

AMENDED APPENDIX A-22-B

SUMMIT TOWNSHIP ACT 537 PLAN



ph: 724-282-4786

Olsen & Associates, LLC
126 South Main Street, Butler, PA 16001
fax: 724-282-7619 www.OlsenAndAssociates.us

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NOV - 7 2007

BASA

Act 537 Official Plan Revision: **SPECIAL SEWAGE STUDY**

FOR

CENTER TOWNSHIP
Butler County, Pennsylvania

February, 2007
Revised September 2007

O&A PROJECT # 200604E



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION
NORTHWEST REGIONAL OFFICE

RECEIVED

FEB - 5 2010

BASA

February 4, 2010

John Schon, P.E.
Butler Area Sewer Authority
100 Litman Road
Butler, PA 16001

Re: Amended Act 537 Implementation Schedule
Butler Area Sewer Authority
Butler, Center, Connoquenessing, Oakland and Summit Townships,
East Butler Borough and City of Butler, Butler County

Dear Mr. Schon:

The Department is in receipt of your January 19, 2010, request to approve an amendment to the implementation schedule that was contained within the August 27, 2009, approved 537 Plan. This letter hereby approves that request ("Approved Schedule"). The Approved Schedule shall become a part of the October 13, 2006, Consent Order & Agreement.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael K. Zimmerman".

Michael K. Zimmerman, P.E.
Environmental Engineer Manager
Water Management

cc: City of Butler, Mayor
Center Township, Chairman of the Board of Supervisors
Summit Township, Chairman of the Board of Supervisors
East Butler Borough, Mayor
Oakland Township, Chairman of the Board of Supervisors
Connoquenessing Township, Chairman of the Board of Supervisors
Butler Township, Chairman of the Board of Supervisors
Michael Braymer
Chris Hall
File

MKZ:ls:jb



260 Airside Drive
 Moon Township, PA 15108-2793
 (412) 809-6600
 FAX (412) 809-6611

COPY

DATE March 9, 2009
 JOB NO. 07-0555-MC-A-99
 ATTENTION Mr. M. John Schon, P.E.

To: Mr. M. John Schon, P.E.
Butler Area Sewer Authority
100 Litman Road
Butler, Pennsylvania 16001-3256

RE Butler Area Sewer Authority
537 Sewage Facilities Planning Study Update
Final Report

RECEIVED
 MAR 10 2009

We are sending herewith under separate cover the following items BASA
 Shop Drawings Plans _____

Copies	Drawing No.	Description
2		Final Report dated February 2009

These are transmitted as checked below:

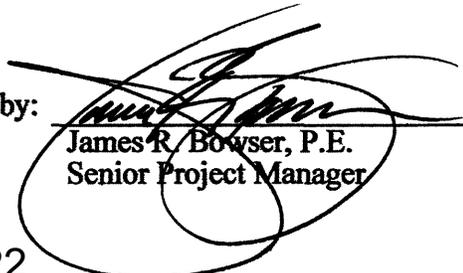
- Approved Not Approved For Review & Comment
- Approved as Corrected Contractor Coordination Req'd For Approval
- Revised & Resubmit Drawing Revision Forthcoming For Approval & Payment
- As Requested For Your Use

Remarks The enclosed final Act 537 Sewage Facilities Planning Study Update reports are being provided as requested for your use. If you have any questions or require any additional information, please call me at 412-809-6616.

Copies to:

Michael F. McKee, P.E.
 Central Records

by:


 James R. Bowser, P.E.
 Senior Project Manager

Amended Appendix A-22-b

BUTLER AREA SEWER AUTHORITY
100 LITMAN ROAD • BUTLER, PA 16001-3256
(724) 282-1978 • FAX (724) 282-7656
www.basapa.org

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AND TREASURER

M. JOHN SCHON, P.E.
MANAGER

RONATA L. LAVORINI, CPA
FINANCE DIRECTOR

JAMES W. TOMAZICH, P.E.
AUTHORITY ENGINEER

DANIEL SLOMERS, P.E.
PROJECT ENGINEER

**DILLON McCANDLESS KING
COULTER & GRAHAM**
SOLICITOR

COPY

May 29, 2009

Ms. Tomisa Schmeider
Sewage Planning Specialist 2, Water Management
Pennsylvania Department of Environmental Protection
121 North Mill Street
New Castle, PA 16101

Dear Ms. Schmeider:

**RE: RESPONSE TO DEPARTMENT'S REVIEW COMMENTS ON
FINAL OFFICIAL PLAN UPDATE REVISION (DATED FEBRUARY 2009)**

The Butler Area Sewer Authority (BASA) has reviewed the Department of Environmental Protection's review comments on BASA's "Act 537 Sewage Facilities Planning Study Update Official Plan Update," dated February 2009, that was submitted as the Final Official Plan Update Revision ("Final Update Revision") in accordance with the requirements of Paragraph 3(b)(iii) of the October 13, 2006 Consent Order and Agreement (CO&A). Responses to the comments contained in the Department's letter dated May 7, 2009 are listed below. For ease of review, each of the Department's numbered comments is listed in bold, followed by BASA's response.

- 1. Please provide copies of what information was given to the jurisdictional agencies for the PNDI review.**

Three (3) sets of copies of the information that was submitted to the jurisdictional agencies for PNDI review are included in Attachment A to this letter.

- 2. The clearance letter from the Department of Conservation and Natural Resources expired on May 1, 2009, please provide an updated letter.**

The Department of Conservation and Natural Resources has been contacted and the project information was resubmitted to request an updated clearance letter. We will submit a copy of the updated clearance letter as soon as it is received.

- 3. Pages II-1, IV-19, and Table IV-5 show that based on billing records BASA served 23,905 EDU's in 2007. The figure used on page VIII-2 to calculate projected user fee increases is 23,805 EDU's. Ensure the information is consistent.**

The projected user fee increases listed on page VIII-2 were mistakenly based on 23,805 EDUs, and not 23,905 EDUs. The estimated monthly user fee increases are insignificantly lower when calculated using 23,905 EDUs, specifically \$0.02 less with a PENNVEST loan and \$0.04 less with a sewer revenue bond. Three (3) corrected pages VIII-2 and VIII-3 are included as Attachment B to this letter.

4. **Discuss the impacts the bores under the streams will have and how these impacts will be minimized in the Uniform Environmental Review report in the floodplain section.**

BASA is proposing to bore the new sewer lines under the streams, because boring the sewer lines will have no or minimal adverse impacts on the streams, when compared to the alternative open-trench, coffer dam construction techniques. The plans and specifications for the project will require the use of best management practices for erosion and sedimentation control for all boring operations to minimize any potential impacts on streams.

5. **All the modeling to determine tank sizing and diversion pumping rates was based on limiting flows to the WWTP to 28 mgd. The hydraulic re-rating request is only for a peak flow of 27.5 mgd. Discuss the reasoning behind this inconsistency and whether this could potentially create a permit exceedence if the re-rating request is granted for 27.5 mgd. It would seem a peak hydraulic capacity of 28 mgd would be more appropriate.**

The modeling to determine tank sizing and diversion pumping rates (Appendix F) was based on limiting the peak flows to the WWTP to 28 mgd as noted. We concur that a re-rated peak flow of 28.0 mgd for the WWTP would be more appropriate, and are herewith revising our hydraulic re-rating request to a peak flow capacity of 28.0 mgd. The "Hydraulic Re-rating Study" (Appendix H) requested a 10 percent increase in the current 10.0 mgd permitted hydraulic capacity (monthly average daily flow) of the BASA wastewater treatment facility to 11.0 mgd. The requested 27.5 mgd peak flow capacity was simply based on the Department's typical 2.5 design peak flow factor and the re-rated average daily flow of 11.0 mgd. However, it should be noted that the Department previously indicated to BASA that the proposed facilities would not necessarily have to be based on the typical peak flow factor of 2.5. Three (3) revised pages iv and 15 for "Hydraulic Re-rating Study" (Appendix H) are included as Attachment C to this letter.

If the Department would prefer to apply the typical 2.5 peaking factor, BASA would revise the hydraulic re-rating request to a permitted average daily flow of 11.2 mgd to be consistent with the requested peak flow capacity of 28.0 mgd.

6. **It is unclear if the expected user fee increases presented in the Plan include any operation and maintenance (O&M) considerations. It is anticipated that the O&M costs will increase with the addition of the proposed facilities. What are the existing O&M costs and what are the projected O&M costs?**

The projected user fee increases presented in the plan were based only on the debt service to finance the estimated capital costs for constructing the proposed new facilities. BASA's current base sewer service charge for O&M of BASA's facilities is currently \$25.00/month/EDU. The additional O&M costs for the proposed facilities are expected to be minimal because the overflow pump stations and equalization tanks will be used infrequently, and were not factored into the estimated user costs increases. The most significant operating costs, electric power, will be minimized by the infrequent activation of the facilities and the limited duration of the events. The life of equipment and major wear item replacement will also be greatly extended because of the limited hours of operation.

BASA's current staff should be adequate to initially operate and maintain the new facilities. The diversion pump stations and equalization tanks will be continuously monitored by BASA's SCADA system, and will only need to be inspected if activated by a wet weather event. Two of the proposed diversion pump stations are additions to existing pump stations, which are already inspected on a daily basis by BASA operations staff. BASA's flow monitoring personnel also currently inspect these existing overflow locations after wet weather events to verify overflows and download flow monitoring equipment. Normal O&M activities will primarily consist of opening valves to drain tanks and the cleaning tanks after wet weather events.

7. **On page xiv of the Executive Summary the recommended alternatives to be implemented are listed as bulleted items. The tank sizes for each location and that a hydraulic re-rating for the WWTP is being requested should also be included in this summarized list.**

The bulleted items starting on page xiv of the Executive Summary have been revised to include tank sizes for each location and a paragraph regarding the requested hydraulic re-rating for the WWTP has been added. Three (3) revised pages xiv and xv for the Executive Summary are submitted in Attachment D.

8. **The costs of the covered equalization tanks are quite higher than the costs for uncovered tanks. It is understood that in the Monroe and central Storage areas there is commercial and residential development. However, it appears that the Deshon area is more rural in nature. It is anticipated that with the infrequent use of these tanks and the diluted nature of the wastewater to be stored that odors should be a minimal issue. Are covered tanks in this area necessary?**

We agree that odors from the flow equalization tanks should not be a major issue due to the diluted nature of the wastewater to be stored and the infrequent use of the tanks. However, the Deshon area, while somewhat "rural" in nature, is surrounded by public recreation and park areas (e.g., deck hockey, community center, Highfield baseball fields) and some existing residential development. The land around the site is also zoned for residential use and it may be subdivided and developed in the future. The numerous trees located above the tank site could also result in leaves and other decomposable material entering open tanks, which can create maintenance problems and another odor source. For these reasons, BASA and Butler Township feel that covered tanks are required at the Deshon site, and BASA has agreed to install covered tanks as a condition of acquiring the property for these tanks from Butler Township in order to minimize any potential for odor complaints.

9. **It appears from the calculations for the costs to sewer currently unsewered areas in the tributary municipalities that if customers paid the calculated user fees those loans would be paid off in 14.9 years rather than the stated 20 years. Are there unstated costs such as O&M included in this rate?**

It appears that the calculation of a 14.9 year loan payback period does not take in account the interest on the loan for the 20-year loan period. If the project costs could be financed by a zero interest loan and all of the customer payments were applied to principal only, the project costs would be paid off in about 14.9 years as indicated. Whenever interest must be paid, however, only part of the customer payments is applied to principal and the rest is applied to interest, and therefore it takes longer to pay back the original principal amount or project costs. The sum of the customer payments over the loan period will always be greater than the project cost, or the original principal loan amount, by the amount of the cumulative interest over the loan period.

As noted in the Final Official Plan Update Revision, the estimated user fees were only based on the debt service for the construction of the facilities. The operation and maintenance (O&M) costs for these new collection facilities and BASA's base sewer service fees for conveyance and treatment of the wastewater were not included in these calculated debt service user fees. Factoring in these other costs, the estimated user cost to sewer the currently unsewered areas and connect to BASA's centralized sewage facilities would be significantly higher, and even more cost prohibitive.

10. **As the primary funding source is PENNVEST the Department would like to advise BASA that typically the PENNVEST funding limits for any multi-municipal project is \$20,000,000.**

BASA is aware that the "typical" PENNVEST funding for a multi-municipal project is limited to \$20,000,000. BASA is also aware that the Saxonburg Area Authority, whose service area is adjacent to BASA's service area, received \$32,000,000 in PENNVEST funding for their recent multi-municipal sewer project. As noted in the Final Official Plan Update Revision, BASA is actively pursuing other finding sources for the project, including, but not limited to, the H2O PA grant program, the Federal State and Tribal Grant (STAG) program, and the recent American Recovery and Reinvestment Act of 2009 (ARRA) for clean water and drinking water state revolving funds (SRF) loan programs. The actual increase in user fees will depend upon BASA's success in obtaining grant funds, the level of PENNVEST financing received, and/or other funding sources utilized.

