, 273, 275, 283 and 285 (relating to permits and requirements for landfilling, land application, incineration, and storage of sewage sludge), Federal Regulation 40 CFR 257, Pennsylvania Clean Streams Law, Pennsylvania Solid Waste Management Act of 1980, and the Federal Clean Water Act and its amendments.

The permittee is responsible to obtain or assure that contracted agents have all necessary permits and approvals for the handling, storage, transport and disposal of solid waste materials generated as a result of wastewater treatment.

II. SPECIAL CONDITIONS**1. Other Permits**

"Effluent limitations, monitoring requirements, and other standard and special conditions which relate to the discharges of pollutants authorized by this permit and which are contained in Water Quality Management Permit(s):

No. 1074404 issued on January 7, 1977

are superseded by the terms and conditions of this permit, unless specifically noted otherwise herein."

2. Permit Condition For The Operation And Implementation Of A Pretreatment Program

- A. General Requirement - The permittee shall operate, and implement an industrial pretreatment program in accordance with the Federal Clean Water Act, the Pennsylvania Clean Streams Law, and the federal regulations at 40 CFR Section 403. The program shall also be implemented in accordance with the pretreatment program and any modifications thereto submitted by the permittee and approved by the Approval Authority.
- B. Annual Report and Other Requirements - The permittee shall submit an Annual Report by March 31 of each year to DEP and EPA that describes the permittee's pretreatment activities for the previous calendar year. The Annual Report shall include a description of pretreatment activities in all municipalities from which wastewater is received at the permittee's POTW. The submission to DEP shall be incorporated into the permittee's Annual Municipal Wasteload Management Report required by 25 Pa. Code Chapter 94. In addition, the permittee shall meet all of the conditions specified below whether or not they relate to the Annual Report:

- 1) Control Mechanism Issuance - The Annual Report shall contain a summary of Significant Industrial User (SIU) control mechanism issuance, including a list of issuance and expiration dates for each SIU;
 - 2) Sampling and Inspection - The Annual Report shall contain a summary of the number and type of inspections and samplings of SIUs by the permittee, including a list of all SIUs either not sampled or not inspected, and the reason that the sampling and/or inspection was not conducted;
 - 3) Industrial User Compliance and POTW Enforcement - The Annual Report shall contain a summary of the number and type of violations of pretreatment standards and requirements, including local limits, and the actions taken by the permittee to obtain compliance, including civil penalty assessments and actions for injunctive relief. The report shall state whether each SIU was in significant noncompliance, as that term is defined in 40 CFR Section 403.8(f)(2)(viii);
 - 4) Industrial Listing - The Annual Report shall contain an updated industrial listing showing all current SIUs and the categorical standard, if any, applicable to each. In addition, the report shall contain a summary of any trucked or hauled wastewater accepted at the plant including the source of the wastewater (domestic or industrial), the amount of wastewater received on a monthly basis, any controls imposed on the users, and the discharge point designated by the POTW for acceptance of such wastewater;
 - 5) Summary of POTW Operation - The Annual Report shall contain a summary of any interference, pass-through, or permit violations by the POTW which may be attributed to industrial users, and actions taken to address these events. The summary shall include all sampling and analysis of treatment plant influent, effluent, and sludge for priority pollutants or any other pollutant for which a local limit has been established, except that data required to be submitted as part of the discharge monitoring reports required under Part A of this permit need not be included in the summary;
 - 6) Pretreatment Program Changes - The Annual Report shall contain a summary of any changes to the approved program and the date of submission to the Approval Authority;
 - 7) Monitoring - The permittee shall conduct monitoring at its treatment plant that, at a minimum, includes quarterly influent, effluent, and sludge analysis for all local limit parameters, and an annual priority pollutant scan for influent and sludge.
- C. Notification of Pass-Through or Interference - The permittee shall notify EPA and DEP, in writing, of any instance of pass-through or interference related to an industrial discharge from an IU into the POTW. The notification shall be attached to the discharge monitoring report submitted to EPA and DEP and shall describe the incident, including the date, time, length, cause (including responsible user if known), and the steps taken by the permittee and IU (if identified) to address the incident. A copy of the notification shall also be sent to the EPA at the address provided below.
- D. Changes to Pretreatment Program - DEP and EPA may require the permittee to submit for approval changes to its pretreatment program if any one or more of the following conditions is present:
- 1) The program is not implemented in accordance with 40 CFR Part 403;
 - 2) Problems such as interference, pass-through or sludge contamination develop or continue;
 - 3) Federal, State, or local requirements change;
 - 4) Changes are needed to assure protection of waters of the Commonwealth.

- E. Procedure For Pretreatment Program Changes - Upon submittal by the permittee, and written notice of approval by the Approval Authority to the permittee of any changes to the permittee's approved pretreatment program, such changes are effective and binding upon the permittee unless the permittee objects within 30 days of receipt of the written notice of approval. Any such objection must be submitted in writing to both the Department and EPA at the addresses shown below.
- F. Correspondence - The Approval Authority shall be EPA at the following address:

Pretreatment Coordinator
NPDES Permits Branch (3WP24)
Office of Permits & Enforcement
Water Protection Division
US EPA -- Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Copies of all correspondence and reports dealing with this program shall be sent to:

Department of Environmental Protection
Northwest Regional Office
Water Management Program
230 Chestnut Street
Meadville, PA 16335

3. Effluent Chlorine Optimization and Minimization

To reduce or eliminate the amount of chlorine discharged into water bodies, the permittee must: (1) implement source reduction activities, (2) improve operation/maintenance practices and, (3) improve/adjust process controls.

The permittee will ensure that applied chlorine dosages, used for disinfection or other purposes, are optimized to the degree necessary such that the total residual chlorine in the discharge does not cause an adverse stream impact. In doing so, the permittee shall consider relevant factors affecting chlorine dosage, such as wastewater characteristics, mixing and contact times, desired result of chlorination, and expected impact on the receiving water body.

If the Department determines or receives documented evidence levels of TRC in the permittee's effluent are causing adverse impacts in the receiving water, the permittee shall institute necessary additional steps to reduce or eliminate such impact.

4. Chronic Whole Effluent Toxicity (Wet) Permit Limit Condition

The WET Limitation of 1.38 TUc in Part A (page 2) will become effective three years after permit issuance unless the testing and TIE/TRE identify and eliminate the sources of toxicity.

A. General Requirements

The permittee shall conduct chronic whole effluent toxicity (WET) tests quarterly in accordance with the appropriate test protocols or guidance described in Section D, Test Conditions and Methods, below. The permittee shall collect discharge samples and perform WET tests to generate chronic survival and reproduction data for the cladoceran, Ceriodaphnia dubia, and survival and growth data for the fathead minnow, Pimephales promelas. These results will be reported as No Observed Effect Concentration (NOEC) and a dose-response curve shall be plotted, if possible. NOEC results will be reported on Discharge Monitoring Reports as Chronic Toxicity Units (TUc).

B: Test Frequency

1. Chronic WET testing shall be conducted quarterly starting within three months of the permit's effective date and continue until four tests have been completed. If all four chronic tests demonstrate a TUC less than 1.38, the permittee may request that the Department reduce the frequency of the WETT testing necessary under this condition.
2. If any of the quarterly chronic tests exceed 1.38 TUC, the permittee shall conduct a Toxicity Identification Evaluation (TIE) to identify the toxic constituents of the effluent. During the period the permittee is conducting the TIE and the Toxicity Reduction Evaluation (TRE), WET testing will continue quarterly. WET testing will continue during the period the permittee is conducting the TIE and the Toxicity Reduction Evaluation. Once the toxicant(s) or other cause(s) of the WETT failure(s) are identified, confirmed and controlled to acceptable levels through establishment of chemical specific limits or institutional methods, the permittee may submit a request to the Department for modification of the permit condition, documenting the changes instituted to achieve the toxicity reduction. Documentation may include, but is not limited to: the results of TIE/TRE, pretreatment program changes, plant operation and maintenance modifications, design changes, or establishment of and compliance with chemical limits that address the effluent toxicity.

The Department will decide if the toxicity has been properly addressed based upon the permittee's report and completion of four consecutive WET tests with TUC less than 1.38 subsequent to institution of the controls specified in the report.

Toxicity Identification/Reduction Evaluation

If any of the WET tests indicate a TUC greater than 1.38, the permittee shall, within 30 days of the test completion, submit a report of the chronic test results to the Department and begin a Toxicity Identification Evaluation/Toxicity Reduction Evaluation (TIE/TRE). The TIE/TRE evaluates the possible causes of the effluent toxicity; the possible sources of the causative agents; possible control options to reduce or eliminate the effluent toxicity; and implementation of controls.

Within 30 days of submitting the chronic test report, the permittee must submit either a written report on the results of the TIE/TRE or, if the TIE/TRE is not complete, a schedule for completing the TIE/TRE. The schedule must contain specific timeframes for completing major elements of the TIE/TRE.

The TIE/TRE must be conducted in accordance with EPA's guidance in "Methods for Aquatic Identification Evaluations, Phase I (600/3-88/034, September 1988), Phase II (600/3-88/035, February 1989), and Phase III (600/3-88/036, February 1989) or current approved TIE/TRE protocols.

C. Sample Collection

For each chronic testing event, three 24-hour flow proportioned, composite samples shall be collected over a seven day exposure period. The samples shall be collected at a frequency of not greater than every two hours and flow proportioned. The samples must be collected at the NPDES permit sampling point. The permittee shall collect chemical and physical data on the effluent samples specified in this permit.

D. Test Conditions and Methods

The permittee shall follow DEP's "Biomonitoring WETT Data QA/QC Guidelines for Chronic Toxicity Testing with Amendments, March 20, 1995", attached and included in this permit condition, supplemented by Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms, Fourth Edition, October 2002 (EPA/821/R-02/013). If the Department determines that the proper chronic test acceptability criteria are not met or the proper QA/QC conditions were not followed, the permittee must perform a retest within 30 days.

To properly conduct chronic WET tests the laboratory must prepare a series of effluent dilutions that are specific to your discharge. The permittee must inform the WETT Laboratory of the proper dilution series, which is

calculated, using a linear regression equation, from and geometric to the Targeted In-stream Waste Concentration (TIWCC) for your discharge. The dilution series must include at least one dilution below the TIWCC. Based upon your calculated TIWCC, your specific dilution series is (100%, 85.2%, 72.6%, 62%, 53%).

E. Chemical Analysis

The chemistry tests shall include pH, conductivity, total alkalinity, total hardness, total residual chlorine, total ammonia (unionized ammonia), dissolved oxygen and temperature. Chemical analyses as described in the EPA Methods (above) shall be performed for each sampling event, including each new batch of dilution water and each testing event.

In addition to the chemical analyses required above, those parameters listed in PART A and PART C of the NPDES permit for the outfall(s) tested will be analyzed concurrently with the WET Test by using the method specified in the NPDES permit or, if not specified, by using EPA methods at 40 CFR Part 136; Standard Methods for the Examination of Water and Wastewater, American Public Health Association; and approved methods cited in 25 PA Code Chapter 16, Water Quality Toxics Management Strategy, Statement of Policy.

F. Chronic Toxicity Test Report Elements

At a minimum, the following must be reported with each chronic WET test:

1. General test description: - origin and age of test organisms, dates and results of reference toxicant tests; light and temperature regimes; other information on test conditions.
2. Completion of Ceriodaphnia dubia and Pimephales promelas coversheets (Forms 3620-FM-WQ0145 Rev. 3/99 and 3620-FM-WQ0146 Rev. 3/99).
3. Description of sample collection procedures and of the sample location.
4. Names of individuals collecting and transporting samples, times and dates of sample collection and analysis, and temperature of sample upon receipt.
5. Description, time and date of sample renewals.
6. All chemical and physical data including method detection levels and observations made on the species. The chronic WET test hardness shall be reported with each test.
7. Copies of raw data sheets and/or bench sheets with data entries and signatures.
8. Dechlorination procedures with test statistical comparisons.
9. All observations or test conditions affecting the test outcome. All type I or type II errors must be explained.
10. The reference toxicant shall be identified and be a commonly used toxicant approved by EPA. Reports of reference toxicant tests shall include all information needed for the proper evaluation of the test. This includes the following: water chemistry parameters of controls and test concentrations; chronic endpoint with appropriate statistical analyses; and control charts (for point estimates, cumulative mean \pm two standard deviations; for NOEC's central tendency \pm one for concentration interval).

G. Submission of test reports

The permittee shall submit copies of all chronic WET test reports to DEP at the addresses listed below within 30 days of the test completion.

Department of Environmental Protection
Water Quality Protection
Northwest Regional Office
230 Chestnut Street
Meadville, PA 16335

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION BUREAU OF WATER QUALITY PROTECTION
 A summary of DEP's "Biomonitoring WETT Data QA/QC Guidelines for Chronic Toxicity Testing with
 Amendments, March 20, 1995 follows:

**SUMMARY OF EFFLUENT TOXICITY TEST CONDITIONS AND TEST ACCEPTABILITY CRITERIA
 FOR CHRONIC TOXICITY TESTS**

1. General Condition:

Effluent concentrations: - Five concentrations and a control. For chlorinated effluents, an additional control (0% effluent) treated with the same concentration of sodium thiosulfate used to dechlorinate the effluent sample will be run. If the initial sample has no chlorine present, start the additional control with no sodium thiosulfate. The DEP shall assign a serial dilution series geometric to the TIWCC to determine the WET test concentrations.
2. Summary of effluent toxicity test conditions and test acceptability criteria for the Ceriodaphnia dubia survival and reproduction test (adapted from EPA/600/4-89/001).
 - a. No. neonates per test chamber: - 1
 - b. No. replicate test chambers per concentration: - 10
 - c. No. neonates per test concentration: - 10
 - d. Test duration: Until 60% of control females have three broods (seven days or less).
 - e. Endpoints: - Survival and reproduction.
 - f. Test acceptability criterion: - 80% or greater survival and an average of 15 or more young per surviving female in the control solutions. At least 60% of the surviving females in controls must have produced their third brood in seven days or less.
 - g. Age of organism: - Less than 30 hrs. and inside an 8 hr. window.
3. Summary of effluent toxicity test conditions and test acceptability criteria for the fathead minnow (Pimephales promelas) survival and growth test (adapted from EPA/600/4-89/001).
 - a. No. of larvae per test chamber: - 10
 - b. No. of replicate test chambers per concentration: - 4
 - c. No. of larvae per test concentration: - 40
 - d. Test duration: - 7 days
 - e. Endpoints: - Survival and growth (weight)
 - f. Test Acceptability: - 80% or greater survival in controls; average dry weight of surviving controls equals or exceeds 0.25 mg.
 - g. Age of organism: - Less than 30 hours, eggs may need to be shipped.

The hardness of the control water and the 100% effluent water shall be similar before the start of the toxicity test.