If you should have any questions regarding our responses to the Department's review comments on the Final Official Plan Update Revision, 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
Butler Township, Chairman of the Board of Commissioners
Center Township, Chairman of the Board of Supervisors
Summit Township, Chairman of the Board of Supervisors
East Butler Borough, Mayor
Oakland Township, Chairman of the Board of Supervisors
Connoquenessing Township, Chairman of the Board of Supervisors
Fred Reese, City of Butler
Donna Druga, Butler Township
James Bowser, Chester Engineers

ATTACHMENT A

COPIES OF INFORMATION SUBMITTED TO JURISDICTIONAL AGENCIES FOR PNDI REVIEW

**NOTE: INSERT COPIES IN
EXHIBIT H OF APPENDIX N OF
FINAL OFFICIAL PLAN UPDATE REVISION**

**MUNICIPAL REQUEST FOR PENNSYLVANIA NATURAL
DIVERSITY INVENTORY (PNDI) DATA**

March 3, 2008

To: Department of Conservation and Natural Resources
Bureau of Forestry
PNDI Program
PO Box 8552
Harrisburg, PA 17105-8552

From: Chester Engineers
260 Airside Drive
Moon Township, PA 15108
Attention: Chrysa A. Stanislaw

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

Please conduct a review of the Pennsylvania Natural Diversity Inventory (PNDI) information system for records of species of special concern reported from the above area. This information will be incorporated in initial planning assessments under the Pennsylvania Sewage Facilities Act and in specific alternative proposals. At this time, the planning process is addressing:

The construction of diversion and storage facilities to eliminate sanitary sewer overflows. Diversion facilities will consist of an overflow structure constructed on the interceptor sewer and a pump station to fill an EQ tank. Storage facilities refer to the tanks.

The locations of the proposed project components are shown on the attached partial copy of the Butler 7.5 minute USGS topographic map.

In its reply, the DCNR will notify the Butler Area Sewer Authority regarding plant and animal species of special concern listed by any state agency or tracked by PNDI and reported in the project vicinity. In addition, DCNR will identify the agencies having management authority and expertise to assist with evaluation and mitigation of potential impacts on these species.

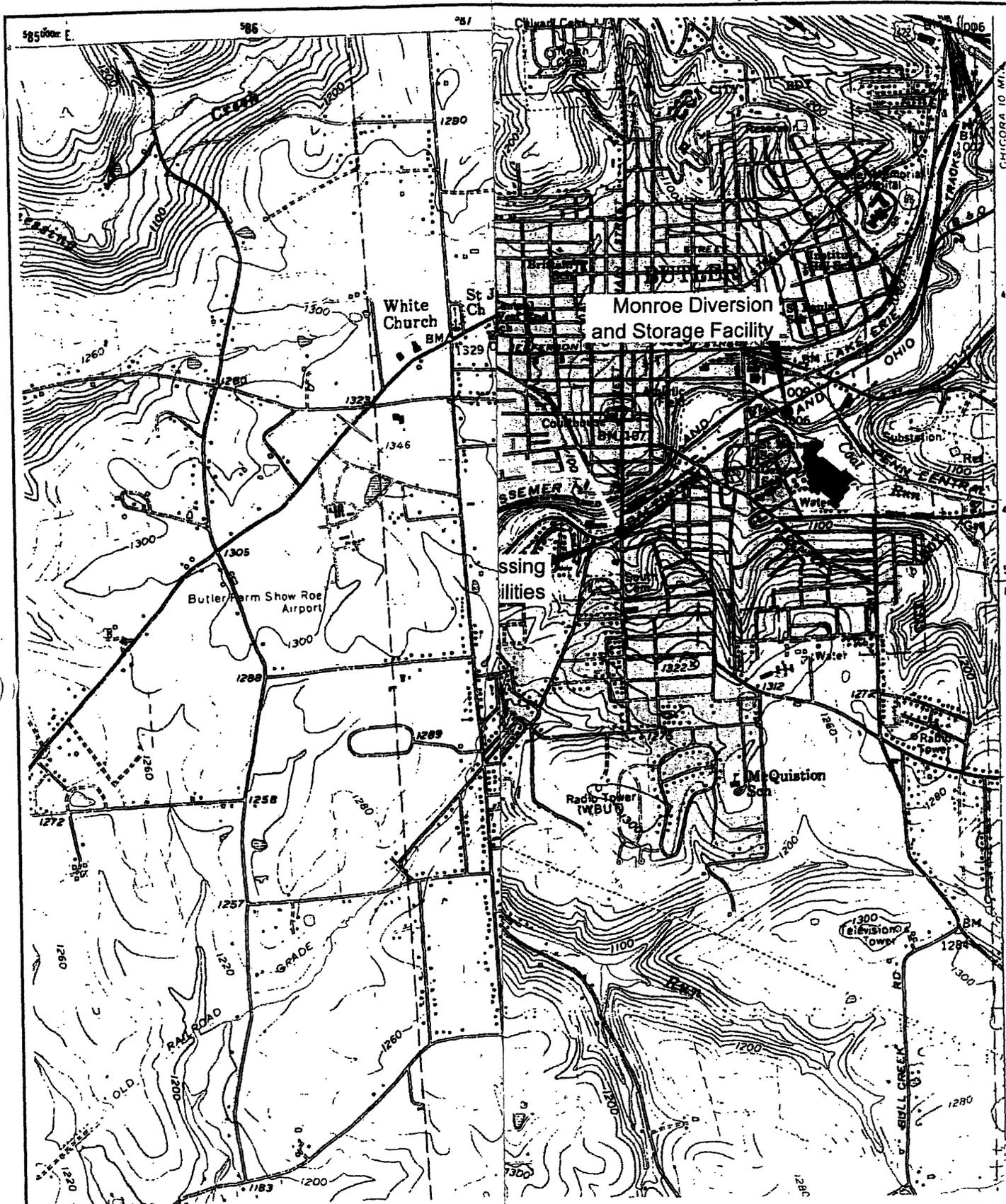
If you have questions concerning this project, please contact:

Chrysa A. Stanislaw, Chester Engineers

412-809-6617

John Schon, Butler Area Sewer Authority

724-282-1978



DRW. J.S.
APP. C.S.
Scale Not To Scale
File Diversion 2/27/08

Figure





Airside Business Park - 260 Airside Drive - Moon Township, PA 15108
412.809.6600 - www.chesterengineers.com - Fax 412.809.6611

November 17, 2008

Chester Ref. No. 07-0555-MC-A-99

Pennsylvania Fish and Boat Commission
Natural Diversity Section
450 Robinson Lane
Bellefonte, Pennsylvania 16823

Re: Butler Area Sewer Authority
Act 537 Sewage Facilities Planning Study Update

Gentlemen:

The Butler Area Sewer Authority (BASA) submitted a draft Act 537 Sewage Facilities Planning Study Update to the Pennsylvania Department of Environmental Resources (DEP) in June 2008 for review and comment. As part of the plan, the Pennsylvania Department of Conservation and Natural Resources was asked to perform a review based on information contained in the Pennsylvania Natural Diversity Inventory (PNDI).

The DEP reviewed the draft 537 Plan and issued a review letter in September 2008. One of the comments is listed below.

- Information was sent to Pennsylvania Department of Conservation and Natural Resources to show consistency with protecting rare, endangered, or threatened species of special concern. Please note consistency must be documented with all jurisdictional agencies including, Pennsylvania Fish and Boat Commission, Pennsylvania Game Commission and US Fish and Wildlife Service.

Based on this comment, we are forwarding the information that was previously sent to the Pennsylvania Department of Conservation and Natural Resources. A project description is attached to this letter, along with a USGS map that identifies locations of the facilities proposed in the plan. A copy of the PNDI review letter is also attached.

Please review the BASA plan for potential impacts on special concern species and resources for which you agency has jurisdiction. Should you have any questions or require any additional information, please feel free to contact me at 412-809-6623 or via e-mail at mmckee@chesterengineers.com.

Very truly yours,

Michael F. McKee, P.E.
Manager, Municipal Engineering Services

MFM/lb

cc: Butler Area Sewer Authority



Airside Business Park - 260 Airside Drive - Moon Township, PA 15108
412.809.6600 - www.chesterengineers.com - Fax 412.809.6611

November 17, 2008

Chester Ref. No. 07-0555-MC-A-99

Pennsylvania Game Commission
Bureau of Land Management
2001 Elmerton Avenue
Harrisburg, Pennsylvania 17110-9797

Re: Butler Area Sewer Authority
Act 537 Sewage Facilities Planning Study Update

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Very truly yours,

A handwritten signature in cursive script that reads "Michael F. McKee".

Michael F. McKee, P.E.
Manager, Municipal Engineering Services

MFM/lb

cc: Butler Area Sewer Authority



Airside Business Park - 260 Airside Drive - Moon Township, PA 15108
412.809.6600 - www.chesterengineers.com - Fax 412.809.6611

November 17, 2008

Chester Ref. No. 07-0555-MC-A-99

US Fish and Wildlife Service
Endangered Species Biologist
315 South Allen St., Suite 322
State College, Pennsylvania 16801

Re: Butler Area Sewer Authority
Act 537 Sewage Facilities Planning Study Update

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Very truly yours,

Michael F. McKee, P.E.
Manager, Municipal Engineering Services

MFM/lb

cc: Butler Area Sewer Authority

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DIVERSITY INVENTORY (PNDI) DATA**

March 3, 2008

To: Department of Conservation and Natural Resources
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PO Box 8552
Harrisburg, PA 17105-8552

From: Chester Engineers
260 Airside Drive
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Attention: Chrysa A. Stanislaw

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

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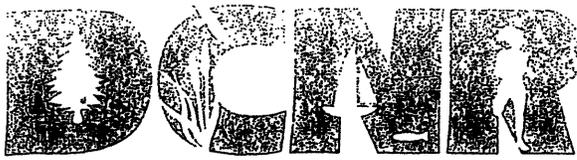
The locations of the proposed project components are shown on the attached partial copy of the Butler 7.5 minute USGS topographic map.

In its reply, the DCNR will notify the Butler Area Sewer Authority regarding plant and animal species of special concern listed by any state agency or tracked by PNDI and reported in the project vicinity. In addition, DCNR will identify the agencies having management authority and expertise to assist with evaluation and mitigation of potential impacts on these species.

If you have questions concerning this project, please contact:

Chrysa A. Stanislaw, Chester Engineers 412-809-6617

John Schon, Butler Area Sewer Authority 724-282-1978



Bureau of Forestry

May 1, 2008

Chrysa A. Stanislaw
Chester Engineers
260 Airside Drive
Moon Township, PA 15108

Pennsylvania Natural Diversity Inventory Review, PNDI Number **019609**
Butler Area Sewer Authority Diversion and Storage Locations
Butler Twp.; Butler County

Dear Ms. Stanislaw,

This responds to your request about a Pennsylvania Natural Diversity Inventory (PNDI) ER Tool "Potential Impact" or a species of special concern impact review. **We screened this project for potential impacts to species and resources of special concern under the Department of Conservation and Natural Resources' responsibility, which includes plants, natural communities, terrestrial invertebrates and geologic features only.**

NO PROJECT IMPACT ANTICIPATED

PNDI records indicate that no known occurrences of species or resources of special concern under DCNR's jurisdiction occur in the vicinity of the project. Therefore, we do not anticipate the project referenced above will impact plants, natural communities, terrestrial invertebrates and geologic features of special concern. No further coordination with DCNR is needed for this project.

PNDI records indicate special concern species or resources are located in the vicinity of the project. However, based on the information submitted to us concerning the nature of the project, the immediate location, and our detailed resource information, we determined that no impact is likely. No further coordination with DCNR is needed for this project.

COMMENTS:

This response represents the most up-to-date summary of the PNDI data files and is good for one (1) year from the date of this letter. An absence of recorded information does not necessarily imply actual conditions on-site. A field survey of any site may reveal previously unreported populations. Should project plans change or additional information on listed or proposed species become available, this determination may be reconsidered.

This finding applies to impacts to plants, natural communities, terrestrial invertebrates and geologic features only. To complete your review of state and federally-listed species of special concern, please be sure the U.S. Fish and Wildlife Service, the PA Game Commission and the Fish and Boat Commission has been contacted regarding this project either directly or by performing a search with the online PNDI ER Tool found at www.naturalheritage.state.pa.us.

Rebecca H. Bowen

Rebecca H. Bowen, Environmental Review Specialist
DCNR/BOF/PNDI, PO Box 8552, Harrisburg, PA 17105 ~ Ph: 717-772-0258 ~ F: 717-772-0271 ~ c-rbowen@state.pa.us

ATTACHMENT B

**CORRECTED PAGES VII-2 AND VIII-3 OF
FINAL OFFICIAL PLAN UPDATE REVISION**

**NOTE: CORRECTED PAGES REPLACE
PAGES VIII-2 AND VIII-3 OF
FINAL OFFICIAL PLAN UPDATE REVISION**

facilities will have sufficient storage capacity to capture all the historic overflow events that have ever been recorded in the BASA system, except for a 7.374 million gallon overflow that was measured at the Deshon pump station in January 2005. The cost for conveyance system upgrades is estimated at \$2.78 million, bringing the total cost for the recommended improvements to approximately \$30.4 million. Estimated costs for the recommended improvements are summarized below.

Description	Estimated Cost
Deshon Diversion, Pumping, and Storage Facilities	\$ 6,727,000
Monroe Diversion, Pumping, and Storage Facilities	3,521,000
Ballpark/General Tire Diversion and Pumping Facilities	3,591,000
Connoquenessing Diversion and Pumping Facilities	3,671,000
Central Storage Facilities	10,104,000
Conveyance System Upgrades	2,779,000
Total	\$30,393,000

The cost estimates presented in Section VI show that it is not economically feasible at this time to extend public sewer service to unsewered areas with existing development. The rates required to cover the debt service on sewer extensions would not be affordable for the new users unless significant amounts of grant money become available to reduce the cost of the projects.

VIII.B DESIGNATED CAPITAL FINANCING PLAN

The preferred capital financing plan for the proposed system improvements is a low-interest loan from PENNVEST. The alternative capital financing plan is a conventional sewer revenue bond. BASA will also apply for H2O and other grants to help finance the proposed facilities.

PENNVEST loans typically have a 20-year term. Current interest rates for PENNVEST projects in Butler County are 2.27 percent for the first five years and 3.046 percent for the remaining 15 years. If the entire proposed \$30.393 million project were financed with a PENNVEST loan, the annual debt service would be \$1,892,036 for the first five years and \$1,998,113 for the final fifteen years. The monthly debt service on the loan would calculate to an average cost of \$6.97 per EDU based on the 23,905 EDUs in the BASA system during 2007. Relative to the \$25 per EDU base sewer service fee, a 28 percent rate increase would be needed to cover the additional debt service.

Interest rates for municipal bonds are higher than the PENNVEST rates. AAA rated bonds with 20-year maturity currently offer yields of about 4.70 percent, up from 4.10 percent a year ago. This trend suggests that interest rates may increase to 5.20 percent by

this time next year. If a sewer revenue bond were used to finance all of the proposed system improvements, the annual debt service would amount to about \$2,447,441. The monthly debt service would calculate to \$8.53 per EDU and a 34 percent rate increase would be needed to cover the additional debt service.

VIII.C DESIGNATED IMPLEMENTATION SCHEDULE

Table VIII-1 presents an implementation schedule for the recommended plan and represents an estimate of how the project should proceed barring unforeseen circumstances.

**Table VIII-1
Implementation Schedule**

Project Element	Date
Submit Draft Act 537 Plan Update to DEP and Municipalities	June 3, 2008
Receive Comments on Draft Plan From DEP and Municipalities	September & October 2008
Submit Final Act 537 Plan Update to DEP and Municipalities	March 2009
Receive DEP Approval of Act 537 Plan Update	May 2009
Begin Design of Recommended Facilities	May 2009
Complete Design of Recommended Facilities	September 2009
Advertise for Construction Bids	October 2009
Open Construction Bids	November 2009
Award Contracts and Begin Construction of Facilities	January 2010
Complete Construction of Facilities and Seal Overflows	July 31, 2012

ATTACHMENT C

**REVISED PAGE iv AND PAGE 15 FOR
“HYDRAULIC RE-RATING STUDY”
IN APPENDIX H OF
FINAL OFFICIAL PLAN UPDATE REVISION**

**NOTE: REVISED PAGES REPLACE
PAGES iv AND PAGE 15 OF
“HYDRAULIC RE-RATING STUDY”
IN APPENDIX H OF
FINAL OFFICIAL PLAN UPDATE REVISION**

**BUTLER AREA SEWER AUTHORITY
WASTEWATER TREATMENT PLANT RE-RATING STUDY**

EXECUTIVE SUMMARY

The Butler Area Sewer Authority (BASA) wastewater treatment plant currently has a permitted hydraulic capacity of 10.0 million gallons per day (mgd). However, monthly average flows exceed the permitted plant capacity during wet weather periods. The purpose of re-rating the plant to a higher hydraulic capacity is to avoid a situation where the facility is considered hydraulically overloaded by the Pennsylvania Department of Environmental Protection (DEP) based on Chapter 94 criteria.

An October 2002 hydraulic analysis of the treatment facility determined that peak flows through the BASA plant are limited to 28 mgd by the capacity of the trickling filter rotary distributors. A one-year review of historical operating data also demonstrated that the plant produces an excellent quality effluent across a wide range of flows and is capable of meeting applicable discharge limits even during high flow periods.

A more detailed analysis of plant treatment performance from 2003 to 2007 was conducted as part of the recent Act 537 Plan update. This evaluation demonstrated that the facility is affected by elevated influent flows during wet weather periods but consistently exceeds the effluent limitations required by the NPDES permit. A separate analysis of effluent concentrations was also conducted on days where measured wastewater flows to the BASA treatment plant exceeded 10 mgd. The high flow effluent analysis showed that the facility is capable of meeting existing effluent limitations at flow rates up to 15 mgd.

The information presented in this report supports an increase in the hydraulic capacity of the BASA wastewater treatment plant based on the historic performance of the facility. A 10 percent increase is requested in the current 10.00 mgd permitted hydraulic capacity of the facility. The re-rated facility would have a permitted hydraulic capacity of 11.00 mgd and a peak hydraulic capacity of 28.00 mgd based on a 2.55 wet weather peaking factor.

If this request to increase the rated capacity of the plant is approved, modifications to the trickling filter distribution pumps will be needed so that two pumps can handle the 28 mgd peak hydraulic flow through the plant. Larger impellers are required for the pumps to handle additional flows.

SUMMARY AND CONCLUSIONS

The information presented in this report supports an increase in the capacity of the BASA wastewater treatment plant based on the hydraulic capacity and historic performance of the facility.

- The calculated peak hydraulic capacity of the BASA wastewater treatment facility is 28 mgd, approximately 12 percent higher than the 25 mgd design peak flow capacity.
- Average BOD₅, TSS, and ammonia-nitrogen influent loadings are 10 to 20 percent lower than design values on a concentration basis and 35 to 45 percent lower than design values on a mass-loading basis. Average influent phosphorus loadings to the plant are 90 percent less than design values.
- Average effluent concentrations for CBOD₅, TSS, phosphorous, and ammonia nitrogen range from 25 to 62 percent of the permitted discharge limits for these pollutants.
- Under high flow conditions, effluent concentrations of CBOD₅ and TSS do not reach the monthly average permit limits for these parameters until flow rates exceed 15 mgd. Effluent concentrations of ammonia nitrogen and phosphorous appear to be unaffected by high flow rates.

Based on the information in this report, a 10 percent increase is requested in the current 10.00 mgd permitted hydraulic capacity of the BASA WWTP. The re-rated facility would have a permitted hydraulic capacity of 11.00 mgd and a peak hydraulic capacity of 28.00 mgd based on a 2.55 wet weather peaking factor. Increasing the permitted hydraulic capacity of the BASA facility to 11.00 mgd will have no affect on plant performance because the treatment facility is already meeting its NPDES discharge limits at higher flow rates. However, a plant re-rating would help the Authority avoid a situation where the facility is considered hydraulically overloaded by Chapter 94 criteria.

If this request to increase the rated capacity of the plant is approved, modifications to the trickling filter distribution pumps will be needed so that two pumps can handle the 28 mgd peak hydraulic flow through the plant. Currently, two of the VFD controlled distribution pumps can send about 26 mgd of flow to the trickling filters but the third pump must be in operation to reach a 28 mgd flow rate. Replacing the existing impellers with the maximum size impeller would increase the output for two pumps to an estimated 28.8 mgd and leave the third pump as a back-up unit.

ATTACHMENT D

**REVISED PAGES xiv AND xv FOR
“EXECUTIVE SUMMARY” OF
FINAL OFFICIAL PLAN UPDATE REVISION**

**NOTE: REVISED PAGES REPLACE
PAGES xiv AND xv OF
“EXECUTIVE SUMMARY” OF
FINAL OFFICIAL PLAN UPDATE REVISION**

ACT 537 SEWAGE FACILITIES PLANNING STUDY UPDATE EXECUTIVE SUMMARY

The Butler Area Sewer Authority serves seven communities in central Butler County. The service area includes the entire City of Butler plus portions of the surrounding municipalities of Butler Township, Center Township, Connoquenessing Township, East Butler Borough, Oakland Township, and Summit Township. The Authority currently owns, operates, and maintains a 10.00 million gallon per day capacity wastewater treatment plant, over 300 miles of collector and interceptor sewers ranging in size from 6-inches to 48-inches in diameter, and 22 sewage pumping stations. Treated effluent from the plant is discharged to Connoquenessing Creek, a tributary of the Beaver River.

The Butler wastewater treatment plant is not hydraulically or organically overloaded as defined by Chapter 94 regulations. However, the conveyance system is hydraulically overloaded, whereby peak flows exceed the carrying capacity of some portions of the system and causes sanitary sewer overflows (SSOs). In the 10-year period between 1998 and 2007, an estimated 237 million gallons of untreated wastewater were discharged from four monitored locations in the system during wet weather periods. The Authority expended over \$11 million on sewer rehabilitation projects to address the SSO problem under a February 20, 2001, Consent Order and Agreement (COA) with the Pennsylvania Department of Environmental Protection. Unfortunately, the rehabilitation work did not eliminate SSOs in the system.

On October 13, 2006, the Authority and all seven of its service area municipalities entered into another COA to address wet weather SSO problems. The COA requires the Authority to eliminate unpermitted discharges from the Ballpark, General Tire, and Deshon SSO structures by July 31, 2012. Given the short time frame to comply with the COA and the lack of previous success in reducing flows through sewer rehabilitation work, the Authority proposes to construct flow equalization facilities and related conveyance system upgrades to reduce the number and severity of SSO events.

A model of the interceptor sewer system was developed to assist in identifying the facilities needed to control SSOs under existing and projected future conditions. The following wet weather flow control facilities are recommended to control SSOs:

- Diversion, pumping, and storage facilities at the Deshon pump station SSO, including two 3.00 MG capacity covered tanks.
- Diversion, pumping, and storage facilities at the Monroe pump station SSO, including two 1.00 MG capacity covered tanks.
- Diversion and pumping facilities at the Ballpark/General Tire SSO.
- Diversion and pumping facilities on the Connoquenessing Creek interceptor.

- A central storage facility to store wastewater that is pumped from the Ballpark and Connoquenessing diversion pump stations, including three 4.70 MG capacity covered tanks.
- Conveyance system upgrades.

The Authority is also requesting a hydraulic re-rating for the BASA WWTP. The re-rated facility will have a permitted hydraulic capacity of 11.00 MGD and a peak hydraulic capacity of 28.00 MGD.

The cost for wet weather control facilities sized for existing conditions is estimated to be \$21.6 million. Facilities sized for future conditions have higher diversion pumping rates and larger storage volumes than the facilities sized for existing conditions. The estimated \$27.6 million cost for the larger facilities is about \$6.0 million more than the facilities sized for existing conditions. However, the larger facilities will have sufficient storage volume to capture all the historic overflow events that have ever been recorded in the BASA system, except for a single overflow event that was measured at the Deshon pump station in January 2005. It is recommended that facilities sized for future conditions be constructed in order to eliminate SSOs to the maximum extent possible. The cost for conveyance system upgrades is estimated at \$2.779 million, bringing the total cost for recommended system improvements to approximately \$30.393 million.

The cost estimates presented in Section VI show that it is not economically feasible at this time to extend public sewer service to the unsewered areas with existing development that were identified in the Special Studies. The rates required to cover the debt service on the sewer extensions would not be affordable for the new users unless significant amounts of grant money become available to reduce the cost of the projects.

A projected implementation schedule for the recommended plan is shown below.

Project Element	Date
Submit Draft Act 537 Plan Update to DEP and Municipalities	June 3, 2008
Receive Comments on Draft Plan From DEP and Municipalities	September & October 2008
Submit Final Act 537 Plan Update to DEP and Municipalities	March 2009
Receive DEP Approval of Act 537 Plan Update	May 2009
Begin Design of Recommended Facilities	May 2009
Complete Design of Recommended Facilities	September 2009
Advertise for Construction Bids	October 2009
Open Construction Bids	November 2009
Award Contracts and Begin Construction of Facilities	January 2010
Complete Construction of Facilities and Seal Overflows	July 2012

BUTLER AREA SEWER AUTHORITY

100 LITMAN ROAD • BUTLER, PA 16001-3256
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JAMES W. TOMAZICH, P.E.
AUTHORITY ENGINEER

DANIEL SLOMERS, P.E.
PROJECT ENGINEER

**DILLON McCANDLESS KING
COULTER & GRAHAM**
SOLICITOR

COPY

June 15, 2009

Ms. Tomisa Schmeider
Sewage Planning Specialist 2
Bureau of Water Management
Department of Environmental Protection
121 North Mill Street
New Castle, PA 16101

Dear Ms. Schmeider:

**RE: FINAL OFFICIAL PLAN UPDATE REVISION (DATED FEBRUARY 2009)
RESPONSE TO DEPARTMENT'S JUNE 11, 2009 E-MAIL COMMENTS**

The Butler Area Sewer Authority (BASA) is herewith submitting the following responses and supplemental information to address the Department's review comments in your June 11, 2009 e-mail to Chester Engineers:

1. An updated PNDI clearance letter from the Department of Conservation and Natural Resources (PNDI Number: 20189) was sent to you under a separate cover letter dated June 11, 2009.
2. One (1) copy of BASA's Phase 1 archaeological survey report for all of the sites evaluated and the Historical Industrial Resource & Site Survey form for the Colosimo property (site for Connoquenessing diversion pump station facility) are attached.
3. The closing for the sale of the Horewitz property to BASA is scheduled for Tuesday, June 16, 2009. This is the site that will be used for the Monroe Street Pump Station equalization tanks.
4. BASA is working on a revised TAR. The revised TAR will be submitted to Meadville and copied to you as soon as it is prepared.
5. Chester Engineers has modified the text of the Uniform Environmental Report (UER) to add information about the bores under streams. One (1) copy of the revised Page 5 for the UER is attached. Please insert this revised page into the UER in Appendix **XN** of BASA's "Act 537 Sewage Facilities Planning Study Update Official Plan Update," dated February 2009 ("Final Update Revision").