5. Whole Effluent Toxicity Testing

The permittee shall submit the results of whole effluent testing with their next NPDES application, according to 40 CFR 122.21(j)(5). The permittee shall obtain the appropriate biomonitoring protocol for testing from the DEP Regional Office.

6. Requirements Applicable to Stormwater Outfalls**A. Prohibition of Non-stormwater Discharges**

1. Except as provided in A.2, all discharges to stormwater outfalls (011 thru 014) shall be composed entirely of non-polluting stormwater. A non-polluting stormwater discharge(s) is defined as causing no significant adverse environmental impact.
2. The following non-polluting water discharges may be authorized, provided the discharge is in compliance with D.2.b: discharges from fire fighting activities; fire hydrant flushings, potable water sources including waterline flushings, irrigation drainage, lawn watering, routine external building washdown which does not use detergents or other compounds, pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used, air conditioning condensate, springs, uncontaminated groundwater, and foundation or footing drains where flows are not contaminated with process materials such as solvents.

B. Spills

This permit does not authorize the discharge of any polluting substances resulting from an on-site spill. Such spills shall be controlled through proper implementation of a PPC Plan as stated in Section D below.

- C. This permit does not authorize any discharge (storm water or non-storm water) containing any pollutant that has the potential to cause significant adverse environmental impact or pose a substantial hazard to human health or the environment due to its quantity or concentration.

D. Preparedness, Prevention and Contingency Plans**1. Development of Plan**

Operators of facilities shall develop a Preparedness, Prevention and Contingency (PPC) Plan in accordance with 25 Pa. Code § 91.34 and the "Guidelines for the Development and Implementation of Environmental Emergency Response Plans". The PPC Plan shall identify potential sources of pollution that may reasonably be expected to affect the quality of stormwater discharges from the facility. In addition, the PPC Plan shall describe the BMPs that are to be used to reduce the pollutants in stormwater discharges at the facility ensuring compliance with the terms and conditions of this permit.

2. Non-stormwater Discharges

- a. The PPC Plan shall contain a certification that the discharge has been tested or evaluated for the presence of non-stormwater discharges. The certification shall include the identification of potential significant sources of non-storm water at the site, a description of the results of any test and/or evaluation for the presence of non-stormwater discharges, the evaluation criteria or testing methods used, the date of any testing and/or evaluation, and the on-site drainage points that were directly observed during the test. Such certification may not be feasible if the facility operating the stormwater discharge does not have access to an outfall,

manhole, or other point of access to the ultimate conduit that receives the discharge. In such cases, the source identification section of the PPC Plan shall indicate why the certification was not feasible. A discharger that is unable to provide the certification must notify the Department within 180 days of the effective date of this permit.

- b. Except for flows from fire fighting activities, sources of non-storm water listed in A.2. (authorized non-stormwater discharges) that are combined with stormwater discharges must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-stormwater component(s) of the discharge.

3. Comprehensive Site Compliance Evaluations and Record Keeping

Qualified personnel shall conduct site compliance evaluations at least once a year. Such evaluations shall include:

- a. Visual inspection and evaluation of areas contributing to a stormwater discharge for evidence of, or the potential for, pollutants entering the drainage system. Measures to reduce pollutant loadings shall be evaluated to determine whether they are adequate and properly implemented in accordance with the terms of the permit or whether additional control measures are needed. Structural stormwater management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the plan, such as spill response equipment, shall be made.
- b. Based on the results of the inspection, the description of potential pollutant sources identified in the PPC plan, and pollution prevention measures and controls identified in the plan shall be revised as appropriate within 15 days of such inspection and shall provide for implementation of any changes to the plan in a timely manner, but in no case more than 90 days after the inspection.
- c. A report summarizing the scope of the inspection, using the DEP's Annual Inspection Form shall be completed and made available upon request and retained as part of the PPC Plan for at least one year after coverage under this permit terminates.

E. Stormwater Management Best Management Practices(BMPs)

The permittee shall implement at least the following BMPs:

- (1) Manage sludge in accordance with all applicable permit requirements and DEP regulations.
- (2) Store chemicals in secure areas on impervious surfaces away from storm drains.
- (3) Design of future wastewater treatment facilities should incorporate/consider plans to prevent run on and avoid storm water commingling with sanitary wastewater.
- (4) Efficiently use pesticides for weed control; where practicable investigate use of the least toxic pesticides; do not apply during windy conditions.

7. Sanitary Sewer Overflows

"Unless otherwise authorized under Part B of this permit, any discharge from any point other than a permitted treatment outfall or permitted combined sewer system outfall is prohibited. See e.g. Section 301(b)(1) (B) & (C) of the Clean Water Act; 40 CFR 122.44 & 133.102 (relating to limitations, standards and permit conditions; and secondary treatment). In the event there is a prohibited discharge from a sewer conveyance system, report every such discharge to the Department immediately. On your monthly Discharge Monitoring Report (DMR) in the Remarks block, indicate the date of discharge, action taken and volume of discharge, wherever possible.

BUTLER AREA SEWER AUTHORITY

100 LITMAN ROAD • BUTLER, PA 16001-3256
(724) 282-1978 • FAX(724) 282-7656

JOHN M. HEIM
CHAIRMAN

WILLIAM M. HULTON JR.
VICE CHAIRMAN

NED H. STOKES, P. E.
SECRETARY

MARGARET N. IARRAPINO
TREASURER

GEORGE E. SHOCKEY
ASSISTANT SECRETARY
AND TREASURER

M. JOHN SCHON, P.E.
MANAGER

PHILIP A. BRUNN, III
ASSISTANT MANAGER

JAMES W. TOMAZICH, P.E.
AUTHORITY ENGINEER

ATS-CHESTER ENGINEERS
CONSULTING ENGINEER

DILLON MC CANDLESS KING
COULTER & GRAHAM LLP.
SOLICITOR

BUTLER AREA SEWER AUTHORITY
BUTLER COUNTY, PENNSYLVANIA
RESOLUTION NO. 09-26-2006

A RESOLUTION OF THE BUTLER AREA SEWER AUTHORITY APPROVING AND AUTHORIZING THE EXECUTION OF A NEW CONSENT ORDER AND AGREEMENT WITH THE COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION.

BE IT RESOLVED by the Board of the Butler Area Sewer Authority that:

1. The attached Consent Order and Agreement is hereby approved and adopted as and for a binding and effective agreement of the Butler Area Sewer Authority in accord with its terms; and
2. The appropriate Authority Officials are hereby authorized and directed to execute the attached Consent Order and Agreement in the manner required by law.

RESOLVED, this 26th day of September, 2006 by roll-call vote of the Board of the Butler Area Sewer Authority at a duly advertised public meeting.

CERTIFICATION

I, Ned H. Stokes, hereby certify that I am the duly appointed Secretary of the Butler Area Sewer Authority, and that the above Resolution was adopted at a duly advertised, special public meeting of the Authority held on September 26, 2006, and that a quorum of the Authority Board members was present.



Ned H. Stokes, Secretary

Date Signed: September 26, 2006

MINUTES
City Council Meeting
City of Butler, Pennsylvania
September 28, 2006

Mayor Stock called the meeting to order at 7:00 PM. Mayor Stock and Council members Kelly, Ufner and Kline were present. Pastor Steve Ogle of the Community Life Church offered an invocation followed by the pledge of allegiance to the flag.

PERSONS TO BE HEARD – None.

Motion by CM Ufner with second from CW Kline to approve the minutes of the regular City Council meeting of August 24th. All voted aye.

MONTHLY DEPARTMENT REPORTS

All department reports as of the end of *August* were approved by individual, unanimous votes. Chief Christy reminded elected officials that they are required to complete training in FEMA's National Incident Management System (NIMS) not later than September 30th. The City Treasurer announced that September 29th is the last day for taxpayers to pay school real estate taxes at the discount rate. He will accept payments found in the drop-box in the City Building on the morning of October 2nd.

COUNCIL REPORTS/ACTIONS

Councilman Kelly

1. Motion to approve **distribution of 2006 State Aid** to the City's pension funds as follows: Police Pension Fund - \$91,822.14 and to the Firefighters' Pension Fund - \$238,649.76 for a total distribution of \$330,471.90. (A worksheet with formulas for this distribution will be attached to the minutes of this meeting.) Second by CM Ufner. All voted aye.

Councilman Ufner

2. Motion for the approval of **City Resolution 2006 – 09 – 28**, a resolution of the City of Butler adopting and submitting to the Department of Environmental Protection a revision to the "Official Sewage Facilities Plan" pursuant to a request submitted by the Butler Area Housing Authority of Butler County for the West End Community Center at 312 Beckert Avenue. Second by Mayor Stock. All voted aye.

3. Motion for the approval of **City Resolution 2006 – 09 – 28 – A**, a resolution of the City of Butler to change the name of the Butler Township-City Joint Municipal Transit Authority to the Butler Transit Authority as requested by the executive director and board of said authority. Second by Mayor Stock. All voted aye.

4. Motion to direct the City Clerk to seek proposals for **2007 street materials contracts** (asphalt products, limestone and petroleum products). Second by CM Kelly. All voted aye.

5. Motion to approve the **Consent Order and Agreement** between the Commonwealth of Pennsylvania Department of Environmental Protection, the **Butler Area Sewer Authority (BASA)** and the municipalities served by the BASA to implement corrective action required to resolve alleged violations of the Clear Stream Law and the Sewage Facilities Act and authorize the Mayor and City Solicitor to execute the same. Second by Mayor Stock. All voted aye.

Councilwoman Kline

6. Motion to direct the City Clerk to seek proposals for landscaping materials as a part of **Cityscape Project 102640**. Second by CM Ufner. All voted aye.

7. Motion for the approval of **City Resolution 2006 – 09 – 28 – B**, a resolution of City Council applying for a grant in the amount of \$50,000 from the Pennsylvania Department of Conservation and Natural Resources for a project to be known as **Renovation of Neighborhood Parks and Playgrounds – South Hills Playground, Institute Hill Playground and Ritts Park**. Second by Mayor Stock. All voted aye.

Mayor Stock

8. Motion for the introduction and first reading of **City Ordinance No. 1591** an ordinance of the City of Butler adopting **Chapter 245, the Vehicle and Traffic Code**, of the Codified Ordinances of the City of Butler including traffic regulations, parking regulations, parking meter rules and regulations, handicapped parking regulations, regulations regarding removal and impoundment of certain vehicles, regulations regarding immobilization or removal of vehicles with outstanding parking violations, procedures for snow and ice emergencies and prescribing penalties for violations thereof. Second by CW Kline. All voted aye.

9. Motion to establish the **Quarry Street parking lot** as a “permit only” parking lot with a permit fee of \$25.00 per month. Second by CM Ufner. All voted aye.

10. Motion to direct the City Clerk to **advertise for sale two used police vehicles** that are surplus to the City’s needs. Second by CM Kelly. All voted aye.

The City Controller presented bills for payment as follows: from the general fund - \$632,165.80, from the capital projects fund - \$12,516.41, and from the liquid fuels tax fund - \$42,460.29 for a grand total of \$687,142.50. Motion by Mayor Stock with second from CM Ufner to approve payment of bills as presented. All voted aye.

• **ANNOUNCEMENTS**

1. As part of an ongoing education plan, the Department of Environmental Protection would like to remind local residents to properly dispose of hazardous substances such as used oil, antifreeze, gasoline, cleaning supplies, and paint. Never pour them down any part of the storm sewer system and report anyone who does. Anything that flows through the storm sewers flows directly to a waterway without any treatment. By dumping harmful substances down the storm sewers, you are endangering our environment, fish, and our drinking source. If you have any questions of where to dispose of these substances, please call Ms. Sheryl Kelly, the Butler County Recycling and Waste Management Coordinator at (724) 284 – 5305.

2. 2006 Leaf Disposal – Compost area in Memorial park open on Saturday, Oct. 14th @ 9:00 AM. Regular hours of operation are 8 AM – 2:30 PM, Monday through Friday and 9 AM to 5 PM on weekends and holidays. Streets Department will provide schedule for operation of the City's leaf vacuum. Residents may not burn leaves on any City street and should not burn leaves on their private property without checking with the Fire Chief.
3. Trick or Treat Night is Oct. 31st from 6 to 7 PM.
4. Forum meeting and Council meeting on Oct. 10th and Oct. 12th are cancelled. Next regular Forum meeting is Oct. 24th with next Council meeting on Oct. 26th.

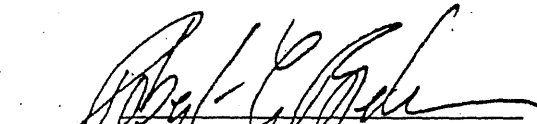
• ENCLOSURES

1. Distribution of 2006 State Aid to Pension Funds
2. Resolution 2006-09-28-A (Transit Authority Name Change)

Mayor Stock adjourned the meeting at 7:21 P. M.

SUBMITTED:

APPROVED:


Robert L. Brehm, City Clerk


Margaret D. Stock, Mayor

<u>Distribution of State Aid & Wage Tax to City Pension Funds</u>				
2006 MMOs	<u>Police</u>	<u>Municipal</u>	<u>Fire</u>	<u>City Totals</u>
	\$ 183,419	\$ -	\$ 476,714	\$ 660,133
<i>Percent of Total MMO</i>	<i>27.79%</i>	<i>0%</i>	<i>72.21%</i>	
\$ 330,471.90				
2006 State Aid Received on 25 SEP 06				
Distribution of 2006 State Aid	\$ 91,822.14		\$ 238,649.76	\$ 330,471.90
Date: 28 SEP 06				
Amount Required to Satisfy 2006 MMO	\$ 91,596.86	\$ -	\$ 238,064.24	\$ 329,661.10
100% of All MMOs Must be Paid Not Later Than 31 December				
Partial Distribution of 2006 Proceeds from Special Levy Tax Completed in Dec. 2006	\$ -	\$ -	\$ -	\$ -
Amount Required to Satisfy 2006 MMO	\$ 91,596.86	\$ -	\$ 238,064.24	\$ 329,661.10
2006 Wage Tax Used for Matching Funds, Non-vested Firefighters			\$ -	
Total Distribution of 2006 Wage Tax Completed in 2006	\$ -		\$ -	\$ -
Final Distribution of 2006 Wage Tax Completed in 2007	\$ -		\$ -	\$ -
Date of Disbursement:				
Total Distribution of State Aid and Proceeds from 2006 Wage Tax	\$ 91,822.14	\$ -	\$ 238,649.76	\$ 330,471.90
Notes				
1. Beginning 1 JAN 01, City required by CBA to match contributions by non-vested Firefighters.				
2. Contribution to Police plan includes \$17K for survivor's assistance in accordance with CBA.				
3. Beginning with tax year 2002, proceeds of Special Levy tax distributed in following year (i. e., 2002 proceeds distributed in 2003, 2003 proceeds distributed in 2004, etc.)				
4. Total proceeds of Special Levy Tax for Tax Year 2006		\$ -		
Distribution completed in 2006		\$ -		
Remaining distribution required in 2007		\$ -		
Summary of Minimum Municipal Obligation (MMO)				
<u>MMO</u>	<u>Police</u>	<u>Municipal</u>	<u>Fire</u>	<u>City Total</u>
1993	\$ 367,084	\$ 178,562	\$ 263,159	\$ 808,805
1994	375,457	182,425	270,260	828,142
1995	329,907	130,550	157,051	617,508
1996	352,759	153,531	211,599	717,889
1997	226,672	87,366	48,318	362,356
1998	210,937	57,577	0	268,514
1999	188,603	67,011	0	255,614
2000	162,939	41,221	0	204,160
2001	166,057	46,784	0	212,841
2002	165,551	0	89,093	254,644
2003	175,126	0	104,767	279,893
2004	186,517	0	335,276	521,793
2005	188,210	-	352,740	540,950
2006	183,419	-	476,714	660,133
2007	184,654	-	475,513	660,167
Totals	\$ 3,463,892	\$ 945,027	\$ 2,784,490	\$ 7,193,409

City of Butler, Pennsylvania
Resolution No. 2006 - 09 - 28 - A

A RESOLUTION OF THE CITY OF BUTLER, made this 28th day of September, 2006.