The City of Butler and the Pennsylvania Department of Environmental Protection are planning a Sullivan Run improvement project that will eliminate a culvert on Sullivan Run that is located near Negley Avenue. This culvert is said to be a significant impediment to stream flow, causing the limits of the flood plain upstream of the culvert to widen significantly. The limits of the flood plain will be greatly reduced after the culvert is removed, at which time the Ballpark/General Tire diversion pumping facility may no longer be situated in Zone A5.

New lines will be bored under streams because boring the lines will have little or no impact as compared to alternative construction techniques. Plans and specifications for the project will require the use of best management practices for erosion and sedimentation control for all boring operations to minimize potential impacts on streams.

3.3 Wetlands

Exhibit D contains wetlands maps for the City of Butler and Butler Township. Exhibit D also includes a list of hydric soils for Butler County and maps that show the locations of hydric soils.

One mapped wetland in the City of Butler, identified as PEMY or a semi-permanent palustrine emergent wetland, is situated in the vicinity of the proposed Monroe diversion and storage facility. However, this wetland area is located approximately 300 feet from both alternative sites for the proposed facility and will not be impacted by construction. There are no wetland areas located near the proposed diversion, pumping, and storage facilities at the Deshon pump station.

There are no hydric soils located near proposed facilities in the City of Butler. The soils list and the map for Butler Township indicate that there are hydric soils in the vicinity of the Deshon pump station. Soils in and around the Deshon pump station, where the proposed diversion pump station will be constructed, are Atkins silt loam. The proposed equalization tanks will be located primarily on Hazelton and Gilpin soils, but part of the tank may be located on Andover loam. Andover loam, Atkins silt loam, and Hazelton channery loam are classified as hydric soils. Therefore, the construction area around the Deshon pump station will have to be delineated for wetlands in accordance with current DEP and USACE guidelines. Wetlands delineations may also be needed for some of the other sites based on their locations.

3.4 Historic Resources

A Cultural Resource Notice was completed and sent to the Pennsylvania Historical and Museum Commission (PHMC). A copy of the PHMC review letter is included as Exhibit E. A Phase I archaeological survey of the project area was prepared and a Historical Industrial Resource and Site Survey Form was also completed for a building on one of the properties. Copies of the PHMC review letters for these items can be found in Exhibit H as well. PHMC is of the opinion that no further archaeological work is necessary and the proposed project will have no effect on historic properties.



Pennsylvania Department of Environmental Protection

230 Chestnut Street
 Meadville, PA 16335-3481
 August 27, 2009

Northwest Regional Office

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

M. John Schon, P.E.
 Butler Area Sewer Authority
 100 Litman Road
 Butler, PA 16001

Re: Regional 537 Sewage Facilities Planning Study
 Update Approval
 Butler Area Sewer Authority
 Butler, Center, Connoquenessing, Oakland and
 Summit Townships
 East Butler Borough, City of Butler, Butler County

Dear Mr. Schon:

The Department of Environmental Protection (Department) hereby approves the report titled "Act 537 Sewage Facilities Planning Study Update" (Plan) as a revision to the Official Plans of those tributary municipalities of the Butler Area Sewer Authority (BASA) sewage system. Chester Engineers is the author of the report, and it is dated February 2009 with subsequent revisions May 2009 and June 2009.

Each tributary municipality has adopted the Plan which addresses the current and future sewage needs of the Butler Area Sewer Authority (BASA) service area. The Plan will also provide for the closing of sanitary sewer overflow structures at the Deshon, General Tire, and Ball Park locations.

The alternative to be implemented is the construction of flow diversion and storage facilities at each of the overflow locations, an additional diversion structure on the Connoquenessing Interceptor, and a diversion structure on the force main from the Monroe Street pump station. The total volume of storage capacity will be 22.1 million gallons. The Plan further outlines BASA's intention to hydraulically re-rate, through the Water Quality Management Permit application process, the wastewater treatment plant from 10 MGD average and 25 MGD peak to 11 MGD average and 28 MGD peak. The projected cost of the improvements is \$30,393,000. Construction is scheduled to begin in January 2010 and be completed by July 31, 2012. Upon completion of construction all sanitary sewer overflow locations will be eliminated.

Upon receipt of this approval, BASA, on behalf of the tributary municipalities, shall implement the approved Plan in accordance with the implementation schedule incorporated into the October 13, 2006 Consent Order and Agreement between the Department, BASA, and the tributary municipalities.

M. John Schon, P.E.

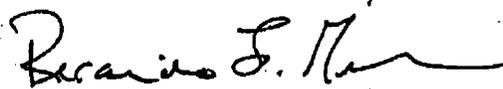
-2-

August 27, 2009

Under Section 6 of the Pennsylvania Sewage Facilities Act, you are eligible for up to 50 percent of the costs incurred in the preparation of the Plan. Payment is subject to adequate state budget appropriations for the Act 537 Plan Program. An application for this planning assistance is enclosed for your use. You are reminded that reimbursement applications must show detailed cost breakdowns of tasks completed.

Please do not hesitate to contact Tomisa Schneider in the New Castle District Office at 724-656-3160, if you have any questions on this matter.

Sincerely,



Ricardo Gilson
Regional Manager
Water Management

Enclosure

- cc: Michael McKee, P.E.
- Mr. Robert Brehm, City Clerk
- Ms. Donna Donaldson
- Ms. Stephanie Sellers
- Ms. Evelyn Hockenberry
- Ms. Nadine Neff
- Ms. Julie Filges
- Ms. Lois Fennell
- Mr. David Johnston
- Ms. Schneider
- Ms. Nagy/Ms. Kosko
- Mr. Gilson/Mr. Zimmerman, P.E./Ms. Selby
- File

RFG:CS:jb

BUTLER AREA SEWER AUTHORITY

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JAMES W. TOMAZICH, P.E.
AUTHORITY ENGINEER

DANIEL SLOMERS, P.E.
PROJECT ENGINEER

COPY

January 19, 2010

Mr. Ricardo Gilson
Environmental Program Manager
Water Management
Department of Environmental Protection
230 Chestnut Street
Meadville, PA 16335-3481

Dear Mr. Gilson:

**RE: REQUEST FOR APPROVAL OF
AMENDED IMPLEMENTATION SCHEDULE**

On October 13, 2009, the Butler Area Sewer Authority (BASA) submitted its third formal force majeure notice to the DEP requesting a time extension in accordance with Paragraph 18(b) of the CO&A. In this notice, BASA specifically requested either: (1) that the scheduled completion dates for all of the subsequent tasks in the anticipated implementation schedule in the "Act 537 Sewage Facilities Planning Study Update" (Act 537 Plan), dated February 2009, with subsequent revisions in May 2009 and June 2009, be extended by 101 days (period from May 19, 2009 to August 28, 2009) due to the longer than anticipated DEP approval time, OR (2) that the specific interim tasks in the anticipated implementation schedule be acknowledged and recognized as target dates leading up to a start of construction in the summer of 2010 rather than mandatory milestones. In our telephone conversation on November 19, 2009, the DEP advised BASA that the specific interim dates in the Act 537 Plan implementation schedule could be amended or eliminated completely. In order to amend the schedule, a written request to amend the schedule must be submitted to the DEP along with a new resolution from each of the Tributary Municipalities approving and adopting the amended the Act 537 Plan implementation schedule.

On behalf of BASA and the Tributary Municipalities, we are herewith submitting this written request to approve an amendment to the original implementation schedule that was presented in the Act 537 Plan, which was approved by the DEP on August 27, 2009. The amended implementation schedule is presented in the attached revised Page xv of the Executive Summary and revised Page VIII-3 for the Act 537 Plan. Original signed resolutions from each of the seven Tributary Municipalities approving and adopting this amended implementation schedule are also enclosed.

Mr. Ricardo Gilson

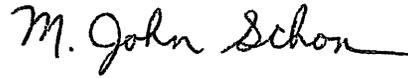
-2-

January 19, 2010

If you should have any questions about this request or need any additional information, please call me at (724) 282-1978.

Very truly yours,

BUTLER AREA SEWER AUTHORITY



M. John Schon, P. E.
Manager

cc: Christine S. Nagy, DEP Compliance & Monitoring Manager
Michael D. Hnath, Authority Solicitor
City of Butler, Mayor
Butler Township, Chairman Board of Commissioners
East Butler Borough, Mayor
Center Township, Chairman Board of Supervisors
Summit Township, Chairman Board of Supervisors
Oakland Township, Chairman Board of Supervisors
Connoquenessing Township, Chairman Board of Supervisors

- A central storage facility to store wastewater that is pumped from the Ballpark and Connoquenessing diversion pump stations, including three 4.70 MG capacity covered tanks.
- Conveyance system upgrades.

The Authority is also requesting a hydraulic re-rating for the BASA WWTP. The re-rated facility will have a permitted hydraulic capacity of 11.00 MGD and a peak hydraulic capacity of 28.00 MGD.

The cost for wet weather control facilities sized for existing conditions is estimated to be \$21.6 million. Facilities sized for future conditions have higher diversion pumping rates and larger storage volumes than the facilities sized for existing conditions. The estimated \$27.6 million cost for the larger facilities is about \$6.0 million more than the facilities sized for existing conditions. However, the larger facilities will have sufficient storage volume to capture all the historic overflow events that have ever been recorded in the BASA system, except for a single overflow event that was measured at the Deshon pump station in January 2005. It is recommended that facilities sized for future conditions be constructed in order to eliminate SSOs to the maximum extent possible. The cost for conveyance system upgrades is estimated at \$2.779 million, bringing the total cost for recommended system improvements to approximately \$30.393 million.

The cost estimates presented in Section VI show that it is not economically feasible at this time to extend public sewer service to the unsewered areas with existing development that were identified in the Special Studies. The rates required to cover the debt service on the sewer extensions would not be affordable for the new users unless significant amounts of grant money become available to reduce the cost of the projects.

A projected implementation schedule for the recommended plan is shown below.

Project Element	Date
Submit Draft Act 537 Plan Update to DEP and Municipalities	June 3, 2008
Receive Comments on Draft Plan From DEP and Municipalities	September & October 2008
Submit Final Act 537 Plan Update to DEP and Municipalities	March 2009
Begin Design of Recommended Facilities	May 2009
Receive DEP Approval of Act 537 Plan Update	August 27, 2009
Complete Construction of Facilities and Seal Overflows	July 2012

this time next year. If a sewer revenue bond were used to finance all of the proposed system improvements, the annual debt service would amount to about \$2,447,441. The monthly debt service would calculate to \$8.53 per EDU and a 34 percent rate increase would be needed to cover the additional debt service.

VIII.C DESIGNATED IMPLEMENTATION SCHEDULE

Table VIII-1 presents an implementation schedule for the recommended plan and represents an estimate of how the project should proceed barring unforeseen circumstances.

**Table VIII-1
Implementation Schedule**

Project Element	Date
Submit Draft Act 537 Plan Update to DEP and Municipalities	June 3, 2008
Receive Comments on Draft Plan From DEP and Municipalities	September & October 2008
Submit Final Act 537 Plan Update to DEP and Municipalities	March 2009
Begin Design of Recommended Facilities	May 2009
Receive DEP Approval of Act 537 Plan Update	August 27, 2009
Complete Construction of Facilities and Seal Overflows	July 31, 2012

**BUTLER AREA SEWER AUTHORITY
RESOLUTION NO. 11-25-09-2
AMENDMENT TO ACT 537 PLAN IMPLEMENTATION SCHEDULE**

A RESOLUTION OF THE BUTLER AREA SEWER AUTHORITY, BUTLER COUNTY, PENNSYLVANIA, TO REVISE AND AMEND THE IMPLEMENTATION SCHEDULE IN THE "ACT 537 SEWAGE FACILITIES PLANNING STUDY UPDATE", DATED FEBRUARY 2009 (WITH SUBSEQUENT REVISIONS DATED MAY 2009 AND JUNE 2009).

WHEREAS, the Butler Area Sewer Authority ("Authority") owns and operates public sanitary sewage collection and treatment facilities serving all or parts of seven municipalities ("Tributary Municipalities") in central Butler County; and

WHEREAS, the Authority and its Tributary Municipalities (City of Butler, Butler Township, Center Township, Connoquenessing Township, East Butler Borough, Oakland Township, and Summit Township, Butler County, Pennsylvania) mutually entered into a Consent Order and Agreement (CO&A) with the Pennsylvania Department of Environmental Protection (Department) on October 13, 2006; and

WHEREAS, the Authority on behalf of its Tributary Municipalities retained Chester Engineers, to develop and prepare the "Act 537 Sewage Facilities Planning Study Update", dated February 2009, in accordance with the requirements of the above referenced CO&A; which was approved and adopted by the Tributary Municipalities in April 2009, and

WHEREAS, the Authority wishes to revise and amend the original schedule for the implementation of the improvements recommended in the "Act 537 Sewage Facilities Planning Study Update" that was approved by the Department on August 27, 2009 as follows:

The key implementation activities and completion dates are revised as follows:

- Begin Design of Recommended Facilities May 2009
- Receive Department Approval of Act 537 Plan Update August 27, 2009
- Complete Construction of Facilities and Seal Overflows July 31, 2012

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Butler Area Sewer Authority hereby approves and adopts this revised implementation schedule as an amendment to the "Act 537 Sewage Facilities Planning Study Update." The Butler Area Sewer Authority hereby assures the Department of the complete and timely implementation of the said plan per this revised schedule as required by the CO&A.

RESOLVED, this 25th day of November, 2009 by roll-call vote of the Board of Directors of the Butler Area Sewer Authority at a duly advertised meeting.

ATTEST:

BUTLER AREA SEWER AUTHORITY


Secretary

By: 
Chairman

RESOLUTION NO. 2009 - 12 17A

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BUTLER, BUTLER COUNTY, PENNSYLVANIA (hereinafter "the municipality").

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

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 with sewage wastes, and to revise said plan whenever it is necessary to meet the sewage disposal needs of the municipality; and

WHEREAS, BASA and its Tributary Municipalities (City of Butler, Butler Township, Center Township, Connoquenessing Township, East Butler Borough, Oakland Township, and Summit Township, Butler County, Pennsylvania) mutually entered into a Consent Order and Agreement (CO&A) with the Department on October 13, 2006; and

WHEREAS, the Mayor and Council of the City of Butler by Resolution No. 2009-04-23, dated April 23, 2009, adopted and submitted to the Department for its approval as a revision to the "Official Plan" of the municipality, the "Act 537 Sewage Facilities Planning Study Update, February 2009", prepared by BASA's consulting engineer, Chester Engineers, on behalf of BASA and its Tributary Municipalities, which provides for sewage facilities in a portion of Connoquenessing Township, in accordance with the requirements of the above referenced CO&A; and

WHEREAS, BASA and the City of Butler wish to revise and amend the original implementation schedule for the implementation of the improvements recommended in the above referenced Official Plan and Resolution No. 11-09 as follows:

The revised key implementation activities/dates are as follows:

- Begin Design of Recommended Facilities May 2009
- Receive Department Approval of Act 537 Plan Update August 27, 2009
- Complete Construction of Facilities and Seal Overflows July 31, 2012

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Butler hereby adopt and submit to the Department for its approval this revised implementation schedule as a revision to the "Official Plan" of the municipality, and an amendment to the above referenced Official Plan. The municipality hereby assures the Department of the complete and timely implementation of the said plan per this revised schedule as required by law. (Section 5, Pennsylvania Sewage Facilities Act as amended).

RESOLUTION NO. 09 - 37

RESOLUTION OF THE COMMISSIONERS OF BUTLER TOWNSHIP, BUTLER COUNTY, PENNSYLVANIA (hereinafter "the municipality").

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

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 with sewage wastes, and to revise said plan whenever it is necessary to meet the sewage disposal needs of the municipality; and

WHEREAS, BASA and its Tributary Municipalities (City of Butler, Butler Township, Center Township, Connoquenessing Township, East Butler Borough, Oakland Township, and Summit Township, Butler County, Pennsylvania) mutually entered into a Consent Order and Agreement (CO&A) with the Department on October 13, 2006; and

WHEREAS, the Board of Commissioners of Butler Township by Resolution No. 09-11, dated April 20, 2009, adopted and submitted to the Department for its approval as a revision to the "Official Plan" of the municipality, the "Act 537 Sewage Facilities Planning Study Update, February 2009", prepared by BASA's consulting engineer, Chester Engineers, on behalf of BASA and its Tributary Municipalities, which provides for sewage facilities in a portion of Butler Township, in accordance with the requirements of the above referenced CO&A; and

WHEREAS, BASA and Butler Township wish to revise and amend the original implementation schedule for the implementation of the improvements recommended in the above referenced Official Plan and Resolution No. 90-11 as follows:

The revised key implementation activities/dates are as follows:

- Begin Design of Recommended Facilities May 2009
- Receive Department Approval of Act 537 Plan Update August 27, 2009
- Complete Construction of Facilities and Seal Overflows July 31, 2012

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Butler Township hereby adopts and submits to the Department for its approval this revised implementation schedule as a revision to the "Official Plan" of the municipality, and an amendment to the above referenced Official Plan. The municipality hereby assures the Department of the complete and timely implementation of the said plan per this revised schedule as required by law. (Section 5, Pennsylvania Sewage Facilities Act as amended).



**TOWNSHIP OF CENTER
BUTLER COUNTY, PENNSYLVANIA
RESOLUTION NO. 2009-12-25**

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 with sewage wastes, and to revise said plan whenever it is necessary to meet the sewage disposal needs of the municipality; and

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

WHEREAS, BASA and its Tributary Municipalities (City of Butler, Butler Township, Center Township, Connoquenessing Township, East Butler Borough, Oakland Township, and Summit Township, Butler County, Pennsylvania) mutually entered into a Consent Order and Agreement (CO&A) with the Department on October 13, 2006; and

WHEREAS, the Board of Supervisors of Center Township by Resolution No. 2009-04-12, dated April 20, 2009, adopted and submitted to the Department for its approval as a revision to the "Official Plan" of the municipality, the "Act 537 Sewage Facilities Planning Study Update, February 2009", prepared by BASA's consulting engineer, Chester Engineers, on behalf of BASA and its tributary Municipalities, which provides for sewage facilities in a portion of Center Township, in accordance with the requirements of the above referenced CO&A; and

WHEREAS, BASA and Center Township wish to revise and amend the original implementation schedule for the implementation of the improvements recommended in the above reference Official Plan and Resolution No. 200-04-12 as follows:

The revised key implementation activities/dates are as follows:

- | | |
|--|-----------------|
| • Begin Design or Recommended Facilities | May 2009 |
| • Receive Department Approval of Act 537 Plan Update | August 27, 2009 |
| • Complete Construction of Facilities and Seal Overflows | July 31, 2012 |

**SUMMIT TOWNSHIP
BOARD OF SUPERVISORS**

RESOLUTION NO. 277

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 with sewage wastes, and to revise said plan whenever it is necessary to meet the sewage disposal needs of the municipality; and

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

WHEREAS, BASA and its Tributary Municipalities (City of Butler, Butler Township, Center Township, Connoquenessing Township, East Butler Borough, Oakland Township, and Summit Township, Butler County, Pennsylvania) mutually entered into a Consent Order and Agreement (CO&A) with the Department on October 13, 2006; and

WHEREAS, the Board of Supervisors of Summit Township by Resolution No. 274, dated April 15, 2009, adopted and submitted to the Department for its approval as a revision to the "Official Plan" of the municipality, the "Act 537 Sewage Facilities Planning Study Update, February 2009", prepared by BASA's consulting engineer, Chester Engineers, on behalf of BASA and its Tributary Municipalities, which provides for sewage facilities in a portion of Summit Township, in accordance with the requirements of the above referenced CO&A; and

WHEREAS, BASA and Summit Township wish to revise and amend the original implementation schedule for the implementation of the improvements recommended in the above referenced Official Plan and Resolution No. 274 as follows:

The revised key implementation activities/dates are as follows:

- | | |
|--|-----------------|
| • Begin Design of Recommended Facilities | May 2009 |
| • Receive Department Approval of Act 537 Plan Update | August 27, 2009 |
| • Complete Construction of Facilities and Seal Overflows | July 31, 2012 |

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Summit Township hereby adopts and submits to the Department for its approval this revised implementation schedule as a revision to the "Official Plan" of the municipality, and an amendment to the above referenced Official Plan. The municipality hereby assures the Department of the complete and timely implementation of the said plan per this revised schedule as required by law. (Section 5, Pennsylvania Sewage Facilities Act as amended).

RECEIVED
JAN - 5 2010
BASA

RESOLUTION
RESOLUTION NO. 11-09
OF THE TOWNSHIP OF CONNOQUENESSING
BUTLER COUNTY, PENNSYLVANIA

RESOLUTION OF THE SUPERVISORS OF THE TOWNSHIP OF CONNOQUENESSING, BUTLER COUNTY, PENNSYLVANIA (hereinafter "the municipality").

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

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 with sewage wastes, and to revise said plan whenever it is necessary to meet the sewage disposal needs of the municipality; and

WHEREAS, BASA and its Tributary Municipalities (City of Butler, Butler Township, Center Township, Connoquenessing Township, East Butler Borough, Oakland Township, and Summit Township, Butler County, Pennsylvania) mutually entered into a Consent Order and Agreement (CO&A) with the Department on October 13, 2006; and

WHEREAS, the Board of Supervisors of Connoquenessing Township by Resolution No. 11-09, dated April 16, 2009, adopted and submitted to the Department for its approval as a revision to the "Official Plan" of the municipality, the "Act 537 Sewage Facilities Planning Study Update, February 2009", prepared by BASA's consulting engineer, Chester Engineers, on behalf of BASA and its Tributary Municipalities, which provides for sewage facilities in a portion of Connoquenessing Township, in accordance with the requirements of the above referenced CO&A; and

WHEREAS, BASA and Connoquenessing Township wish to revise and amend the original implementation schedule for the implementation of the improvements recommended in the above referenced Official Plan and Resolution No. 11-09 as follows:

The revised key implementation activities/dates are as follows:

- Begin Design of Recommended Facilities May 2009
- Receive Department Approval of Act 537 Plan Update August 27, 2009
- Complete Construction of Facilities and Seal Overflows July 31, 2012

**OAKLAND TOWNSHIP
BOARD OF SUPERVISORS**

RESOLUTION NO. 2009-09

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 with sewage wastes, and to revise said plan whenever it is necessary to meet the sewage disposal needs of the municipality; and

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

WHEREAS, BASA and its Tributary Municipalities (City of Butler, Butler Township, Center Township, Connoquenessing Township, East Butler Borough, Oakland Township, and Summit Township, Butler County, Pennsylvania) mutually entered into a Consent Order and Agreement (CO&A) with the Department on October 13, 2006; and

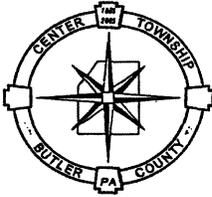
WHEREAS, the Board of Supervisors of Oakland Township by Resolution No. 2009-04, dated April 21, 2009, adopted and submitted to the Department for its approval as a revision to the "Official Plan" of the municipality, the "Act 537 Sewage Facilities Planning Study Update, February 2009", prepared by BASA's consulting engineer, Chester Engineers, on behalf of BASA and its Tributary Municipalities, which provides for sewage facilities in a portion of Oakland Township, in accordance with the requirements of the above referenced CO&A; and

WHEREAS, BASA and Oakland Township wish to revise and amend the original implementation schedule for the implementation of the improvements recommended in the above referenced Official Plan and Resolution No. 2009-04 as follows:

The revised key implementation activities/dates are as follows:

- | | |
|--|-----------------|
| • Begin Design of Recommended Facilities | May 2009 |
| • Receive Department Approval of Act 537 Plan Update | August 27, 2009 |
| • Complete Construction of Facilities and Seal Overflows | July 31, 2012 |

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Oakland Township hereby adopts and submits to the Department for its approval this revised implementation schedule as a revision to the "Official Plan" of the municipality, and an amendment to the above referenced Official Plan. The municipality hereby assures the Department of the complete and timely implementation of the said plan per this revised schedule as required by law. (Section 5, Pennsylvania Sewage Facilities Act as amended).



**TOWNSHIP OF CENTER
BUTLER COUNTY, PENNSYLVANIA
RESOLUTION NO. 2007-02-04**

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

WHEREAS, by Resolution No. 06-10-06 dated October 11, 2006, Center Township entered into a Consent Order and Agreement with DEP and BASA; and

WHEREAS, Paragraph 3.a.iii of the Consent Order and Agreement states as follows:

- a. Each Tributary Municipality shall prepare and submit to [DEP] for approval, an administratively complete Official Plan revision Special Study that focuses on each municipalities current and future needs to be served by the [publicly-owned treatment works] according to the following schedule

- iii. Within 150 days of the date of this Consent Order and Agreement each Tributary Municipality shall submit to [DEP], 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.