WITNESSETH:

WHEREAS, the Butler Township-City Joint Municipal Transit Authority was formed by the Township of Butler and the City of Butler in order to provide fixed-route bus services within the municipal boundaries of the City of Butler and the Township of Butler; and

WHEREAS, the scope of services provided by the Butler Township-City Joint Municipal Transit Authority has expanded; and

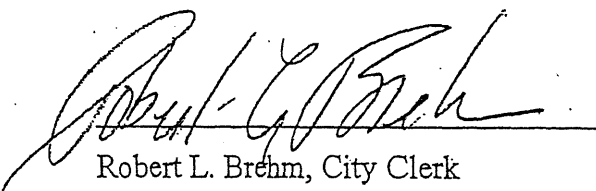
WHEREAS, the County of Butler has designated the Butler Township-City Joint Municipal Transit Authority as the municipality responsible for the providing of transportation services within the geographic boundaries of the County of Butler; and

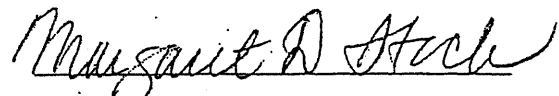
WHEREAS, it is believed that the current name of the Authority is too restrictive and fails to acknowledge the scope of services currently provided and which may be provided in the future.

NOW THEREFORE, the City Council of the City of Butler does hereby adopt the amendment of the name of the Butler Township-City Joint Municipal Transit Authority to the Butler Transit Authority.

Duly presented and adopted at a regular meeting of the City Council of the City of Butler, held on the 28th day of September 2006.

ATTEST:


Robert L. Brehm, City Clerk


Margaret D. Stock, Mayor

SEAL

I, Robert L. Brehm, City Clerk of the City of Butler, Pennsylvania, hereby certify that the foregoing is a true copy of Resolution No. 2006 - 09 - 28 - A adopted by the City Council of the City of Butler, in lawful session assembled, on September 28, 2006.

SEAL


Robert L. Brehm

9-28-06
(Date)

RESOLUTION No. 06-24

RESOLVED, this 2nd day of October, 2006, that the Board of Commissioners of Butler Township, enter into and execute the Consent Order and Agreement between the Commonwealth of Pennsylvania, Department of Environmental Protection, the Butler Area Sewer Authority, Butler Township, and the municipal signators to the Consent Order and Agreement.

The Consent Order and Agreement shall be executed by the President of the Board, Joseph J. Hasychak, and attested to by the Secretary of Butler Township, Donna Donaldson.

Resolved this 2nd day of October 2006.

ATTESTED:

THE TOWNSHIP OF BUTLER

Donna Donaldson
Secretary

by: Joseph J. Hasychak
Commissioner

by: Shirley J. Prozman
Commissioner

by: Joseph B. Caraliero
Commissioner

by: Donna M. Dwyer
Commissioner

by: [Signature]
Commissioner

**CENTER TOWNSHIP
BOARD OF SUPERVISORS**

RESOLUTION 2006 - 06-10-06

WHEREAS, Center Township is a municipality which is served in part by the sanitary sewage treatment facilities of the Butler Area Sewer Authority ("BASA"); and

WHEREAS, a dispute has arisen between DEP and BASA as to BASA's compliance with a 2001 Agreement for the remediation of sanitary sewer overflows into the Connoquenessing Creek watershed resulting in a DEP ban upon new tap ins to the BASA system; and

WHEREAS, DEP has, with input from BASA and the municipalities served by BASA, prepared a Consent Order and Decree, which said Order and Decree requires, among other matters, Center Township, as well as the other municipalities served by BASA, to undertake and timely complete a Official Plan revision special study, to timely review the Official Plan study prepared by BASA, to be subject to certain limits upon the allocation of new tap ins, and be subject to penalties for the violation thereof; and

WHEREAS, in consideration of the common good and the health, safety and welfare of the residents of Center Township, including without limitation, the promoting the preservation of natural resources as well as the avoidance of costly litigation, the Board of Supervisors of Center Township have determined to enter into the Consent Order.

BE IT RESOLVED, THEREFORE, as follows:

1. The Board of Supervisors of Center Township, Butler County do hereby enter into the Consent Order and Agreement of 2006, as transmitted to the Township Solicitor by letter of the Office of Chief Counsel dated September 8, 2006, with the caption of:

**Butler Area Sewer Authority, City of Butler, Butler Township,
Connoquenessing Township, Summit Township, Borough of
East Butler, Oakland Township, and Center Township Butler
County, Pennsylvania**

2. The Chairman of the Board of Supervisors and the Township Solicitor are authorized and directed to sign the aforesaid Agreement and provide DEP with the signature page and a certified copy of this Resolution.

SO RESOLVED this 11th day of October, 2006.

ATTEST:

CENTER TOWNSHIP
BOARD OF SUPERVISORS

Stephanie Sellers
Township Secretary

BY: Ronald E. Platt
Chairman

BY: Andrew Erie
Vice Chairman

BY: [Signature]
Supervisor

BY: Edward Latuska
Supervisor

BY: [Signature]
Supervisor

(TOWNSHIP SEAL)

I, Stephanie Sellers, Secretary, Center Township Board of Supervisors, hereby certify that the foregoing is a true copy of the Township Resolution # 06-10-06, adopted, October 4, 2006.

Municipal Address:

419 Sunset Drive
Butler, PA 16001

Telephone No.: (724) 282-7805

Seal of Governing Body

**SUMMIT TOWNSHIP
BOARD OF SUPERVISORS**

RESOLUTION 2006 - 241

WHEREAS, Summit Township is a municipality which is served in part by the sanitary sewage treatment facilities of the Butler Area Sewer Authority ("BASA"); and

WHEREAS, a dispute has arisen between DEP and BASA as to BASA's compliance with a 2001 Agreement for the remediation of sanitary sewer overflows into the Connoquenessing Creek watershed resulting in a DEP ban upon new tap ins to the BASA system; and

WHEREAS, DEP has, with input from BASA and the municipalities served by BASA, prepared a Consent Order and Decree, which said Order and Decree requires, among other matters, Summit Township, as well as the other municipalities served by BASA, to undertake and timely complete a Official Plan revision special study, to timely review the Official Plan study prepared by BASA, to be subject to certain limits upon the allocation of new tap ins, and be subject to penalties for the violation thereof; and

WHEREAS, in consideration of the common good and the health, safety and welfare of the residents of Summit Township, including without limitation, the promoting the preservation of natural resources as well as the avoidance of costly litigation, the Board of Supervisors of Summit Township have determined to enter into the Consent Order.

BE IT RESOLVED, THEREFORE, as follows:

1. The Board of Supervisors of Summit Township, Butler County do hereby enter into the Consent Order and Agreement of 2006, as transmitted to the Township Solicitor by letter of the Office of Chief Counsel dated September 8, 2006, with the caption of:

**Butler Area Sewer Authority, City of Butler, Butler Township,
Center Township, Summit Township, Borough of East Butler,
Oakland Township, and Connoquenessing Township** Butler
County, Pennsylvania

Amended Appendix A-22-b

2. The Chairman of the Board of Supervisors and the Township Solicitor are authorized and directed to sign the aforesaid Agreement and provide DEP with the signature page and a certified copy of this Resolution.

SO RESOLVED this 20th day of September, 2006.

ATTEST:

SUMMIT TOWNSHIP
BOARD OF SUPERVISORS

Rodney E Scott
Township Secretary

BY: Devin E. Kaul
Chairman

BY: Rodney E Scott
Vice Chairman

(TOWNSHIP SEAL)

BY: James W. Calkins
Supervisor

I, Rodney E Scott, Secretary, Summit Township Board of Supervisors, hereby certify that the foregoing is a true copy of the Township Resolution # 24, adopted, September 20, 2006.

Municipal Address:

502 Bonniebrook Road
Butler, PA 16002


Seal of Governing Body

Telephone No.: (724) 285-1168

ATTESTATION

The undersigned, the Secretary of East Butler Borough hereby certifies that at the regular Borough Council meeting on October 2, 2006, Council unanimously passed a resolution approving the Consent Agreement between the Commonwealth of Pennsylvania Department of Environmental Protection and various municipalities relative to the Butler Area Sewer Authority and authorized the mayor and solicitor to sign on behalf of the Borough. A true and correct copy of said Resolution is attached hereto.

Attested to this 6th day of October, 2006


Lois Fennell
East Butler Borough Secretary.

RESOLUTION

Be it resolved this 2nd day of October, 2006 that East Butler Borough enter into a Consent Order and Agreement between the Commonwealth of Pennsylvania Department of Environmental Protection, the Butler Area Sewer Authority and other tributary municipalities and that Richard Day, Mayor, and Gwilym A. Price, III, Solicitor be authorized to sign said Consent Order and Agreement on behalf of East Butler Borough.

**OAKLAND TOWNSHIP
BOARD OF SUPERVISORS**

RESOLUTION 2006 - 04

WHEREAS, Oakland Township is a municipality which is served in part by the sanitary sewage treatment facilities of the Butler Area Sewer Authority ("BASA"); and

WHEREAS, a dispute has arisen between DEP and BASA as to BASA's compliance with a 2001 Agreement for the remediation of sanitary sewer overflows into the Connoquenessing Creek watershed resulting in a DEP ban upon new tap ins to the BASA system; and

WHEREAS, DEP has, with input from BASA and the municipalities served by BASA, prepared a Consent Order and Decree, which said Order and Decree requires, among other matters, Oakland Township, as well as the other municipalities served by BASA, to undertake and timely complete a Official Plan revision special study, to timely review the Official Plan study prepared by BASA, to be subject to certain limits upon the allocation of new tap ins, and be subject to penalties for the violation thereof; and

WHEREAS, in consideration of the common good and the health, safety and welfare of the residents of Oakland Township, including without limitation, promoting the preservation of natural resources as well as the avoidance of costly litigation, the Board of Supervisors of Oakland Township have determined to enter into the Consent Order.

BE IT RESOLVED, THEREFORE, as follows:

1. The Board of Supervisors of Oakland Township, Butler County do hereby enter into the Consent Order and Agreement of 2006, as transmitted to the Township Solicitor by letter of the Office of Chief Counsel dated September 8, 2006, with the caption of:

**Butler Area Sewer Authority, City of Butler, Butler Township,
Center Township, Summit Township, Borough of East Butler,
Oakland Township, and Connoquenessing Township Butler
County, Pennsylvania**

2. The Chairman of the Board of Supervisors and the Township Solicitor are authorized and directed to sign the aforesaid Agreement and provide DEP with the signature page and a certified copy of this Resolution.

SO RESOLVED this 3rd day of October, 2006.

ATTEST:

OAKLAND TOWNSHIP
BOARD OF SUPERVISORS

Nadine Neff
Township Secretary

BY: Donald J. Hayes
Chairman

BY: Norman E. Summerville
Vice Chairman

(TOWNSHIP SEAL)

BY: Regis V. Thomas
Supervisor

I, Nadine Neff, Secretary, Oakland Township Board of Supervisors, hereby certify that the foregoing is a true copy of the Township Resolution # 2006-04, adopted, October 3, 2006.

Municipal Address:

565 Chicora Road
Butler, PA 16001

Telephone No.: (724) 287-8067

Seal of Governing Body

**CONNOQUENESSING TOWNSHIP
BOARD OF SUPERVISORS**

RESOLUTION 2006 - 105

WHEREAS, Connoquenessing Township is a municipality which is served in part by the sanitary sewage treatment facilities of the Butler Area Sewer Authority ("BASA"); and

WHEREAS, a dispute has arisen between DEP and BASA as to BASA's compliance with a 2001 Agreement for the remediation of sanitary sewer overflows into the Connoquenessing Creek watershed resulting in a DEP ban upon new tap ins to the BASA system; and

WHEREAS, DEP has, with input from BASA and the municipalities served by BASA, prepared a Consent Order and Decree, which said Order and Decree requires, among other matters, Connoquenessing Township, as well as the other municipalities served by BASA, to undertake and timely complete a Official Plan revision special study, to timely review the Official Plan study prepared by BASA, to be subject to certain limits upon the allocation of new tap ins, and be subject to penalties for the violation thereof; and

WHEREAS, in consideration of the common good and the health, safety and welfare of the residents of Connoquenessing Township, including without limitation, the promoting the preservation of natural resources as well as the avoidance of costly litigation, the Board of Supervisors of Connoquenessing Township have determined to enter into the Consent Order.

BE IT RESOLVED, THEREFORE, as follows:

1. The Board of Supervisors of Connoquenessing Township, Butler County do hereby enter into the Consent Order and Agreement of 2006, as transmitted to the Township Solicitor by letter of the Office of Chief Counsel dated September 8, 2006, with the caption of:

**Butler Area Sewer Authority, City of Butler, Butler Township,
Center Township, Summit Township, Borough of East Butler,
Oakland Township, and Connoquenessing Township Butler
County, Pennsylvania**

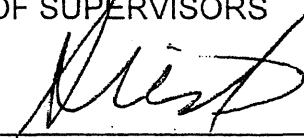
2. The Chairman of the Board of Supervisors and the Township Solicitor are authorized and directed to sign the aforesaid Agreement and provide DEP with the signature page and a certified copy of this Resolution.


SO RESOLVED this 4th day of October, 2006.