WHEREAS, Olsen & Associates has been retained by the Township to prepare the Special Study and has presented the Special Study to the Board of Supervisors for adoption as a revision to the Township's Official Plan.

THEREFORE, BE IT RESOLVED that the Board of Supervisors of Center Township do hereby adopt and submit to DEP for approval as a revision to the official plan of the municipality, the above-referenced official plan revision Special Study.

SO RESOLVED this 14th day of February, 2007.

ATTEST:

Stephanie Sellers
Township Secretary

CENTER TOWNSHIP
BOARD OF SUPERVISORS:

By: Ronald E. Stott
Chairperson

By: Andrew Erie
Vice Chairperson

By: Edward Latuska
Supervisor

By: B. K. Hord
Supervisor

By: Shirley Hill
Supervisor

(SEAL)

I, Stephanie Sellers, Secretary, Center Township Board of Supervisors, hereby certify that the foregoing is a true copy of Township Resolution No. 2007-02-04, adopted on the 14th day of February, 2007.

Municipal Address:

419 Sunset Drive
Butler, PA 16001

Telephone No.: (724) 282-7805

Stephanie Sellers
Stephanie Sellers

(SEAL)



Pennsylvania Department of Environmental Protection

230 Chestnut Street
Meadville, PA 16335-3481

OCT 30 2007

Northwest Regional Office

814-332-6942

Fax: 814-332-6121

Ms. Stephanie Sellers
Center Township
419 Sunset Drive
Butler, PA 16001

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

Dear Ms. Sellers:

The Department of Environmental Protection (DEP) hereby **approves** the report titled "Act 537 Official Plan Revision: Special Sewage Study" (Special Study) as a revision to Center Township's Official Sewage Plan. Olsen & Associates is the author of the report, and it is dated February 2007 with subsequent revisions September 2007 and October 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% of the eligible planning costs. With this plan approval action by the Department, Center Township is now eligible to apply for this grant. An application is enclosed for your use.

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

Sincerely,

Ricardo F. Gilson
Regional Manager
Water Management

Enclosure

cc: Mr. Jeremy Olsen
~~Mr. John Schon~~
Mr. David Johnston
Ms. Tomisa Schmeider
Mr. Michael Zimmerman/Ms. Cynthia Selby
File

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

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ASSISTANT SECRETARY
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MANAGER

PHILIP A. BRUNN, III
ASSISTANT MANAGER

JAMES W. TOMAZICH, P.E.
AUTHORITY ENGINEER

CHESTER ENGINEERS
CONSULTING ENGINEERS

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

COPY

November 2, 2007

Ms. Stephanie Sellers
Center Township
419 Sunset Drive
Butler, PA 16001

Dear Ms. Sellers:

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

On October 30, 2007, the Department of Environmental Protection (DEP) issued a letter to Center Township approving the "Act 537 Official Plan Revision: Special Sewage Study", dated February 2007 with subsequent revisions dated September 2007 and October 2007, which was prepared by Olsen & Associates, LLC. Under Paragraph 3(a)(iv) on Page 9 of 32 of the DEP Consent Order and Agreement (CO&A) dated October 13, 2006, Center Township is required to submit a complete copy of the approved Official Plan Revision Special Study, complete with all revisions, to the Authority, upon receipt of written notification that the DEP has approved the Official Plan Revision Special Study.

Please submit a complete copy of the DEP-approved "Act 537 Official Plan Revision: Special Sewage Study", dated February 2007 with subsequent revisions dated September 2007 and October 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, P. E.
Manager

cc: Christina Nagy, PA DEP Meadville
Jeremy C. Olsen, Olsen & Associates, LLC

OLSEN & ASSOCIATES, LLC
ENGINEERS • COMMUNITY PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS • GRANTS WRITERS / ADMINISTRATORS
126 SOUTH MAIN STREET
BUTLER, PENNSYLVANIA 16001

(724) 282-4786

RECEIVED
NOV - 7 2007
BASA

TRANSMITTAL MEMORANDUM

TO: Mr. M. John Schon, P.E.
Butler Area Sewer Authority
100 Litman Road
Butler, PA 16001-3256

DATE: 07-Nov-2007
RE: SUBMITTAL OF DEP-APPROVED
OFFICIAL PLAN REVISION
SPECIAL STUDY

ENCLOSED, PLEASE FIND THE FOLLOWING:

- PRINTS
- CORRESPONDENCE
- DRAWINGS
- REPORT
- DISKETTE
- OTHER

COPIES	DATE	DRAWING #	DESCRIPTION
1	Sept. 2007	200604E	Center Township 2007 Act 537 Official Plan revision: Special Sewage Study. February 2007; revised September 2007

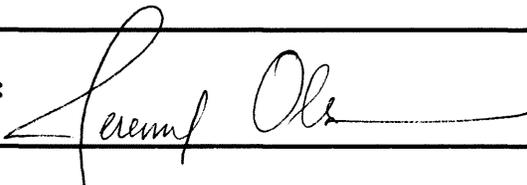
THESE ARE:

- FOR REVIEW AND COMMENT
- AS REQUESTED
- FOR APPROVAL
- FOR YOUR FILES

REMARKS:

Enclosed is the DEP-Approved Center Township Special Sewage Study, as requested by BASA on 02-Nov-2007.

SIGNED:



CC: Center Township

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



ph: 724-282-4786

Olsen & Associates, LLC
126 South Main Street, Butler, PA 16001
fax: 724-282-7619 www.OlsenAndAssociates.us

Act 537 Official Plan Revision: **SPECIAL SEWAGE STUDY**

FOR

CENTER TOWNSHIP
Butler County, Pennsylvania

February, 2007
Revised September 2007

O&A PROJECT # 200604E

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PART 1: Background Information

On October 13, 2006, a Final Consent Order and Agreement was signed by the Butler Area Sewer Authority (BASA), the PA Department of Environmental Protection (PaDEP) and the municipal entities connected to BASA's Sewage Collection System, including Center Township [see Appendix C for Final Consent Order and Agreement]. This Act 537 Special Study has been prepared by Center Township to conform to the PaDEP's request to provide planning data to aid BASA in the possible design and/or possible rehabilitation of its sewerage system in Center Township.

The potential growth areas and the EDU calculations discussed throughout this SPECIAL SEWAGE STUDY (along with potential growth areas and EDU calculations shown on digital maps included in the study), are *estimates only*, prepared to guide BASA in its planning efforts. More or less growth than what is being projected may occur; the figures and calculations presented herein are Center Township's best estimates based on all data and knowledge currently available. Additionally, throughout this SPECIAL STUDY, specific areas, watersheds or parcels are marked as "developable" or "likely to develop" and potential EDU calculations have been assigned to these areas, watersheds or parcels. This is again for estimating purposes only; growth may occur in areas not marked as being developable. If an area or parcel is not marked as "likely to develop" or EDU counts are not given for that particular area or parcel, that area or parcel may still be eligible to connect into BASA's sewerage system, if logical, appropriate, or necessary, and is correctly funded. Conversely, areas forecasted in the study as being "likely to develop" may not actually be developed within the projected timeframe, for whatever reason.

The EDU estimates listed throughout the report are meant to provide an estimated count for *the entire Township* and, where possible, the EDU calculations have been broken down into each sewershed (or watershed), to aid BASA in planning.

Center Township is acknowledging at this time that it is in the BASA service district. All lands that can flow by gravity to existing BASA facilities, whether in Center Township or adjoining Townships, should be served with an extension of gravity sewers whenever physically and economically feasible. The Township agrees that sewer extensions would either be funded by developers or the Township (if this is determined to be in the best interest of the Township).

PART 2: Administrative Completeness Checklist

Section 1: Plan Summary

A: Identification of Proposed Service Areas and Major Problems Evaluated in the Plan

The following map, [*Summary of Projected Development*], using data from Center Township Comprehensive Plan, adopted 2000, and from Center Township Land Use Assumption Report, adopted 2005] depicts Center Township's boundaries along with projected growth areas. These areas are likely to need sewerage service within the next 20+ years, and main-line extensions will be needed to reach areas expected to see growth within the next 5 years.

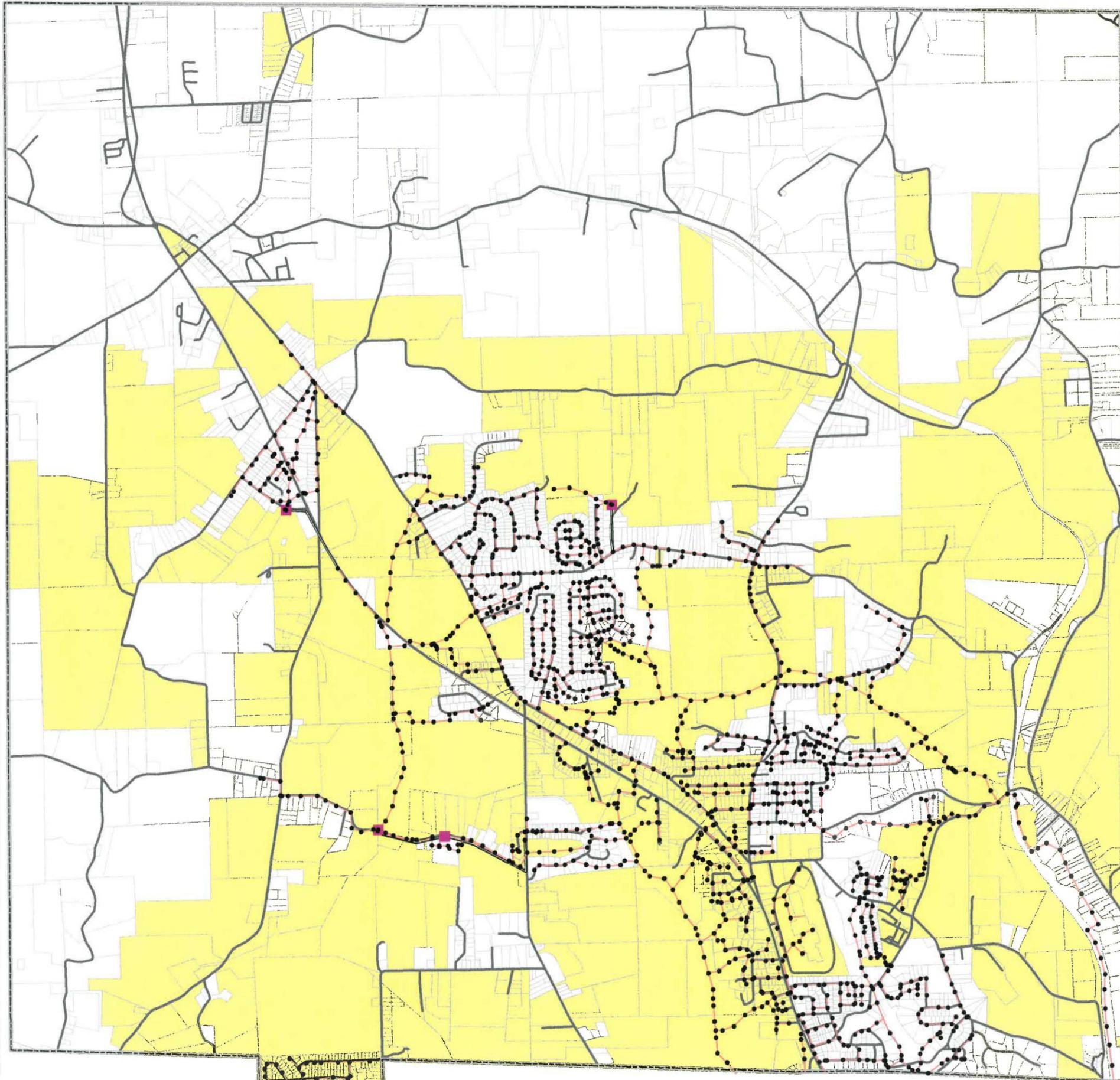
Funding for these extensions would come from, in part, tapping fees from future development within the development areas. However, as BASA has pointed out in their comments to Center Township's DRAFT SPECIAL STUDY, dated January 2, 2007, state law prohibits the recovery of all extension-related costs through tapping fees. The existing residents and customer base of Center Township will be expected to finance the construction costs for 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.

Currently, no major sewage capacity problems exist within the boundaries of Center Township. No documented overflows have occurred within the township borders, as verified by BASA. However, sewage permits have been limited by BASA over the past approximately five years as a result of overflows in Butler City and Butler Township from sewer lines which carry (in part) Center Township sewage. Major home builders have not developed lands in Center Township due to BASA's limiting of 5 sewer permits per developer per year. Due to economy of scale problems, national house building companies such as Maronda Homes, Ryan Homes, S&A, and Heartland Homes cannot economically develop residential plans with sewer permit limitations as currently existing. One of the reasons that the Center Township Planning Commission has recently recommended against rezoning properties along the Township's southern border is that an increase in housing density cannot be supported by the existing BASA sewer system.



Summary of Projected Development

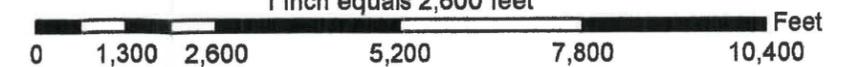
Summary map combining
2000 Comprehensive Plan projection
and 2005 Land Use
Assumption Report projection
Center Township, Butler County



Legend

- Manhole
- Pump Station
- Gravity Main
- Force Main
- Tax Parcels
- Parcels Projected to Develop by both the 2000 Comprehensive Plan and the 2005 Land Use Assumption Report

1 inch equals 2,600 feet



B: Identification of Alternatives Chosen to Solve Problems and Serve the Areas of Need Identified in the Plan

The alternatives considered accommodating growth in Center Township and the other tributary municipalities will only be known during the Final Act 537 Plan process. Alternatives will be selected by BASA during this process.

C: Estimated Cost of Implementing the Proposed Alternative

An estimated cost will be provided by BASA during its Final Act 537 Plan process. Once alternatives are decided upon, design and construction costs can be formulated by BASA.

D: Identification of Municipal Commitments to Implement the Plan

The final Consent Order and Agreement [see Appendix C] outlines any and all commitments required by Center Township and the other tributary municipalities.

E: Schedule of Implementation

- November 27, 2006: Draft of Act 537 Special Study submission to Township Planning Commission, Butler County Planning Commission, and BASA.
- January 26, 2007: Township Supervisors shall consider comments of Township Planning Commission, Butler County Planning Commission and BASA and revise the Act 537 Special Study as necessary.
- March 12, 2007: Final Act 537 Special Study shall be adopted by the townships by Resolution and the Resolution and Study shall be submitted to DEP by this date.
- 30 Days after BASA receives all DEP-approved Official Plan Revision Special Studies: BASA Task Activity Report Preparation.
- 180 Days after BASA TAR approval: BASA Official Plan Update Revision submitted to PaDEP.
- 180 Days after receiving DEP comments on Official Plan: BASA to submit final Update Revision to PaDEP.

BASA's final Update Revision will include timeframes for design and construction of proposed upgrades and improvements.

Section 2: Municipal Adoption

Center Township will adopt this document, the Center Township Final Act 537 Official Plan Revision, by March 12, 2007 in accordance with the outline presented in Part 2, Section 1.E.

Section 3: Planning Commission Comments

All comments received by the Center Township Planning Commission, the Butler County Planning Commission, and BASA can be found in Appendices G, H, and I, respectively.

Section 4: Publication

Center Township has conducted a 30 day comment period, from January 12, 2007 to February 10, 2007, during which time the public was given the opportunity to view and make (written) comments on the Draft Act 537 Official Plan Revision. An additional appendix (Appendix J) has been added to the Center Township Final Act 537 Official Plan Revision containing the publication advertised for public comments.

Section 5: Comments and Responses

An additional appendix (Appendix K) has been added to the Center Township Final Act 537 Official Plan Revision, containing any and all public comments. Appendix L contains any and all municipal responses to each comment in relation to the proposed plan. Only one such comment was received, and it is Center Township's recommendation that BASA consider the solution offered in this letter. Specifically, a land owner in the southwestern portion of the Township has proposed a sewage equalization tank be placed on his property, which may alleviate some of the strain on this portion of BASA's collection system.

PART 3: Official Plan

Section 1: Description and Analysis of Physical and Demographic Characteristics of the Planning Area

A: Planning Area Boundaries and Political Subdivision Boundaries

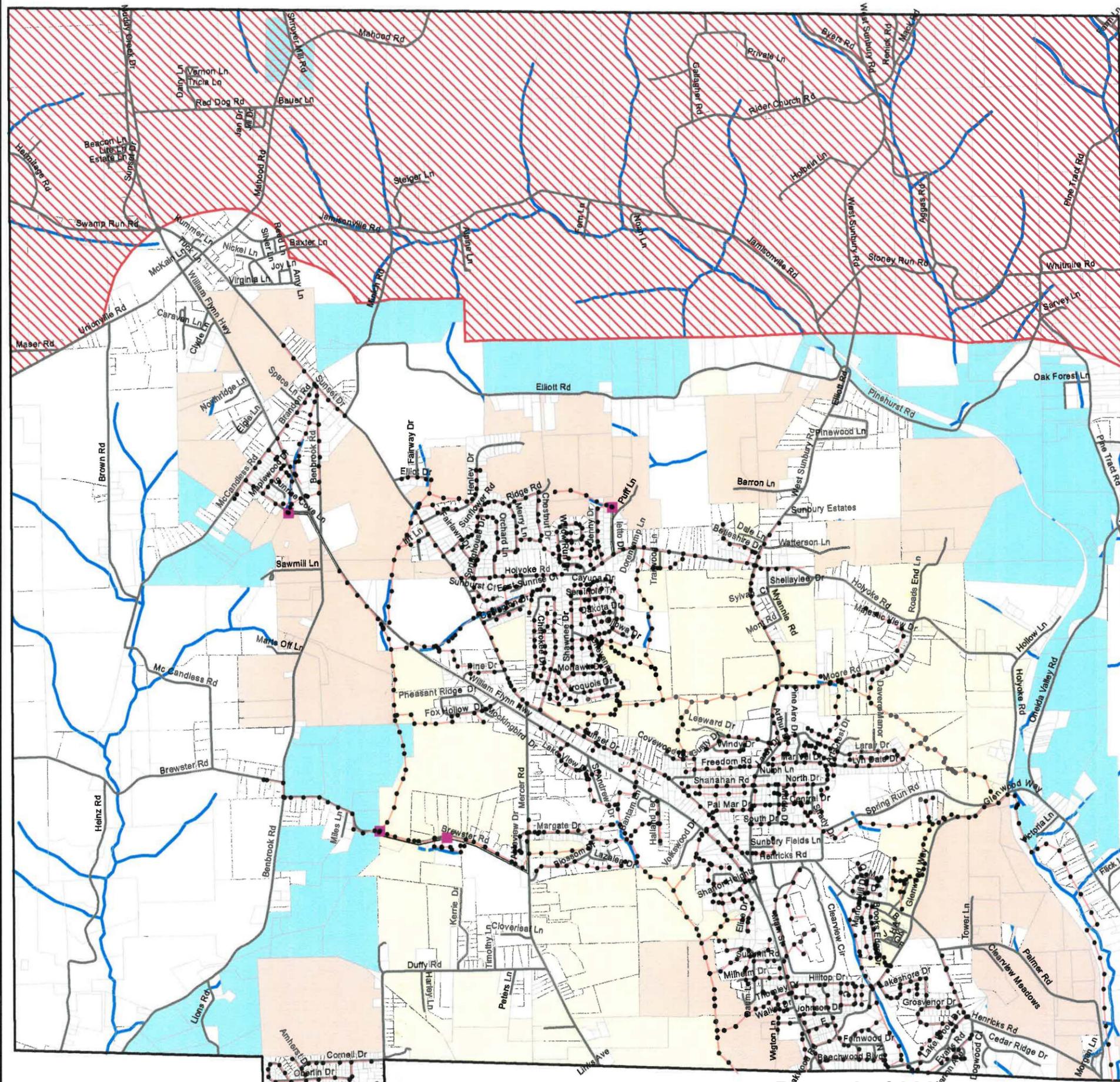
Center Township, Butler County, PA is 24.4 square miles in area and situated north of Butler Township and the City of Butler (the City being located in the northeastern quadrant of Butler Township). Center Township is bordered to the north by Clay Township, to the east by Oakland Township, to the south by Butler Township, and to the west by Franklin Township. With the exception of the Muddy Creek and Swamp Run watershed areas, all of Center Township is tributary to BASA's sewerage system which essentially flows toward the south into Butler Township. The map on page 7 [*"Areas Anticipated not to be Served by the Butler Area Sewer Authority within the next 20 Years"*, developed for this report] delineates those areas not served by BASA for clarity.

The map on page 8 [*"Zoning Districts"*, from Center Township's *Zoning Ordinance*] shows planning area boundaries and political subdivision boundaries, along with zoning information for Center Township. The following zoning districts exist in Center Township:

- R-1A: Single Family Residential – Agriculture
- R-1: Single Family Residential
- R-2: Two Family Residential
- R-3: Multi Family Residential
- C-1: Retail & Service Commercial
- C-2: Highway Commercial
- M-1: Light Industrial
- M-2: Heavy Industrial



Areas Anticipated not to be Served by the Butler Area Sewer Authority within the next 20 Years Center Township, Butler County

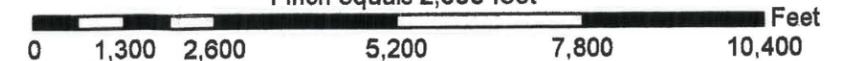


Legend

Time Table for Future Development

- Short-Term Development (0 - 10 years)
- Mid-Term Development (11 - 20 years)
- Long-Term Development (20+ years)
- Area not Anticipated to be Served by BASA within the next 20 years
- Manhole
- Pump Station
- Gravity Main
- Force Main
- Tax Parcels

1 inch equals 2,600 feet



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ARCH # 200604E NOT SERVED

O&A PROJECT # 200504E

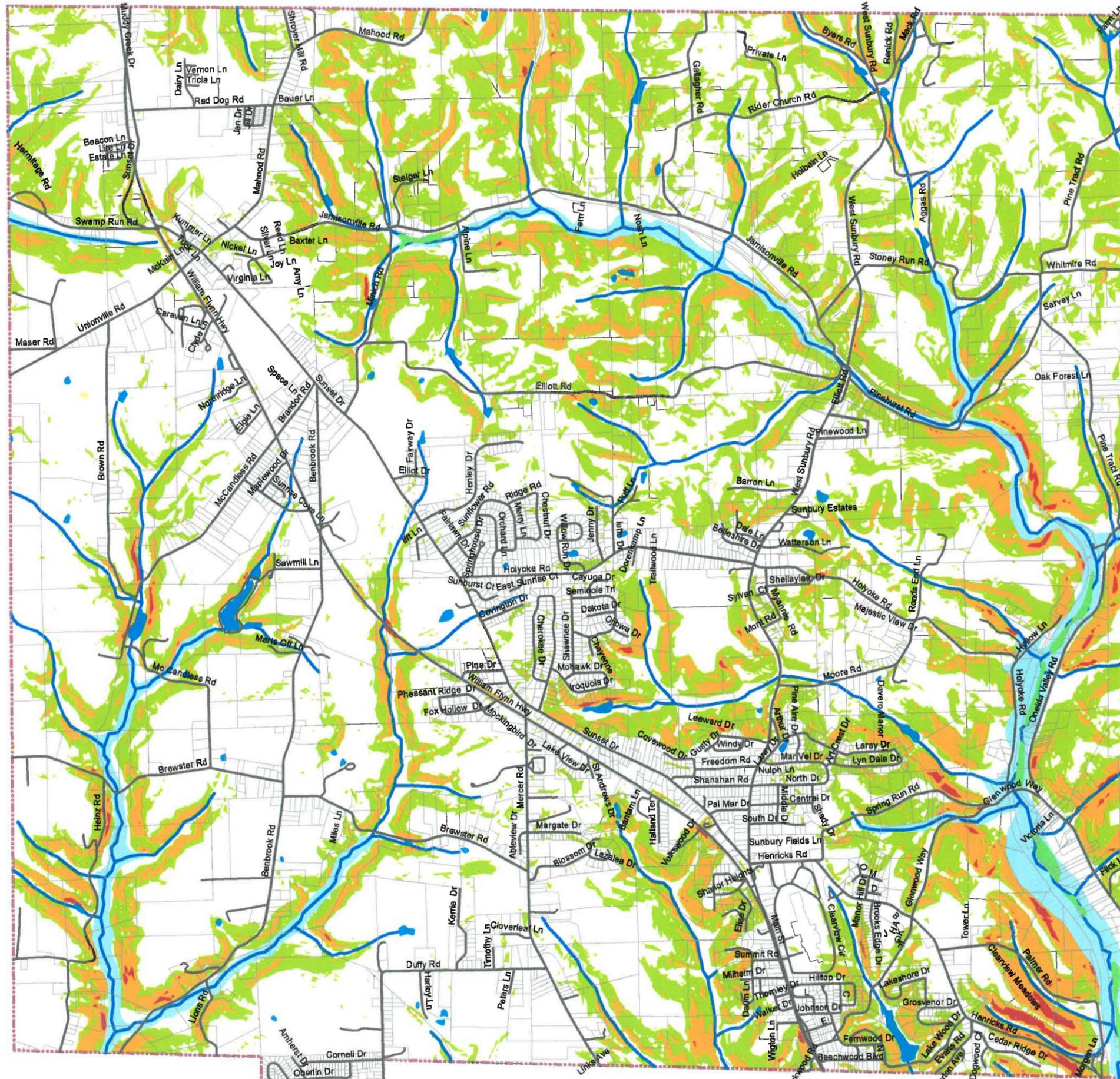
B: Physical Characteristics of the Planning Area

The map on Page 10 [*Development Constraints*], created for this report depicts physical characteristics of Center Township, including tax parcels, road centerlines, networked streams, floodplains, wetland types, and percent slope. These characteristics denote physical constraints to development.