ATTEST:

CONNOQUENESSING TOWNSHIP
BOARD OF SUPERVISORS

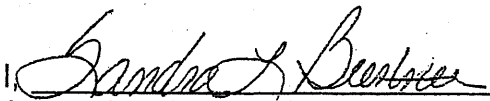

Township Secretary

BY: 
Chairman

BY: 
Vice Chairman

(TOWNSHIP SEAL)

BY: 
Supervisor

 Secretary, Connoquenessing Township Board of Supervisors, hereby certify that the foregoing is a true copy of the Township Resolution # 105, adopted, October 4, 2006.

Municipal Address:

102 Township Road
Renfrew, PA 16053

Telephone No.: (724) 789-7186

Seal of Governing Body

Appendix D
Growth Projections

WATERSHED	BUTLER TWP. TOTAL ACRES	PUMP STA. GPD	5 YEAR GROWTH (EDUs)		10 YEAR GROWTH (EDUs)		20 YEAR GROWTH (EDUs)		20+ YEAR GROWTH (EDUs)	TOTALS	NOTES
			Commercial	Residential	Commercial	Residential	Commercial	Residential			
TRIBUTARY TO BASA											
Belmont Road	99.3	N/A	0	1	0	1	0	1	0	3	
Benbrook Road	46.8	288,000	0	2	0	2	0	2	0	6	
Bredinville	192.3	N/A	0	1	0	1	0	1	0	3	
Bryson Road	78.3	288,000	0	2	0	2	0	2	0	6	
Butcher Run	2178.9	N/A	0	105	0	105	0	210	2070	2490	Refer to detailed breakdown attached.
Butler Park	483.3	N/A	0	1	0	10	0	20	20	51	Starcher Property Development
Butler Road	481.7	N/A	0	2	0	10	0	40	0	52	Potential development of Keown, Fisher, and Shedio farms in the area of Public Works
Cupps Road	386	576,000	0	5	0	5	0	5	0	15	
Decatur Drive	1206.1	N/A	10	10	20	20	30	30	0	120	Identifies potential development at BCCC, a potential shopping center, and a residential development at the Kelly Property.
Delwood Road	398	N/A	0	0	0	10	0	15	35	60	
Deshon	884.2	2,016,000	80	10	15	10	15	5	5	140	Refer to detailed breakdown attached.
Duffy	387.1	N/A	0	20	0	20	0	2	0	42	Development in this watershed considers a Condominium at the Caldwell Property
Erdley	156	N/A	0	1	0	1	0	1	0	3	
Foxcroft	9.6	23,040	0	0	0	0	0	0	0	0	
Garden Grove	50.4	184,320	0	1	0	1	0	1	0	3	
Greenwood Drive	943.3	288,000	0	2	0	12	0	32	0	46	The Wyncrest Planning Module has been approved for 47 EDUs which is over and above these calculations.
Hansen	190.6	N/A	0	5	0	5	0	5	0	15	Within this area it is anticipated that an overlay district will be developed within the main road corridor which will encourage development. This watershed is part of BASA's Sullivan Run Interceptor Sewer watershed.
Henricks Road	209.1	N/A	0	5	0	5	0	30	20	60	
Karns Crossing	142.1	2,073,600	53	5	0	5	0	5	0	68	The basis for the 20 EDUs within 5 years is for the projected 70 bed addition to the existing hospital. (70 Beds * 300 GPD / 400 G/EDU = 52.5 EDUs - say 53 EDUs)
Links	24.6	2,450	0	0	0	0	0	5	0	5	
Lyndora	591.8	N/A	0	5	0	5	0	5	0	15	
Monroe	33.3	2,592,000	0	1	0	1	0	1	0	3	This watershed is primarily located within the City of Butler
Rocklick	443.4	892,800	0	5	0	5	0	5	0	15	
Sawmill Run	185.7	N/A	0	2	0	2	0	2	0	6	
September Drive	33.1	43,200	0	0	0	0	0	0	0	0	
Sugar Creek	89.5	46,080	0	0	0	0	0	0	0	0	A Planning Module has been approved for 52 EDUs within this watershed which is not reflected in these calculations.
Sullivan Run	1343.8	N/A	50	44	30	35	0	48	433	640	Refer to detailed breakdown attached.
Sunnyview Avenue	89.5	N/A	0	5	0	5	0	5	20	35	Potential Institutional Development. This watershed flows to the Main Interceptor line along Connoquenessing Creek.
Township Line	135.5	86,400	0	1	0	1	0	1	0	3	
Ziegler Avenue	121.4	86,400	0	0	0	0	0	0	0	0	
Subtotal to BASA			193	241	65	279	45	479	2603	3905	
TRIBUTARY TO SAXONBURG											
Saxonburg	2080.7	N/A	0	168	0	573	0	405	811	1957	Refer to detailed breakdown attached.
TOTALS			193	409	65	852	45	884	3414	5862	

Butcher Run Watershed Detailed Calculation

Watershed Statistics	
R-1 Zoning	203.3 Acres
R-2 Zoning	122.5 Acres
A-1 Zoning	957.6 Acres
County Sunnyview Property	144.3 Acres
C Zoning	42.4 Acres
M Zoning	14.5 Acres
Developed Area	694.3 Acres
Total Area in Watershed	2178.9 Acres

Future Growth Projection Analysis	
<i>Assumptions:</i>	
A. R-1 Zoning developed at 25,000 s.f. / EDU	
B. R-2 Zoning developed at 0.25 acres / EDU	
C. A-1 Zoning developed at 0.60 acres / EDU	
5-Year Growth	
R-1 Zoning (3% Development)	11 EDUs
R-2 Zoning (3% Development)	15 EDUs
A-1 Zoning (5% Development)	80 EDUs
Subtotal	105 EDUs
10-Year Growth	
R-1 Zoning (3% Development)	11 EDUs
R-2 Zoning (3% Development)	15 EDUs
A-1 Zoning (5% Development)	80 EDUs
Subtotal	105 EDUs
20-Year Growth	
R-1 Zoning (6% Development)	21 EDUs
R-2 Zoning (6% Development)	29 EDUs
A-1 Zoning (10% Development)	160 EDUs
Subtotal	210 EDUs
20+ - Year Growth	
R-1 Zoning (88% Development)	312 EDUs
R-2 Zoning (88% Development)	431 EDUs
A-1 Zoning (80% Development)	1277 EDUs
County Sunnyview Property (Institutional)	50 EDUs
Subtotal	2070 EDUs
Total	2490 EDUs

- Notes:
- (1) R-1 Zoning - Camelot Drive Development used as a basis for density.
 - (2) R-2 Zoning - Fairways at Krendale used as a basis for density.
 - (3) A-1 Zoning - Sugar Creek Drive Development used as a basis for density.

Deshon Watershed Detailed Calculation

Future Growth Projection Analysis	
5-Year Growth	
Ritenour Property (Commercial)	20 EDUs
Technology Drive (Commercial)	50 EDUs
N. of Whitestown, W. of Meridian, S. of Rt. 68	10 EDUs
Veterans Club Area	5 EDUs
Stirling Village Area (Commercial)	5 EDUs
Subtotal	90 EDUs
10-Year Growth	
American Glass Research	10 EDUs
N. of Whitestown, W. of Meridian, S. of Rt. 68	10 EDUs
Veterans Club Area	5 EDUs
Subtotal	25 EDUs
20-Year Growth	
American Glass Research	10 EDUs
N. of Whitestown, W. of Meridian, S. of Rt. 68	5 EDUs
Veterans Club Area	5 EDUs
Subtotal	20 EDUs
20+ - Year Growth	
N. of Whitestown, W. of Meridian, S. of Rt. 68	5 EDUs
Subtotal	5 EDUs
Total	140 EDUs

Sullivan Run Watershed Detailed Calculation

Watershed Statistics	
Existing Developed Area	735.5 Acres
Ritenour Property	11.0 Acres
Alameda Park Property	421.1 Acres
Golf Course Property	120.4 Acres
Butler Crossings Property	35.9 Acres
Prop. Located North of Westbrook Drive	19.9 Acres
Total Area in Watershed	1343.8 Acres

Future Growth Projection Analysis	
<i>Assumptions:</i>	
A. Ritenour Property to Develop in 5 Years as Multi-Family	
B. Golf Course Property to Begin Development in 20 Years as Multi-Family	
C. Single Family to Develop in 10 Years North of Westbrook	
D. Multifamily to Develop at 0.25 acres / EDU	
E. Single Family to Develop at 25,000 s.f. / EDU	
5-Year Growth	
Golf Course Additions	5 EDUs
Ritenour Property (Multifamily)	44 EDUs
Butler Crossings (Commercial)	45 EDUs
Subtotal	94 EDUs
10-Year Growth	
Golf Course Additions	5 EDUs
Alameda Park Improvements	25 EDUs
Prop. North of Westbrook (Single Family)	35 EDUs
Subtotal	65 EDUs
20-Year Growth	
Golf Course Property Multifamily Development (10% Developed)	48 EDUs
Subtotal	48 EDUs
20+ - Year Growth	
Golf Course Property Multifamily Development (90% Developed)	433 EDUs
Subtotal	433 EDUs
Total	640 EDUs

- Notes:
- (1) R-1 Zoning - Camelot Drive Development used as a basis for density.
 - (2) R-2 Zoning - Fairways at Krendale used as a basis for density.
 - (3) A-1 Zoning - Sugar Creek Drive Development used as a basis for density.

Saxonburg Watershed Detailed Calculation

Watershed Statistics	
R-1 Zoning	114.2 Acres
A-1 Zoning	853.7 Acres
M Zoning (Not Including Phillips Prop.)	9.1 Acres
Phillips Property (Zoned M)	192.5 Acres
Armco Property (Located w/in Saxonburg Watershed)	911.2 Acres
Total Area in Watershed	2080.7 Acres

Future Growth Projection Analysis	
Assumptions:	
A. R-1 Zoning developed at 25,000 s.f. / EDU	
B. A-1 Zoning developed at 0.60 acres / EDU	
C. Phillips Property to be Rezoned to R-1 and Develop w/in 5 Years	
5-Year Growth	
Phillips Prop. (Rezoning M to R-1) (50% Development)	168 EDUs
10-Year Growth	
Phillips Prop. (Rezoning M to R-1) (50% Development)	168 EDUs
R-1 Zoning (25% Development)	50 EDUs
A-1 Zoning (25% Development)	356 EDUs
Subtotal	573 EDUs
20-Year Growth	
R-1 Zoning (25% Development)	50 EDUs
A-1 Zoning (25% Development)	356 EDUs
Subtotal	405 EDUs
20+ - Year Growth	
R-1 Zoning (50% Development)	99 EDUs
A-1 Zoning (50% Development)	711 EDUs
Subtotal	811 EDUs
Total	1957 EDUs

- Notes:
- (1) R-1 Zoning - Camelot Drive Development used as a basis for density.
 - (2) R-2 Zoning - Fairways at Krendale used as a basis for density.
 - (3) A-1 Zoning - Sugar Creek Drive Development used as a basis for density.

Appendix E

Saxonburg Area Authority Documentation



GATEWAY

On Call. On Time. On Target.

Amended Appendix A-22-b

THE GATEWAY ENGINEERS, INC.

400 HOLIDAY DRIVE, SUITE 300
PITTSBURGH, PA 15220-2727
412.921.4030 PHONE
412.921.9960 FAX

www.gatewayengineers.com

C-25452-0001
October 9 2006

Saxonburg Area Authority
420 West Main Street
Saxonburg, PA 16056

Att: Mr. Paul Cornetti, P.E., Authority Engineer

Re: Butler Township
Draft Official Plan Revision Special Study

Dear Paul:

The purpose of this letter is to ascertain whether the Saxonburg Area Authority (SAA) is able and willing to provide gravity sanitary sewer service to any portions of Butler Township at some time in the future. As you may be aware, Butler Township is required to be party to the Butler Area Sewer Authorities' 2006 Consent Order and Agreement. As such, Butler Township must prepare and adopt an ACT 537 Official Plan Revision Special Study. In preparing this plan, it became evident that portions of the Township could flow via gravity to the new SAA treatment plant in Renfrew.

Upon review of the provided information, please provide a letter from the SAA stating whether the Authority would consider gravity service to portions of the Township and which portions could be accommodated. It would be helpful to highlight and return the attached map showing those areas that SAA would consider providing service.

If you should have any questions, please call.

Sincerely,
THE GATEWAY ENGINEERS, INC.

Daniel S. Deiseroth, P.E.
Township Engineer

Matthew E. Bagaley, P.E.
Project Manager

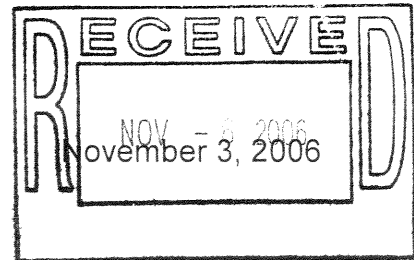
Enclosure

Cc: Gerald S. Patterson, Jr., Township Manager
Bruno Muscatello, Township Solicitor

G:\Projects\25000 Butler Twp\25452 BASAAct537\0001 Act 537 Study\Docs\Act 537 Report\SAAletter.doc



420 West Main Street
Saxonburg, PA 16056
(724) 352-1400



Mr. Daniel S. Deiseroth, P.E.
The Gateway Engineers, Inc.
400 Holiday Drive, Suite 300
Pittsburgh, PA 15220-2727

**Re: Butler Township
Draft Official Plan Revision**

Mr. Deiseroth:

We are in receipt of your letter dated October 9, 2006 regarding Butler Township's planning for its Act 537 Plan. In your letter you requested that the Saxonburg Area Authority (SAA) outline areas in which the SAA would be willing and able to provide gravity sanitary sewer service to Butler Township. As you are aware the SAA is currently in the process of constructing a new sanitary sewage treatment facility at the confluence of the Connoquenessing Creek and the Thorn Creek, just to the east of Renfrew. As such, the SAA's sewage treatment facility is located in a position where the majority of Butler Township flows by gravity. All streams tributary to the Connoquenessing Creek and the Thorn Creek in Butler Township flow by gravity toward the location of the SAA's new sewage treatment facility. There are several small watersheds in the far western portion of Butler Township that do not however flow by gravity toward the SAA's new sewage treatment facility.

You have also transmitted a map labeled "Butler Township Act 537 Special Study Watershed Map" dated July 19, 2006. This map outlines two (2) areas specifically that you have requested the SAA to consider for sanitary sewage service; one area in the southwestern corner of the Butler Township and the other area in the southeastern corner of the Township.

The southwestern area is divided into two watersheds. The watershed on the far western portion of this area flows further west (downstream) of the SAA's new sewage treatment facility. Sewage flow generated in this watershed would be required to be pumped back to the SAA's sewage treatment facility located to the east of Renfrew. The SAA does not oppose the use of a pump station for this purpose. The watershed on the eastern portion of this area flows by gravity to the SAA's new sewage treatment facility.

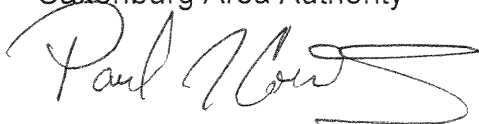
The second area that you have specifically requested the SAA to consider is located in the southeastern corner of the Township. This watershed flows by gravity to a tributary of the Thorn Creek, which flows by gravity to the SAA's new sewage treatment facility.

The SAA is able to provide sanitary sewage service to both of these areas in Butler Township indicated on the map. As previously stated, if there are other areas the Township would like to consider for sanitary sewage service from the SAA, please advise.

If you have any questions please feel free to contact our office.

Sincerely,

Saxonburg Area Authority

A handwritten signature in black ink, appearing to read "Paul J. Cornetti". The signature is fluid and cursive, with a long horizontal stroke at the end.

Paul J. Cornetti, P.E.
Authority Engineer

Appendix F

Butler County Planning Commission Review

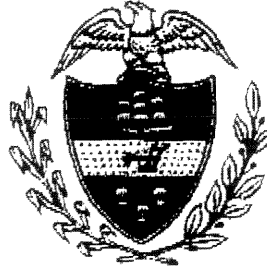
Amended Appendix A-22-b

Butler County Board of Commissioners Planning Commission

124 W. Diamond Street, PO Box 1208, Butler, PA 16003-1208
Phone 724.284.5300 Fax 724.284.5315 TDD 724.284.5473

Commissioners

Scott K. Lowe, *Chairman*
Glenn L. Anderson, *Vice Chairman*
James L. Kennedy, *Secretary*



Director of Planning

David P. Johnston

November 13, 2006

Gerald Patterson, Manager
Butler Township
290 South Duffy Road
Butler, PA 16001

Dear Butler Township Supervisors,

The Butler County Planning Commission would like to thank you for preparing the Act 537 Special Study Plan for Butler Township. Our office has reviewed the plan. We commend Butler Township on their planning efforts.

We wish you luck in your planning endeavors and understand the importance to complete the full document. If our office can be of any assistance please do not hesitate to contact us.

Sincerely,

Deniele J. Andrus
Associate Planner

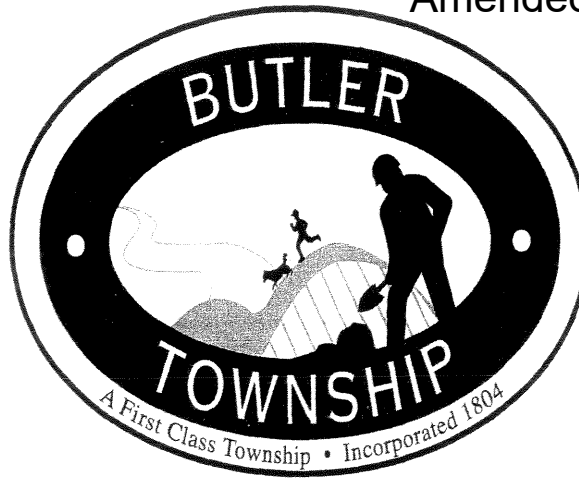
cc: BTBC
C. Davis
11-14-06

Appendix G

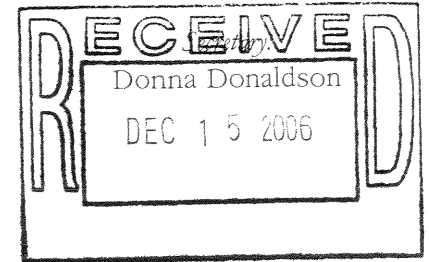
Butler Township Planning Commission Review

Commissioners:

Joseph J. Hasychak, President
Shirley J. Protzman, Vice President
Joseph B. Cavaliero
Donna M. Druga
Sam J. Zurzolo



Manager:
Gerald S. Patterson, Jr.



December 14, 2006

Dan Deiseroth
GATEWAY ENGINEERS, INC.
400 Holiday Drive, Suite 300
Pittsburgh, PA 15220-2727

RE: Act 537 Special Study

Dear Dan:

This letter is in reference to the above referenced subject. Following you will find comments that were received from the Members of the Butler Township Planning Commission at their meeting held on November 13, 2006:

Mr. Smith stated that Gateway Engineering did an outstanding job. This is a good start and hopefully BASA will accept this.

Ms. Starcher stated BASA should respect opinions from the Planning Commission and Gateway's long term plan. We are looking forward in the Township.

Mr. Maihle stated that minimum building lot sizes need to be increased.

Mr. Oesterling stated that he has second thoughts, but must satisfy DEP.

Mr. Swift stated that Engineer Deiseroth and Gateway Engineers have done an excellent job.

Ms. Marricco stated that we need to take a closer look at Connoquenessing Township for potential growth. Engineer Deiseroth has done an excellent job. Let's get it done.

Mr. Zurzolo stated this is a good plan.

Sincerely,

Kelly Barnhart
Planning Commission Secretary

290 South Duffy Road Butler, PA 16001

Telephone ~ 724/283-3430

Fax ~ 724/282-2142

E-mail ~ info@butlertwp.org

Appendix H
BASA Review and Response

Amended Appendix A-22-b

BUTLER AREA SEWER AUTHORITY

100 LITMAN ROAD • BUTLER, PA 16001-3256
(724) 282-1978 • FAX(724) 282-7656

JOHN M. HEIM
CHAIRMAN

WILLIAM M. HULTON JR.
VICE CHAIRMAN

NED H. STOKES, P. E.
SECRETARY

MARGARET N. IARRAPINO
TREASURER

GEORGE E. SHOCKEY
ASSISTANT SECRETARY
AND TREASURER

M. JOHN SCHON, P.E.
MANAGER

PHILIP A. BRUNN, III
ASSISTANT MANAGER

JAMES W. TOMAZICH, P.E.
AUTHORITY ENGINEER

ATS—CHESTER ENGINEERS
CONSULTING ENGINEER
DILLON MC CANDLESS KING
COULTER & GRAHAM L.L.P.
SOLICITOR

COPY

December 4, 2006

CERTIFIED MAIL, RETURN RECEIPT
7003-0500-0004-1207-9015

Chairman of the Board of Commissioners
Butler Township
290 South Duffy Road
Butler, PA 16001

Dear Chairman:

**RE: REVIEW COMMENTS ON DRAFT
OFFICIAL PLAN REVISION SPECIAL STUDY**

The Butler Area Sewer Authority has reviewed the draft Official Plan Revision Special Study for Butler Township, dated October 2006, prepared by The Gateway Engineers, Inc. The Authority received this draft report on October 20, 2006, in accordance with the provisions of the Consent Order and Agreement (CO&A) dated October 13, 2006. The following review comments are submitted for the Township's consideration:

GENERAL COMMENTS:

Identification and Mapping of Existing Sewered Areas:

Exhibits 1 and 2 identify and map the potential BASA service areas based on gravity drainage basins. However, the maps do NOT identify or delineate the existing BASA sewer service areas as required by the DEP's Chapter 71 Regulations and the DEP-approved Task Activity Report (TAR). The existing sewer area acreage must be deleted from the total watershed area acreage when estimating the potential "buildable" vacant land in the projected growth areas. Property owners and potential buyers or land developers should be able to review the Township's Official Plan and be able to determine if a property is located within an existing sewer area or determine how far away public sewage facilities may be located.

Assessment of "Buildable" Vacant Land:

The report does not provide any detailed discussion or mapping of the development constraints, such as flood plains, wetlands, steep slopes, etc., that will restrict and reduce the potential "buildable" vacant land within the identified growth areas. If such constraints are not properly considered, as well as the existing sewer areas cited above, the estimated "buildable" acreages and projected growth estimates may be overly optimistic. This would result in oversizing of sewage facilities that will unnecessarily increase the cost of required facilities and the subsequent economic feasibility of such facilities. The actual estimated "buildable" acreage and where it is located are not identified for the growth areas, which make it difficult to review the reasonableness of the projections.

Existing Customers (Residential & Commercial) That Could Be Served Within Unsewered Population Growth Areas:

The draft Special Study identifies potential future growth areas as required by Section 71.21(a)(3)(iii) of the Chapter 71 Regulations, which William Crawford, PA DEP, provided to the municipalities as guidelines for the special studies. However, there is no analysis or estimation of the current unsewered development or potential customers located within any of these growth areas as required by Section 71.21(a)(2)(i) of the Chapter 71 Regulations cited by the DEP. In addition, the location of the current unsewered development or potential customers within these growth areas is not mapped or delineated in any manner. If the existing customers that could be served are not identified, it is impossible for BASA to determine the required sanitary sewage facilities to extend sewers into these growth areas and develop realistic or reasonable cost estimates for these facilities.

The existing unsewered development or potential customer base must be known in order for BASA to assess the cost effectiveness and required costs per user (\$/EDU) for extending sanitary sewers into these potential growth areas. Based on past precedent set in 1980 and federal and state funding guidelines, the debt service for the construction of sewers to serve these areas must be paid by the existing customers in the area to be served. While main sewers and interceptors can be determined and sized for the potential development in these areas, the collector sewers to serve the existing customer base cannot be determined unless BASA knows where these existing customers are located.

SPECIFIC COMMENTS:

Page 1 – Background Information:

The second paragraph states "...it became evident to the PA DEP that simply rehabilitating the existing sanitary sewers system would not be sufficient to correct the sanitary sewer overflow (SSO) problem". This conclusion was determined by BASA, not the DEP, as a result of the Corrective Action Plan (CAP) activities mandated by the February 21, 2001 Consent Order and Agreement.

Page 1 – Part 2, Item 2A, First Paragraph:

The first paragraph implies that the existing and proposed service areas are delineated on Exhibit 1 – Butler Township Act 537 Special Study Watershed Map. Exhibit 1 does NOT identify or delineate the existing sewer areas within the watersheds defined on Exhibit 1. Exhibit 1 merely delineates sewer areas or watersheds based on topography and gravity drainage basins.

Page 1 – Part 2, Item 2A, Second Paragraph:

BASA concurs that main line sewer extensions would be required to reach some of the outlying growth areas identified in the study. Although tapping fees from future development within these areas would help fund these sewer extensions, restrictions on tapping fees imposed by state law preclude the recovery of all costs through tapping fees. More importantly, the existing Township residents or customer base that benefits from the sewer extensions MUST finance the construction costs for those extensions. BASA will assess the cost effectiveness and estimated user costs to extend sewers into these growth areas based on the existing customer base in those areas. Alternatively, the construction costs would fall on developers or parties other than BASA.

Page 2 – Part 2, Item 2B, Bullet No. 3:

The phrase at the end of Bullet No. 3 in the list should be revised from "(i.e., Deshon Pump Station, etc.)" to "(e.g., Sullivan Run Interceptor, etc.)". The Authority is not considering the construction of a new treatment plant at the Deshon Pump Station.

Page 2 – Part 2, Item 2B, Bullet No. 4:

The phrase at the end of Bullet No. 4 in the list should be revised from “(i.e., Sullivan Run, etc.)” to “(e.g., Sullivan Run Interceptor, etc.)”.

Page 2 – Part 2, Item 2B, Last Paragraph:

The preliminary design of the alternatives, the recommended alternative to be implemented and the physical and monetary effects upon BASA’s customers will be determined by BASA during the Act 537 planning process. All of the service area municipalities will be provided draft plans for review and comment as part of this planning process and their adoption of the recommended plan. However, time schedules mandated by the CO&A will not allow BASA to “consult” with each municipality and/or their consulting engineers on the design of the alternatives during the preparation of the draft plan or the final design of the recommended alternative.

Page 3 – Part 2, Item 2E, Schedule of Implementation:

1. It is suggested that the interim deadlines specified in the CO&A be cited in this chart. It should be noted that the deadline for Required Action Task 1 would be March 12, 2007 by BASA’s calculations, but the DEP calculated the date to be March 11, 2007 (Sunday). The actual deadline date must be resolved with DEP.
2. The deadline for Required Action Task 2 in the chart is incorrect and not consistent with Page 9 of the CO&A. BASA’s TAR must be submitted 30 days after BASA receives all of the DEP-approved Official Plan revisions Special Studies from the municipalities. The time for DEP approval and the municipalities to submit the approved plans to BASA is not specified in the CO&A or known at this time.
3. It is suggested that Required Action Task 3 be revised to read “BASA Draft Official Plan”.

Page 4 – Part 3, Section II, Items A & B, First Paragraph:

The last line states: “Within each watershed, there exist both sewer and unsewered areas.” As noted previously, the sewer and unsewered areas within each watershed are not delineated and these areas must be delineated on Exhibit 1 and/or Exhibit 2.

Page 4 – Part 3, Section II, Items A & B, Second Paragraph:

The last line states that the Township prefers gravity sewer service to the Saxonburg watershed via the Saxonburg Authority. This not necessarily the opinion of BASA. While this area drains by gravity to the Saxonburg system, the recommended sewerage plan for the area should be based upon a cost effectiveness analysis of the facilities required for BASA and Saxonburg to serve this area. The cost effectiveness analysis should consider total life cycle cost, including capital cost and operation and maintenance costs over a 20-year period.

Page 4 – Part 3, Section II, Items A & B, Exhibit 2:

The text indicates that the existing sanitary facilities are shown on Exhibit 2. As noted previously, the sewer and unsewered areas within each watershed are not delineated and these areas must be delineated on Exhibit 1 and/or Exhibit 2.

Page 4 – Part 3, Section II, Items A & B, Streams:

Although the streams are listed in the text and shown on Exhibits 1 and 2, it would be useful to label the streams on the exhibits. This may also assist in delineating larger watersheds, such as the Butchers Run Watershed, in more detail.

Page 5 – Part 3, Section III, Item A(1), Exhibits 1 and 2:

It is suggested that the private residential sewage treatment plant along Bull Creek Road be labeled and identified in the key on the Exhibit 1 and Exhibit 2 as a private facility to distinguish it from the public sewage facilities. The VA hospital complex also owns and operates a private sewer system and at least one sewage pumping station within Butler Township. The private VA sewage facilities and any other such private sewage facilities should be noted in the report and indicated on Exhibit 1 and Exhibit 2. These private facilities should be identified because Butler Township is ultimately responsible for the private facilities within the municipality under the Pennsylvania Sewage Facilities Act.

Page 5 – Part 3, Section III, Item A(1), Last Paragraph:

BASA strongly concurs with these recommendations regarding the control of infiltration and inflow from new sewers and customers. It is important that all the municipalities recognize this fact. It is also important that municipalities recognize the importance of preventing potential I & I problems when reviewing and approving land development and subdivision plans. Municipalities must also recognize and acknowledge the effects and implications that the removal of I & I from the sanitary sewers will have on municipal storm sewer systems and the municipality's responsibility for storm water management planning. If municipalities do not cooperate with BASA or make any effort to control potential I & I from new development, it will ultimately cost the municipalities and your taxpayers when storm sewers systems must be enlarged to handle the I & I that will have to be removed in the future.

Page 6 – Part 3, Section III, Item A(3), Second Paragraph:

BASA strongly concurs with these statements and recommendations regarding the control of infiltration and inflow from private lateral sewers.

Page 6 – Part 3, Section IV, Item B(5), First Paragraph:

BASA concurs with Butler Township's vision of looking beyond the 5-year and 10-year growth projections required by the DEP. The last sentence of the paragraph includes "interceptor sewers" in the list of facilities that are typically designed for a minimum design life of 20 years. Interceptor sewers, and collector sewers, are normally designed for a design life of 40 to 50 years at a minimum. The Water Quality Management Permit prepared in 1976 for the expansion of the BASA sewer system that was completed in 1981 were designed for a projected 40-year life through 2016 (based on sanitary sewage flow only, as required by Federal and State laws).

Page 7 – Part 3, Section IV, Item B(5), Bullet No. 3:

Bullet No. 3 states sewersheds were analyzed based on existing development. As noted previously, the exhibits and growth tables do not identify the location and number of existing customers that could be served within any of the growth areas. This information is critical to assessing the cost effectiveness of constructing sewerage facilities to serve the areas and to determine the user cost for such facilities.

Page 7 – Part 3, Section IV, Item B(5), Bullet No. 4:

The estimates of "buildable" vacant land appear to be optimistic. The use of density data from existing development where other utilities, such as public water, gas, etc., were readily available may not be representative for the growth areas in rural, agriculture-zoned areas where other utilities, such as public water, may not be readily available. The residential development estimates for R-1 zoned land and A-1 zoned land are for practical purposes the same. Are the minimum lot sizes the same for these zoned areas?

Page 7 – Part 3, Section IV, Item B(5), Bullet No. 6:

Bullet No. 6 indicates that a “historical check” was performed to determine if the growth projections were not inflated beyond “historical development trends”. The report does not include any data or discussion regarding historic census population trends nor any population projections, such those developed by the Southwest Pennsylvania Planning Commission. Census data indicate Butler Township’s population decreased from 18,651 in 1980 to 17,625 in 1990 and decreased again to 17,185 in 2000. The 20-year growth projections appear to be very optimistic in view of this census data.

Page 8 – Part 3, Section IV, Item B(5), Butler Park Watershed:

1. It should be acknowledged that the Butler Park Watershed future sewage facilities needs may also be significantly impacted by upstream drainage areas in Center Township that drain into this same area.

Page 9 – Part 3, Section IV, Item B(5), Greenwood Drive Watershed:

1. BASA is not aware of any plans that the VA has to construct a “new VA hospital” within this watershed. If this refers to Butler Memorial Hospital’s consideration of constructing a new hospital on the VA property, the text should be clarified and the proposed growth estimates should be revised to reflect Butler Memorial Hospital’s recent announcement that they will expand their existing facility rather than construct a new hospital facility.
2. The Greenwood Drive Watershed as delineated in the report is based on gravity drainage from the VA property. As previously noted, the VA hospital complex has its own private sewer system with at least one sewage pumping station. This pump station conveys sewage from the portion of the VA property that would drain by gravity to Greenwood Drive Watershed to the Duffy Road Watershed delineated in the report and BASA’s Deshon Pump Station.
3. The existing sewer system serving the Greenwood Drive Watershed was NOT designed to handle the estimated 325 EDU increase from a new hospital. This projected flow would have a major impact on all downstream sewage facilities and exceed the capacity of BASA’s Greenwood, Benbrook, and Bryson pump stations. The capacity of these pump station would have to be increased at a minimum. If the force mains from these stations must also be increased, this may necessitate that the size of the downstream gravity sewers and the 10-inch main sewer to the Deshon Pump Station be increased. A significant cost would be required for this system to handle the proposed hospital flows.
4. Assuming the private sewers within the VA property were increased to handle the projected flow increase, the larger diameter public sewers within the Duffy Road watershed that convey flow to the Deshon Pump Station would be better suited to handle a flow increase. The specific average and peak daily sewage flows would be need to make any final determination.
5. The available vacant land on the VA property appears to be zoned R-1. Is the development of a private hospital, or other private facilities, on the VA property consistent with the zoning requirements for R-1?
6. It should be noted that the Greenwood Drive Watershed future sewage facilities needs may also be significantly impacted by upstream drainage areas in Center Township that drain into this same area.

Page 11 – Part 3, Section IV, Item B(5), Sugar Creek Watershed:

1. The Sugar Creek Watershed as delineated on Exhibits 1 and 2 is not accurate and does not appear to include the Phase 2 portion of the property, for which the DEP Planning Module has already been approved.

Page 11 – Part 3, Section IV, Item B(5), Sullivan Run Watershed:

1. It should be noted that the Sullivan Run Watershed future sewage facilities needs may also be significantly impacted by upstream drainage areas in Center Township that drain into this same area.

Page 11 – Part 3, Section IV, Item B(5), Saxonburg Watershed:

1. Refer to previous comments regarding future sewer service for this area.

Page 12 – Part 3, Section IV, Item B(5), Growth Projection Conclusions:

The text in bold states that I & I has not been included in flow projections for future growth areas and recommends that an I & I factor should be added over and above the 400 gpd/EDU for projected flows from growth areas. This recommendation is inconsistent with DEP design manuals and standards for new construction.

Appendix D, Growth Projections Summary Table:

1. The Butchers Run Watershed as defined in this report is a very large land area of 2,174.3 acres with at least three separate and distinct streams and drainage basins within this large area. It is recommended that this growth area be subdivided into smaller drainage areas. The extension of gravity sanitary sewers into this currently low population area would require extensive interceptor and sanitary sewer extensions and significant capital costs. In addition, the additional EDUs projected for this large area would necessitate replacement and enlarging of BASA's existing Butchers Run interceptor sewer for its entire length to the BASA wastewater treatment plant, which will further increase the required capital cost.
2. The "Notes" for the Greenwood Drive Watershed indicates the "Dan stated that 325 EDUs will be coming from the new VA hospital". As cited previously, BASA is not aware of any plans that the VA has to construct a "new VA hospital". The notes should indicate who "Dan" is and the source of this information. If this note is based on the Butler Memorial Hospital's consideration of constructing a new hospital on the VA property, the notes should be clarified and the proposed growth estimates should be revised to reflect Butler Memorial Hospital's recent announcement that they will expand their existing facility rather than construct a new hospital facility on the VA property. This will insure that the projected hospital growth is not double-counted since the 70-bed expansion of the existing Butler Memorial Hospital was already included in the Township's growth projections for the Karns Crossing Watershed.
3. The "Notes" for the Hansen Watershed incorrectly states that the Hansen Watershed is part of the BASA's Diamond Street Pump Station watershed. This watershed drains by gravity to BASA's Sullivan Run interceptor sewer.
4. The "Notes" for the Karns Crossing Watershed indicates that the estimated flow for the 70-bed hospital addition was converted to DEP EDUs based on 350 gpd/EDU. This is inconsistent with the rest of the report that indicates that estimated flows were converted to DEP EDUs using 400 gpd/EDU. In addition, the 100 gpd/bed factor used to estimate flows for the 70-bed hospital addition is inconsistent with the 300 gpd/hospital bed factor in the DEP's Chapter 73 standards.
5. The "Notes" for the Sunnyview Avenue Watershed incorrectly states that the Sunnyview Watershed is part of the BASA's Center Avenue Pump Station watershed. The sewage from this area does not drain to the Center Avenue Pump Station, which is located on the opposite side of the stream. The portion of the watershed to the north of Morton Avenue drains by gravity to BASA's Main Interceptor along Connoquenessing Creek. The portion of the watershed to the south of Morton Avenue drains by gravity to BASA's South Butler sewer district within the "Butchers Run Watershed" as defined by this report.

Appendix C 2001 & 2006 Consent Order and Agreements:

The final executed Consent Order and Agreement (and NPDES Permit) dated October 13, 2006 should replace the draft agreement in the report.

Appendix D, Sullivan Run Growth Projections Detailed Calculations Table:

1. The Butler Crossings Property is listed as 32.3 acres in this table. This is inconsistent with Cedarwood Development's recent presentation to the BASA Board where they indicated about 40 acres in their development. Does the 40 acres include Cedarwood's potential purchase of the neighboring K & L trailer park?
2. The 5-year growth projection for Butler Crossings (Commercial) is cited as 160 EDUs. This is inconsistent with Cedarwood Development's recent Planning Module application that indicated only 80 EDUs for their ultimate development.

Exhibit 1 – Butler Township Act 537 Special Study Watershed Map:

The growth projection data in the Watershed Summary table on Exhibit 1 is missing.

If you should have any questions regarding our review comments or wish to meet to discuss these comments, please call me at (724) 282-1978.

Very truly yours,

BUTLER AREA SEWER AUTHORITY



M. John Schon, P. E.
Manager

cc: Compliance & Monitoring Manager, PA DEP Meadville
City of Butler, Mayor
East Butler Borough, Mayor
Center Township, Chairman of the Board of Supervisors
Summit Township, Chairman of the Board of Supervisors
Oakland Township, Chairman of the Board of Supervisors
Connoquenessing Township, Chairman of the Board of Supervisors
David Johnston, Butler County Planning Commission
Matthew Bagaley, Gateway Engineers



On Call. On Time. On Target.

Amended Appendix A-22-b

THE GATEWAY ENGINEERS, INC.

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PITTSBURGH, PA 15220-2727
412.921.4030 PHONE
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C-25452-0001
February 1, 2007

Butler Township
290 South Duffy Road
Butler, PA 16001

Att: Gerald S. Patterson, Jr., Township Manager

Re: Butler Area Sewer Authority
Comments Regarding Draft Official Plan Revision Special Study

Dear Jerry:

Please accept this letter as our point by point response to the review letter received by the Butler Area Sewer Authority on December 4, 2006 regarding our Draft Official Plan Revision Special Study.

GENERAL COMMENTS:

Identification and Mapping of Existing Sewered Areas:

Comment: Exhibits 1 and 2 identify and map the potential BASA service areas based on gravity drainage basins. However, the maps do NOT identify or delineate the existing BASA sewer service areas as required by the DEP's Chapter 71 Regulations and the DEP-approved Task Activity Report (TAR). The existing sewer area acreage must be deleted from the total watershed area acreage when estimating the potential "buildable" vacant land in the projected growth areas. Property owners and potential buyers or land developers should be able to review the Township's Official Plan and be able to determine if a property is located within an existing sewer area or determine how far away public sewage facilities may be located.

Response: The Watershed Map has been revised to include a hatched boundary indicating the areas within Butler Township which currently do not have sewer service. For purposes of the study, it was assumed that land within approximately 300 feet of a sewer could be serviced by said sewer.

Assessment of "Buildable" Vacant Land:

Comment: The report does not provide any detailed discussion or mapping of the development constraints, such as flood plains, wetlands, steep slopes, etc., that will restrict and reduce the potential "buildable" vacant land within the identified growth areas. If such constraints are not properly considered, as well as the existing sewer areas cited above, the estimated "buildable" acreages and projected growth estimates may be overly optimistic. This would result in oversizing of sewage facilities that will unnecessarily increase the cost of required facilities and the subsequent economic feasibility of such facilities. The actual estimated "buildable" acreage and where it is located are not identified for the growth areas, which make it difficult to review the reasonableness of the projections.

Response: It should be noted that the flood plains, wetlands, steep slopes, etc. were in fact taken into consideration. Representative developments within the Township were used to approximate the growth projections. For example, by Ordinance R-1 zoned property with sewers can be developed at one (1) structure per 9,000 s.f.; however, when the growth was estimated within the R-1 zoned property one (1) structure was assumed per 25,000 s.f. The assumption of 25,000 s.f. per structure considers the flood plains, wetlands, steep slopes, etc. and is based upon like developments in the Township.

Also, the Ordinance for A-1 zoned properties with sewers states that 1 structure can be placed per 20,000 s.f.; however, the growth projections we used considered 1 structure per 0.6 acres (26,136 s.f.). A narrative outlining these assumptions has been included within **Part 3, Section IV, Items B(5)** of the report.

Existing Customers (Residential & Commercial) That Could Be Served Within Unsewered Population Growth Areas:

Comment: The draft Special Study identifies potential future growth areas as required by Section 71.21(a)(3)(iii) of the Chapter 71 Regulations, which William Crawford, PA DEP, provided to the municipalities as guidelines for the special studies. However, there is no analysis or estimation of the current unsewered development or potential customers located within any of these growth areas as required by Section 71.21(a)(2)(i) of the Chapter 71 Regulations cited by the DEP. In addition, the location of the current unsewered development or potential customers within these growth areas is not mapped or delineated in any manner. If the existing customers that could be served are not identified, it is impossible for BASA to determine the required sanitary sewage facilities to extend sewers into these growth areas and develop realistic or reasonable cost estimates for these facilities.

The existing unsewered development or potential customer base must be known in order for BASA to assess the cost effectiveness and required costs per user (\$/EDU) for extending sanitary sewers into these potential growth areas. Based on past precedent set in 1980 and federal and state funding guidelines, the debt service for the construction of sewers to serve these areas must be paid by the existing customers in the area to be served. While main sewers and interceptors can be determined and sized for the potential development in these areas, the collector sewers to serve the existing customer base cannot be determined unless BASA knows where these existing customers are located.

Response: The unsewered areas of the Butcher Run, Sullivan Run, and Saxonburg watersheds have been shown on the revised mapping. Also, an estimation of existing, clustered, unsewered homes within the Butcher Run watershed has been shown.

As a point of clarification, it is Butler Township's opinion that BASA is not being asked to extend sewers into these watersheds at this time. The growth projections provided are merely a tool for use by BASA in designing what, if any, improvements need to be made to the existing infrastructure. Also, in the case that an existing sewer does not have a capacity issue today, the growth projections can be used by BASA to determine if and when a capacity issue may exist such that planning can begin now for those improvements. It is also our vision that BASA can use the growth projections to develop a plan that once growth within a particular watershed reaches a certain threshold, that certain improvements would need to be made to the existing infrastructure. Butler Township is not asking BASA to make the improvements any earlier than the point at which the growth threshold is met.

It is our assumption that the extension of sewers into currently unsewered areas is going to be largely developer driven and the cost of said extensions will be borne by the developer.

SPECIFIC COMMENTS:

Page 1 – Background Information:

Comment: The second paragraph states "...it became evident to the PA DEP that simply rehabilitating the existing sanitary sewers system would not be sufficient to correct the sanitary sewer overflow (SSO) problem". This conclusion was determined by BASA, not the DEP, as a result of the Corrective Action Plan (CAP) activities mandated by the February 21, 2001 Consent Order and Agreement.

Response: The report has been revised as suggested.

Page 1 – Part 2, Item 2A, First Paragraph:

Comment: The first paragraph implies that the existing and proposed service areas are delineated on Exhibit 1 – Butler Township Act 537 Special Study Watershed Map. Exhibit 1 does NOT identify or delineate the existing sewer areas within the watersheds defined on Exhibit 1. Exhibit 1 merely delineates sewersheds or watersheds based on topography and gravity drainage basins.

Response: The unsewered areas have been identified on the mapping with hatching.

Page 1 – Part 2, Item 2A, Second Paragraph:

Comment: BASA concurs that main line sewer extensions would be required to reach some of the outlying growth areas identified in the study. Although tapping fees from future development within these areas would help fund these sewer extensions, restrictions on tapping fees imposed by state law preclude the recovery of all costs through tapping fees. More importantly, the existing Township residents or customer base that benefits from the sewer extensions MUST finance the construction costs for those extensions. BASA will assess the cost effectiveness and estimated user costs to extend sewers into these growth areas based on the existing customer base in those areas. Alternatively, the construction costs would fall on developers or parties other than BASA.

Response: At the time of this study, Butler Township is not suggesting that BASA extend lines into future growth areas, but rather, is providing the design information necessary for BASA to adequately size their facilities for anticipated future flow. It is understood that the cost for the extensions will be largely borne by developers or other third parties.

Page 2 – Part 2, Item 2B, Bullet No. 3:

Comment: The phrase at the end of Bullet No. 3 in the list should be revised from “(i.e., Deshon Pump Station, etc.)” to “(e.g., Sullivan Run Interceptor, etc.)”. The Authority is not considering the construction of a new treatment plant at the Deshon Pump Station.

Response: Noted and change made.

Page 2 – Part 2, Item 2B, Bullet No. 4:

Comment: The phrase at the end of Bullet No. 4 in the list should be revised from “(i.e., Sullivan Run, etc.)” to “(e.g., Sullivan Run Interceptor, etc.)”.

Response: Noted and change made.

Page 2 – Part 2, Item 2B, Last Paragraph:

Comment: The preliminary design of the alternatives, the recommended alternative to be implemented and the physical and monetary effects upon BASA’s customers will be determined by BASA during the Act 537 planning process. All of the service area municipalities will be provided draft plans for review and comment as part of this planning process and their adoption of the recommended plan. However, time schedules mandated by the CO&A will not allow BASA to “consult” with each municipality and/or their consulting engineers on the design of the alternatives during the preparation of the draft plan or the final design of the recommended alternative.

Response: Noted and change made.

Page 3 – Part 2, Item 2E, Schedule of Implementation:

Comment:

1. *It is suggested that the interim deadlines specified in the CO&A be cited in this chart. It should be noted that the deadline for Required Action Task 1 would be March 12, 2007 by BASA's calculations, but the DEP calculated the date to be March 11, 2007 (Sunday). The actual deadline date must be resolved with DEP.*

Response: Noted and changes made.

Comment:

2. *The deadline for Required Action Task 2 in the chart is incorrect and not consistent with Page 9 of the CO&A. BASA's TAR must be submitted 30 days after BASA receives all of the DEP-approved Official Plan revisions Special Studies from the municipalities. The time for DEP approval and the municipalities to submit the approved plans to BASA is not specified in the CO&A or known at this time.*

Response: Noted and changes made.

Comment:

3. *It is suggested that Required Action Task 3 be revised to read "BASA Draft Official Plan".*

Response: Noted and changes made.

Page 4 – Part 3, Section II, Items A & B, First Paragraph:

Comment: The last line states: "Within each watershed, there exist both sewer and unsewered areas." As noted previously, the sewer and unsewered areas within each watershed are not delineated and these areas must be delineated on Exhibit 1 and/or Exhibit 2.

Response: Noted and changes made as previously indicated.

Page 4 – Part 3, Section II, Items A & B, Second Paragraph:

Comment: The last line states that the Township prefers gravity sewer service to the Saxonburg watershed via the Saxonburg Authority. This is not necessarily the opinion of BASA. While this area drains by gravity to the Saxonburg system, the recommended sewerage plan for the area should be based upon a cost effectiveness analysis of the facilities required for BASA and Saxonburg to serve this area. The cost effectiveness analysis should consider total life cycle cost, including capital cost and operation and maintenance costs over a 20-year period.

Response: Butler Township is not responsible for the completion of a cost effectiveness analysis as part of this study. Also, at this point the costs of those improvements necessary to service this area are not known making such an analysis not feasible.

The servicing of the Saxonburg Watershed via the Saxonburg Authority was provided as simply an option which reflects good planning. It is understood that at the time that this watershed would be serviced by sewage facilities, a cost analysis would be necessary to make the final decision as to where the sewage would flow, either SAA or BASA.

Page 4 – Part 3, Section II, Items A & B, Exhibit 2:

Comment: The text indicates that the existing sanitary facilities are shown on Exhibit 2. As noted previously, the sewered and unsewered areas within each watershed are not delineated and these areas must be delineated on Exhibit 1 and/or Exhibit 2.

Response: Noted and changes made as previously indicated.

Page 4 – Part 3, Section II, Items A & B, Streams:

Comment: Although the streams are listed in the text and shown on Exhibits 1 and 2, it would be useful to label the streams on the exhibits. This may also assist in delineating larger watersheds, such as the Butchers Run Watershed, in more detail.

Response: The USGS streams have been shown on the mapping.

Page 5 – Part 3, Section III, Item A(1), Exhibits 1 and 2:

Comment: It is suggested that the private residential sewage treatment plant along Bull Creek Road be labeled and identified in the key on the Exhibit 1 and Exhibit 2 as a private facility to distinguish it from the public sewage facilities. The VA hospital complex also owns and operates a private sewer system and at least one sewage pumping station within Butler Township. The private VA sewage facilities and any other such private sewage facilities should be noted in the report and indicated on Exhibit 1 and Exhibit 2. These private facilities should be identified because Butler Township is ultimately responsible for the private facilities within the municipality under the Pennsylvania Sewage Facilities Act.

Response: The private treatment plant was identified as such on the mapping. Also, the VA property was identified as having private sewers and a private pump station on the mapping.

Page 5 – Part 3, Section III, Item A(1), Last Paragraph:

Comment: BASA strongly concurs with these recommendations regarding the control of infiltration and inflow from new sewers and customers. It is important that all the municipalities recognize this fact. It is also important that municipalities recognize the importance of preventing potential I & I problems when reviewing and approving land development and subdivision plans. Municipalities must also recognize and acknowledge the effects and implications that the removal of I & I from the sanitary sewers will have on municipal storm sewer systems and the municipality's responsibility for storm water management planning. If municipalities do not cooperate with BASA or make any effort to control potential I & I from new development, it will ultimately cost the municipalities and your taxpayers when storm sewers systems must be enlarged to handle the I & I that will have to be removed in the future.

Response: Noted. No response necessary.

Page 6 – Part 3, Section III, Item A(3), Second Paragraph:

Comment: BASA strongly concurs with these statements and recommendations regarding the control of infiltration and inflow from private lateral sewers.

Response: Noted. No response necessary.

Page 6 – Part 3, Section IV, Item B(5), First Paragraph:

Comment: BASA concurs with Butler Township's vision of looking beyond the 5-year and 10-year growth projections required by the DEP. The last sentence of the paragraph includes "interceptor sewers" in the list of facilities that are typically designed for a minimum design life of 20 years. Interceptor sewers, and collector sewers, are normally designed for a design life of 40 to 50 years at a minimum. The Water Quality Management Permit prepared in 1976 for the expansion of the BASA sewer system that was completed in 1981 were designed for a projected 40-year life through 2016 (based on sanitary sewage flow only, as required by Federal and State laws).

Response: Noted and change made.

Page 7 – Part 3, Section IV, Item B(5), Bullet No. 3:

Comment: Bullet No. 3 states sewersheds were analyzed based on existing development. As noted previously, the exhibits and growth tables do not identify the location and number of existing customers that could be served within any of the growth areas. This information is critical to assessing the cost effectiveness of constructing sewerage facilities to serve the areas and to determine the user cost for such facilities.

Response: As previously discussed, the existing unsewered areas have been hatched and pockets of existing unsewered customers have been identified on the mapping.

Page 7 – Part 3, Section IV, Item B(5), Bullet No. 4:

Comment: The estimates of "buildable" vacant land appear to be optimistic. The use of density data from existing development where other utilities, such as public water, gas, etc., were readily available may not be representative for the growth areas in rural, agriculture-zoned areas where other utilities, such as public water, may not be readily available. The residential development estimates for R-1 zoned land and A-1 zoned land are for practical purposes the same. Are the minimum lot sizes the same for these zoned areas?

Response: It should be noted that the non-buildable land such as flood plains, wetlands, steep slopes, etc. were taken into consideration with our projections. Representative developments within the Township were used to approximate the growth projections. For example, by Ordinance, R-1 zoned property with sewers can be developed at one (1) structure per 9,000 s.f.; however, when the growth was estimated within the R-1 zoned property one (1) structure was assumed per 25,000 s.f. The assumption of 25,000 s.f. per structure considers the flood plains, wetlands, steep slopes, etc. and is based upon like developments in the Township.

Also, the Ordinance for A-1 zoned properties with sewers states that one (1) structure can be placed per 20,000 s.f.; however, the growth projections we used considered 1 structure per 0.6 acres (26,136 s.f.). A narrative outlining these assumptions has been included within **Part 3, Section IV, Items B(5)** of the report.

Page 7 – Part 3, Section IV, Item B(5), Bullet No. 6:

Comment: Bullet No. 6 indicates that a "historical check" was performed to determine if the growth projections were not inflated beyond "historical development trends". The report does not include any data or discussion regarding historic census population trends nor any population projections, such those developed by the Southwest Pennsylvania Planning Commission. Census data indicate Butler Township's population decreased from 18,651 in 1980 to 17,625 in 1990 and decreased again to 17,185 in 2000. The 20-year growth projections appear to be very optimistic in view of this census data.

Response: Census data only presents one side of the picture in that the population is decreasing; however, the number of structures is increasing by approximately 50 units per year. A discussion regarding the population / EDU issue has been provided in **Part 3, Section IV, Items B(5)**.

Page 8 – Part 3, Section IV, Item B(5), Butler Park Watershed:

Comment:

1. *It should be acknowledged that the Butler Park Watershed future sewage facilities needs may also be significantly impacted by upstream drainage areas in Center Township that drain into this same area.*

Response: Noted and change made.

Page 9 – Part 3, Section IV, Item B(5), Greenwood Drive Watershed:

Comment:

1. *BASA is not aware of any plans that the VA has to construct a “new VA hospital” within this watershed. If this refers to Butler Memorial Hospital’s consideration of constructing a new hospital on the VA property, the text should be clarified and the proposed growth estimates should be revised to reflect Butler Memorial Hospital’s recent announcement that they will expand their existing facility rather than construct a new hospital facility.*

Response: Noted and change made.

Comment:

2. *The Greenwood Drive Watershed as delineated in the report is based on gravity drainage from the VA property. As previously noted, the VA hospital complex has its own private sewer system with at least one sewage pumping station. This pump station conveys sewage from the portion of the VA property that would drain by gravity to Greenwood Drive Watershed to the Duffy Road Watershed delineated in the report and BASA’s Deshon Pump Station.*

Response: Noted and a discussion added to the Duffy Road watershed portion of the report.

Comments:

3. *The existing sewer system serving the Greenwood Drive Watershed was NOT designed to handle the estimated 325 EDU increase from a new hospital. This projected flow would have a major impact on all downstream sewage facilities and exceed the capacity of BASA’s Greenwood, Benbrook, and Bryson pump stations. The capacity of these pump station would have to be increased at a minimum. If the force mains from these stations must also be increased, this may necessitate that the size of the downstream gravity sewers and the 10-inch main sewer to the Deshon Pump Station be increased. A significant cost would be required for this system to handle the proposed hospital flows.*
4. *Assuming the private sewers within the VA property were increased to handle the projected flow increase, the larger diameter public sewers within the Duffy Road watershed that convey flow to the Deshon Pump Station would be better suited to handle a flow increase. The specific average and peak daily sewage flows would be need to make any final determination.*
5. *The available vacant land on the VA property appears to be zoned R-1. Is the development of a private hospital, or other private facilities, on the VA property consistent with the zoning requirements for R-1?*

Response: At the time of the original report submission (October, 2006) information provided suggested that the hospital would relocate to the VA property and require 325 EDSs. Since the time of the report submission, the hospital has changed their plans and is planning on expanding their existing facility.

Consequently, the 325 EDU projection originally made for this watershed has been removed and the appropriate calculation included within the Kams Crossing Watershed.

Comment:

6. *It should be noted that the Greenwood Drive Watershed future sewage facilities needs may also be significantly impacted by upstream drainage areas in Center Township that drain into this same area.*

Response: Noted and change made.

Page 11 – Part 3, Section IV, Item B(5), Sugar Creek Watershed:

Comment:

1. *The Sugar Creek Watershed as delineated on Exhibits 1 and 2 is not accurate and does not appear to include the Phase 2 portion of the property, for which the DEP Planning Module has already been approved.*

Response: Agreed. The mapping has been revised to include the second phase of the project.

Page 11 – Part 3, Section IV, Item B(5), Sullivan Run Watershed:

Comment:

1. *It should be noted that the Sullivan Run Watershed future sewage facilities needs may also be significantly impacted by upstream drainage areas in Center Township that drain into this same area.*

Response: Noted and change made.

Page 11 – Part 3, Section IV, Item B(5), Saxonburg Watershed:

Comment:

1. *Refer to previous comments regarding future sewer service for this area.*

Response: Noted.

Page 12 – Part 3, Section IV, Item B(5), Growth Projection Conclusions:

Comment: The text in bold states that I & I has not been included in flow projections for future growth areas and recommends that an I & I factor should be added over and above the 400 gpd/EDU for projected flows from growth areas. This recommendation is inconsistent with DEP design manuals and standards for new construction.

Response: Noted and change made.

Appendix D, Growth Projections Summary Table:

Comment:

1. *The Butchers Run Watershed as defined in this report is a very large land area of 2,174.3 acres with at least three separate and distinct streams and drainage basins within this large area. It is recommended that this growth area be subdivided into smaller drainage areas. The extension of gravity sanitary sewers into this currently low population area would require extensive interceptor and sanitary sewer extensions and significant capital costs. In addition, the additional EDUs projected for this large area would necessitate replacement and enlarging of BASA's existing Butchers Run interceptor sewer for its entire length to the BASA wastewater treatment plant, which will further increase the required capital cost.*

Response: As discussed previously, it is Butler Township's opinion that BASA is not being asked to extend sewers into this watershed at this time. The growth projections provided are merely a tool for use by BASA in designing what, if any, improvements need to be made to the existing infrastructure. Also, in the case that an existing sewer does not have a capacity issue today, the growth projections can be used by BASA to determine if and when a capacity issue may exist such that planning can begin now for those improvements. It is also our vision that BASA can use the growth projections to develop a plan that once growth within a particular watershed reaches a certain threshold, that certain improvements would need to be made to the existing infrastructure. Butler Township is not asking BASA to make the improvements any earlier than the point at which the growth threshold is met.

It is assumed that the extension of sewers into currently unsewered areas is going to be largely developer driven and the cost of said extensions will be borne by the developer. Also, an estimation of existing, clustered, unsewered homes within the Butcher Run watershed has been shown.

Comment:

2. *The "Notes" for the Greenwood Drive Watershed indicates the "Dan stated that 325 EDUs will be coming from the new VA hospital". As cited previously, BASA is not aware of any plans that the VA has to construct a "new VA hospital". The notes should indicate who "Dan" is and the source of this information. If this note is based on the Butler Memorial Hospital's consideration of constructing a new hospital on the VA property, the notes should be clarified and the proposed growth estimates should be revised to reflect Butler Memorial Hospital's recent announcement that they will expand their existing facility rather than construct a new hospital facility on the VA property. This will insure that the projected hospital growth is not double-counted since the 70-bed expansion of the existing Butler Memorial Hospital was already included in the Township's growth projections for the Karns Crossing Watershed.*

Response: At the time of the original report submission (October, 2006) information provided suggested that the hospital would relocate to the VA property and require 325 EDSs. Since the time of the report submission, the hospital has changed their plans and is planning on expanding their existing facility. Consequently, the 325 EDU projection originally made for this watershed has been removed and the appropriate calculation included within the Karns Crossing Watershed.

Comment:

3. *The "Notes" for the Hansen Watershed incorrectly states that the Hansen Watershed is part of the BASA's Diamond Street Pump Station watershed. This watershed drains by gravity to BASA's Sullivan Run interceptor sewer.*

Response: Noted and change made.

Comment:

4. *The "Notes" for the Karns Crossing Watershed indicates that the estimated flow for the 70-bed hospital addition was converted to DEP EDUs based on 350 gpd/EDU. This is inconsistent with the rest of the report that indicates that estimated flows were converted to DEP EDUs using 400 gpd/EDU. In addition, the 100 gpd/bed factor used to estimate flows for the 70-bed hospital addition is inconsistent with the 300 gpd/hospital bed factor in the DEP's Chapter 73 standards.*

Response: Noted and change made.

Comment:

5. *The "Notes" for the Sunnyview Avenue Watershed incorrectly states that the Sunnyview Watershed is part of the BASA's Center Avenue Pump Station watershed. The sewage from this area does not drain to the Center Avenue Pump Station, which is located on the opposite side of the stream. The portion of the*



watershed to the north of Morton Avenue drains by gravity to BASA's Main Interceptor along Connoquenessing Creek. The portion of the watershed to the south of Morton Avenue drains by gravity to BASA's South Butler sewer district within the "Butchers Run Watershed" as defined by this report.

Response: Noted and change made.

Appendix C 2001 & 2006 Consent Order and Agreements:

Comment: The final executed Consent Order and Agreement (and NPDES Permit) dated October 13, 2006 should replace the draft agreement in the report.

Response: Noted and included.

Appendix D, Sullivan Run Growth Projections Detailed Calculations Table:

Comment:

- 1. *The Butler Crossings Property is listed as 32.3 acres in this table. This is inconsistent with Cedarwood Development's recent presentation to the BASA Board where they indicated about 40 acres in their development. Does the 40 acres include Cedarwood's potential purchase of the neighboring K & L trailer park?*

Response: The original acreage was derived from GIS records, in checking the latest plan submission that we received from Senate Engineering the acreage that is presented on their plans is 35.9 acres. The table has been revised to reflect this change.

Comment:

- 2. *The 5-year growth projection for Butler Crossings (Commercial) is cited as 160 EDUs. This is inconsistent with Cedarwood Development's recent Planning Module application that indicated only 80 EDUs for their ultimate development.*

Response: Preliminary information was used in the previous submission. The table has been revised to reflect the most recent information.

Exhibit 1 – Butler Township Act 537 Special Study Watershed Map:

Comment: The growth projection data in the Watershed Summary table on Exhibit 1 is missing.

Response: The growth projection data was purposely not filled in until it was reviewed and finalized by all parties.

If you should have any questions or require additional information, please call.

Sincerely,
THE GATEWAY ENGINEERS, INC.

Daniel S. Deiseroth, P.E.
Township Engineer

Matthew E. Bagaley, P.E.
Project Manager

cc: Cindy Davis, Butler Township
Compliance & Monitoring Manager, PA DEP Meadville
M. John Schon, P.E., Manager, Butler Area Sewer Authority

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Appendix I

Proof of Advertising and Public Comment

Amended Appendix A-22-b Proof of Publication of Notice in Butler Eagle

Under Act No. 587, Approved May 16, 1929

State of Pennsylvania,
County of Butler.

Lisa Patricelli Of the Eagle Printing Company, Inc., of the County and State aforesaid, being duly sworn, deposes and says that the BUTLER EAGLE, a newspaper of general circulation published at 114 West Diamond Street, City of Butler, County and State aforesaid, was established 1869, since which date the BUTLER EAGLE has been regularly issued in said County, and that the printed notice or publication attached hereto is exactly the same as was printed and published in the regular editions and issues of the said BUTLER EAGLE on the following dates, viz.

_____ and the

16th Day of January A.D. 2007

Affiant further deposes that the Ad Taker is duly authorized by the EAGLE PRINTING COMPANY, a corporation, publisher of said BUTLER EAGLE, a newspaper of general circulation, to verify the foregoing statement under oath, and Affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statements as to time, place and character of publication are true.

Lisa Patricelli

Butler Eagle

Sworn to and subscribed before me this 16th
Day of January 2007

[Signature]

Notary Public
My Commission Expires:

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Ronald A. Vodenicher, Notary Public
City of Butler, Butler County
My Commission Expires July 12, 2008
Member, Pennsylvania Association Of Notaries

Statement of Advertising Costs

<u>Butler Township</u>	
<u>290 South Duffy Road</u>	
<u>Butler, PA 16001</u>	
TO BUTLER EAGLE, Dr.	
For publishing the notice or publication attached Hereto on the above stated dates _____	\$ 103.25
Probating same _____	\$ 2.00
Total _____	\$ 105.25

Copy of Notice

Sewage Facilities Update
Public Notice of Act 537
Special Study for
Butler Township
This notice is hereby given
that Butler Township at the
request of the Pennsylvania
Department of Environmental
Protection has developed an Act 537
Special Study for the
Township. This plan has
been prepared in accordance
with the Sewage
Facilities Act, as amended,
the Rules and Regulations of
the PA DEP, Chapter 71 of
Title 25 of the PA Code and
the requirements of the
October 23, 2006 Consent
Order and Agreement.
The objective of this
Special Study is to provide
information to the Butler
Area Sewer Authority
(BASA) regarding the growth
potential within Butler
Township for future planning
of sewer infrastructure
improvements and upgrades
by the BASA.
This public notice is given
in order to provide a thirty
(30) day period during which
the general public may
review and comment on the
draft plan. The plan with
comment letters from BASA,
the Butler County Planning
Commission, and the Butler
Township Planning
Commission, are available
for review by the public at
the Butler Township Building
located at 290 South Duffy
Road, Butler, PA 16001 dur-
ing normal office hours (8:30
AM to 4:00 PM). Comments
must be submitted in writing
by February 16, 2007, and
may be submitted to the
Butler Township Board of
Commissioners to the atten-
tion of Gerald S. Patterson,
Township Manager at Butler
Township, 290 South Duffy
Road, Butler, PA 16001.
Gerald S. Patterson, Jr.
Butler Township Manager

Publisher's Receipt for Advertising Costs

The EAGLE PRINTING COMPANY, publisher of the BUTLER EAGLE, a newspaper of general circulation, hereby acknowledge receipt of the aforesaid notice and publication costs and certifies that the same have been duly paid.

EAGLE PRINTING CO., a Corporation, Publisher
Of BUTLER EAGLE, a Newspaper of General Circulation.

No public comment was received regarding the Act 537 Special Study.

Appendix J

Butler Township Resolution Adopting Plan

RESOLUTION NO.07-12

RESOLUTION OF THE COMMISSIONERS OF BUTLER TOWNSHIP, BUTLER 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, Butler Township has prepared an Official Plan Revision Special Study which provides for a sewage facilities in a portion of Butler Township, and

WHEREAS, Butler Township 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 Commissioners of the Township of Butler 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 requirement by law. (Section 5, Pennsylvania Sewage Facilities Act as amended).

RESOLVED, this 4th day of June 2007.

BUTLER TOWNSHIP BOARD OF COMMISSIONERS

Signed Original

Joseph J. Spasich

Frank P. ...

Donna R. ...

Shirley J. ...

Joseph B. ...

ATTEST:

Thomas ...

Commissioners:

Joseph J. Hasychak, President
Shirley J. Protzman, Vice President
Joseph B. Cavaliero
Donna M. Druga
Sam J. Zurzolo



Manager:

Gerald S. Patterson, Jr.

Secretary:

Donna Donaldson

June 7, 2007

Tomisa Schmeider
Sewage Planning Specialist
PA Department of Environmental Protection
121 N. Mill Street
New Castle, PA 16101

RECEIVED

JUN 11 2007

ENVIRONMENTAL PROTECTION
NEW CASTLE OFFICE

Dear Ms. Schmeider:

Enclosed we are forwarding the requested resolution adopting the Township's Official Plan Revision Special Study.

Please let me know if additional information is required.

Very truly yours,

Gerald S. Patterson, Jr.
Gerald S. Patterson, Jr.
Butler Township Manager

enclosure
cc: Matt Bagaley

D.E.P.
NEW CASTLE DISTRICT OFFICE
 121 North Mill Street, New Castle, PA 16101

FACSIMILE COVER PAGE

FAX # 724/656-3267
TELEPHONE # 724/656-3160

DATE: 12/5/07

TO: Dan Somers

FROM: Tomist

OF PAGES: 3
 (Including Cover Page)

ADDITIONAL COMMENTS

RESOLUTION NO. 07-05

A Resolution of Butler Township, Butler County, Pennsylvania.

Be it resolved by the Board of Commissioners of Butler Township that the Act 537 Special Study prepared by Gateway Engineers on behalf of Butler Township is hereby accepted.

Resolved by the Butler Township Board of Commissioners this 19th day of February, 2007.

BUTLER TOWNSHIP BOARD OF COMMISSIONERS

BY: Joseph J. Hasychak, President

ATTEST:

Donna Donaldson, Township Secretary

I, Donna Donaldson, Secretary of the Butler Township Board of Commissioners, Butler Co., PA do hereby certify that the foregoing is a true and correct copy of the Resolution duly adopted at a regular meeting of the Butler Township Board of Commissioners on February 19, 2007.



Dan Slomers

From: Dan Slomers [dslomers@basapa.org]
Sent: Friday, December 07, 2007 12:06 PM
To: John Schon; Jim Tomazich
Cc: 'James R. Bowser'; 'Michael McKee'; 'John M. Maslanik'
Subject: BASA - Act 537 Studies

John and Jim,

As requested, I have clarified the status of all Act 537 Plans with Tomisa at DEP.

Recall that there was confusion as to whether or not the plans that our in our office are indeed the latest plans approved by the DEP.

There, Tomisa of DEP called me and we essentially went over each plan, pretty much page by page to verify if we had the latest revisions or not.

Here is what we determined.....

Butler City – The book that we have in the office has all of the latest revisions (June 18, 2007 on the cover sheet, received September 14, 2007)

Pages 1-7 were revised 6/18/07 which we do have in our booklet

Appendix E was updated which we do have in our booklet.

Butler Township – The book that we in the office has all of the latest revisions (February, 2007 on the cover sheet, received September 12, 2007)

The June 7 revisions that the DEP asked for were minor in nature and have been received by DEP and is in our current booklet.

Appendix D was revised to modify Cedarwood's sewage flows which we now have in our booklet.

Page 13 was updated which we now have in our booklet.

We were missing the updated Butler Township Resolution 07-12. Tomisa faxed me the Resolution and I have included it in our booklet.

Center Township – The book that we in the office has all of the latest revisions (Sept. 2007 on the cover sheet, received November 7, 2007).

Connoquenessing Township – The book that we in the office has all of the latest revisions (October 16, 2007 on the cover sheet, received November 13, 2007).

East Butler Borough – The book that we in the office has all of the latest revisions (August 2007 on the cover sheet, received September 18, 2007).

Many, many pages were updated.

Tomisa and I went over each page and verified that the report that we have in our office indeed is the latest revision.

Summit Township – The book that we in the office has all of the latest revisions (June 11, 2007 on the cover sheet, received September 14, 2007).

There were several changes.

We verified that pages 1 through 7 were revised June 11, 2007, which we do have in our booklet.

We verified that Appendix D was updated, which we do have in our booklet.

Appendix 1 (BASA ACT 537 SPECIAL STUDY map) has a different "save date" plotted in the upper left corner of the map. DEP has a save date of 7-2 and we have a save date of 9/12. I contacted Brian Flaugh of Gateway Engineers to discuss the matter. He will get back to me but he believes that the plans were merely plotted on different dates and that there is no difference between DEP's map and our map, even though the save date is different.

Appendix 1 (BASA EXISTING SANITARY SEWERS, map). DEP has an additional map that we do not have in our plan. Gateway plotted a separate map plotting only our existing sanitary sewers on it to aid in clarity. I contact Brian Flaugh of Gateway Engineers to discuss the matter. He is mailing me an extra copy to be inserted

into the Appendix 1 jacket which houses the BASA ACT 537 SPECIAL STUDY map that we already have.

Oalkand Township - We could not compare these plans as Chester Engineers currently has it in their office as we speak. However, Tomisa pointed out that Cindy reviewed the Oakland plan dated November, 2007 and apparently approved it with no changes being required.

Mike M, John M. and Jim B., I will give a copy of the Butler Township resolution 07-12 to Jim Bowser at the 12/11 Board meeting. Hopefully, I will also have Gateway's map by then also for Summit Township to give to Jim B. for his to copy and return to us.

John S. and Jim. T. I will place all DEP approved studies in the Central File for any one to find if they need to.

Please contact me if you have any questions.

Thank you.

Dan Slomers

No virus found in this outgoing message.

<http://www.avg-antivirus.net/>

Checked by AVG.

Version: 7.5.503 / Virus Database: 269.16.17/1177 - Release Date: 12/7/2007 1:11 PM