Generally, land developments cannot infringe on floodplains or wetlands. Also, the steeper the land, the less it is conducive to economically feasible development. It is generally accepted that lands with slopes below 15% are attractive to development; lands with slopes between 15% to 24% are marginally desirable. Lands with slopes above 25% are considered un-developable but these steep areas can provide land uses such as "open space" or "passive recreation areas" that make adjacent, flatter lands more attractive.

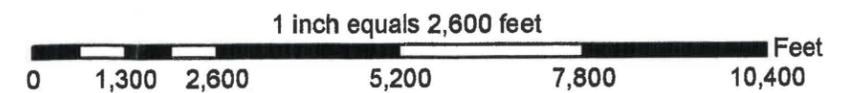
Therefore, physical characteristics that support most economically feasible development are found in the northwest, center, and southwestern areas of the Township.

Amended Appendix A-22-b
Development Constraints
Center Township, Butler County



Legend

- Township Boundary
- Tax Parcels
- Road Centerlines
- Networked Streams
- Floodplains
- Wetland Type**
 - Freshwater Emergent Wetland
 - Freshwater Forested / Shrub Wetland
 - Freshwater Pond
- Percent Slope**
 - Below 15%
 - 15% to 24%
 - 25% to 39%
 - Above 40%



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ARCH # 200604E CONSTRAINTS

O&A PROJECT # 200604E

C: Soils and Geological Features

The map on page 12 [*"Hydric Soils", created for this report*] depicts USDA soil types (hydric, partially hydric, and non hydric), along with Gravity sewer lines, force mains, manholes, and pump stations.

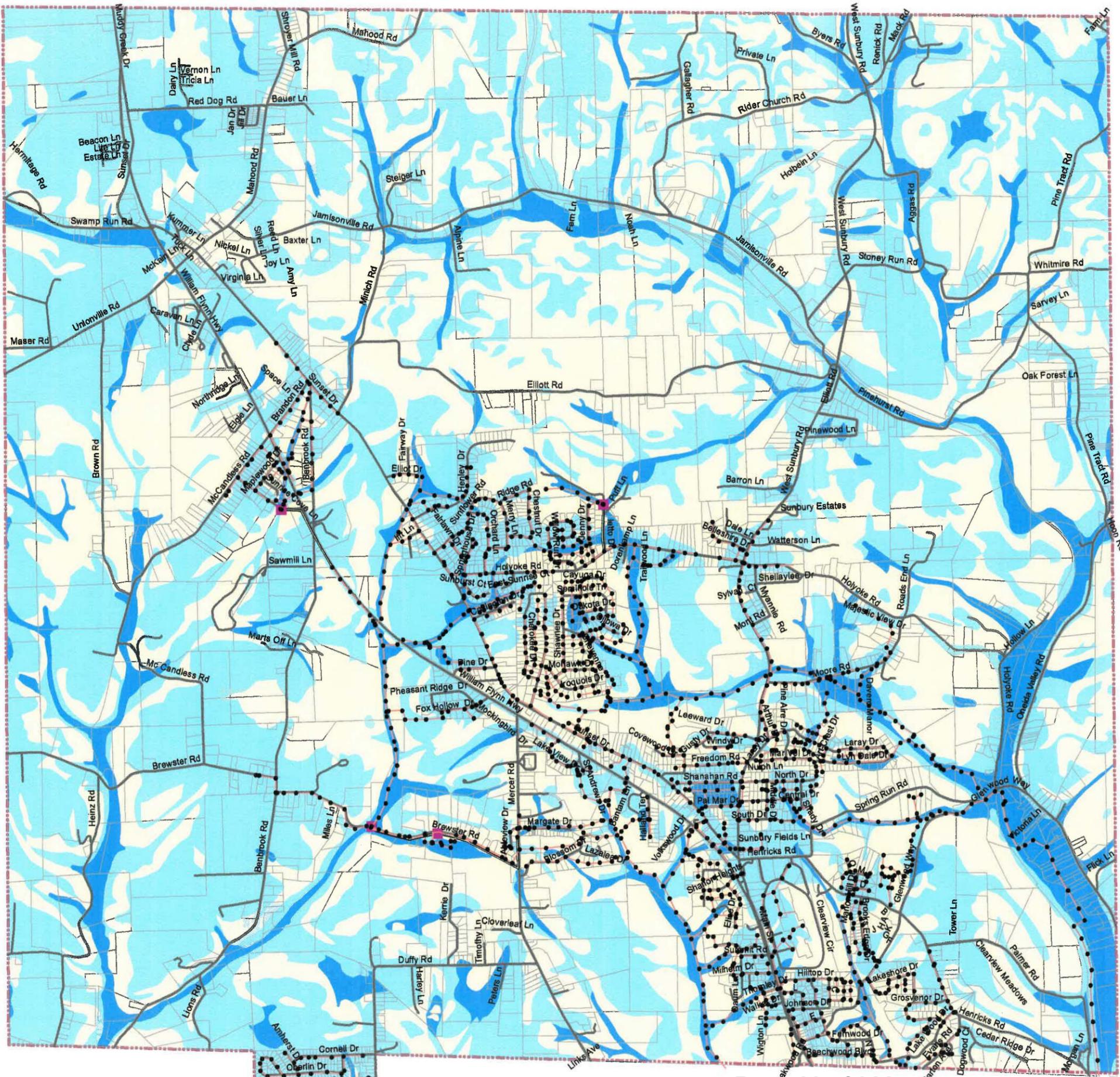
Hydric soils and partially hydric soils are generally those which present challenges for placement of on-lot sewage treatment systems. Except for flatter areas of higher elevation, most lands of Center Township exhibit marginally acceptable soils for on-lot sewage treatment.

Malfunctioning on-lot sewage systems in densely populated areas prompted the extension of public sewers into Center Township approximately 25 years ago (early 1980's).

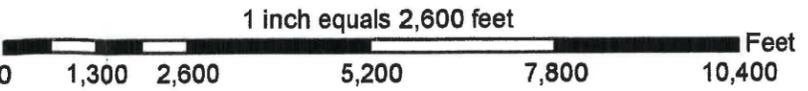
More stringent attention to on-lot sewage permitting by the PaDEP and the Township has resulted in either (1) larger lots (with lower overall population density) in new areas of development using on-lot sewage treatment or (2) new lot plans employing public sanitary sewer extensions with lot densities following Zoning Ordinance mandates.

Based on Soils and Geologic Features it is expected that this growth trend will continue. The northern extents of the Township will exhibit lower population densities due to lot size requirements of on-lot sewage systems while central and southern areas of the Township will exhibit denser growth which public sewer extensions will support.

Amended Appendix A-22-b
Hydric Soils
Center Township, Butler County



- Legend**
- Gravity Main
 - Force Main
 - Manhole
 - Pump Station
 - Township Boundary
 - Tax Parcels
 - Road Centerlines
 - USDA Soil Types**
 - Hydric Soils
 - Partially Hydric Soils
 - Non Hydric Soils



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D: Current and Historical Population Information

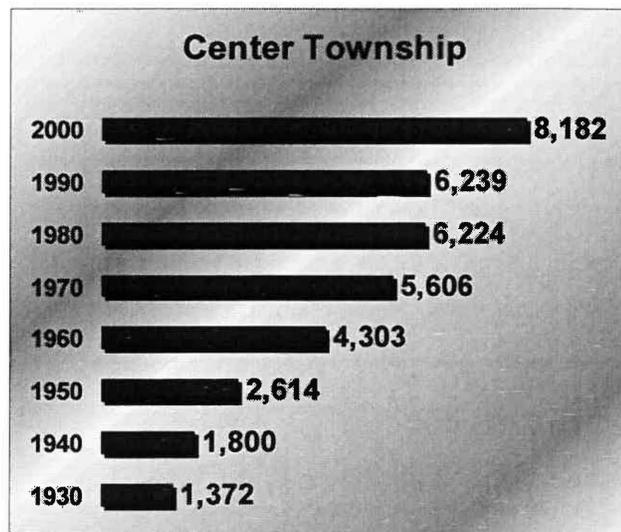
Unless otherwise noted, the population data presented throughout this report is directly from either the Southwestern Pennsylvania Commission or from the U.S. Census Bureau. The Township's population has increased during each Census period beginning with a population of 1,372 persons in 1930 to a year 2000 population of approximately 8,182 persons. The current population is estimated at 13,122 persons.

Between 1990 and the year 2004, a total of 1,039 housing units were permitted, predominantly single family dwellings. There were 871 single family units and 168 multi-family units constructed. This equates to an annual average of about 69 new housing units annually or approximately 167 persons a year calling the Township home at a persons-per-household rate of 2.42 persons.

Population 1930-2000

	1930	1940	1950	1960	1970	1980	1990	2000
Center Township	1,372	1,800	2,614	4,303	5,606	6,224	6,239	8,182
Butler County	80,480	87,590	97,320	114,639	127,941	147,912	152,013	174,083

Source: Southwestern Pennsylvania Commission



URBAN/RURAL AREA- 2000				
CENTER TOWNSHIP				
	Population		Housing Units	
	#	%	#	%
Urban	3,890	47.5%	1,740	50%
Rural	4,292	53.5%	1,742	50%
Total	8,182	100%	3,482	100%

MEDIAN AGE	
1990	2000
36.6	41.7

Source: Penn State Data Center, Municipal Demographic Profile

Population Density

2000

Data Classes

Persons/Sq Mile

147 - 163

231 - 231

489 - 489

723 - 723

967 - 946

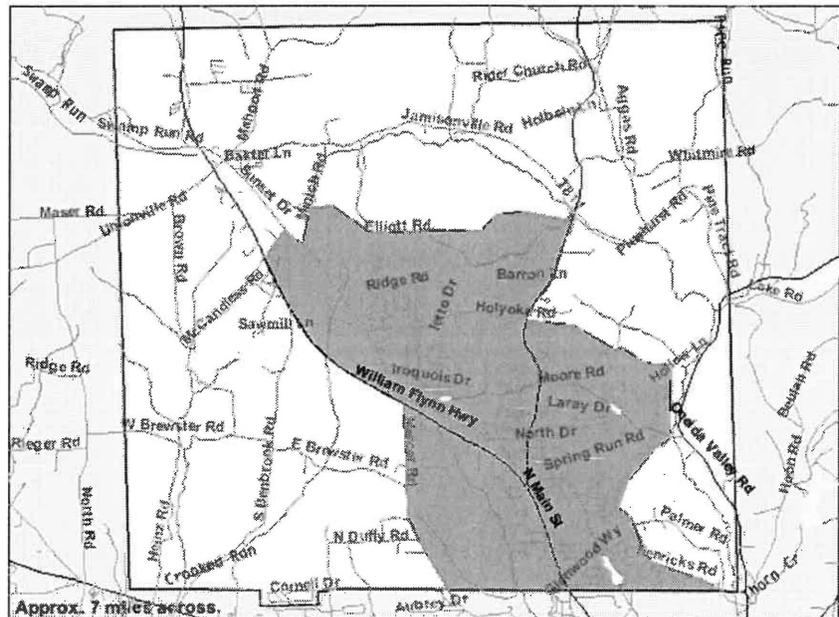
Features

Major Road

Street

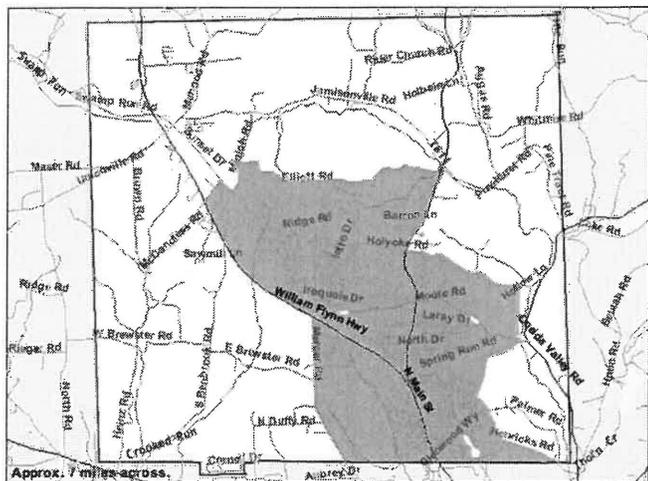
Stream/Waterbody

Stream/Waterbody



Housing and Households

Housing Density 2000



Data Classes

Total Units	
	1389 - 2093
	2093 - 2693

Features

- Major Road
- Street
- Stream/Waterbody
- Stream/Waterbody

Center Township – 2000

Housing Occupancy

Total Housing Units	3,482	100.0%
Occupied Housing Units	3,333	95.7%
Vacant Housing Units	149	4.3%
Seasonal, recreational or occasional use	14	0.4%

Housing Tenure

Total Occupied Housing Units	3,333	100.0%
Owner-Occupied Housing Units	2,635	79.1%
Renter-Occupied Housing Units	698	20.9%

Vacancy Rate

Homeowner vacancy	1.0%
Rental vacancy	7.9%

Average Household Size

Owner-occupied household size	2.42
Renter-occupied household size	2.93

Occupants Per Room

Occupied Housing Units	3,333	100.0%
1.00 or less	3,292	98.8%
1.01 to 1.50	26	0.8%
1.51 or more	15	0.5%

House Heating Fuel

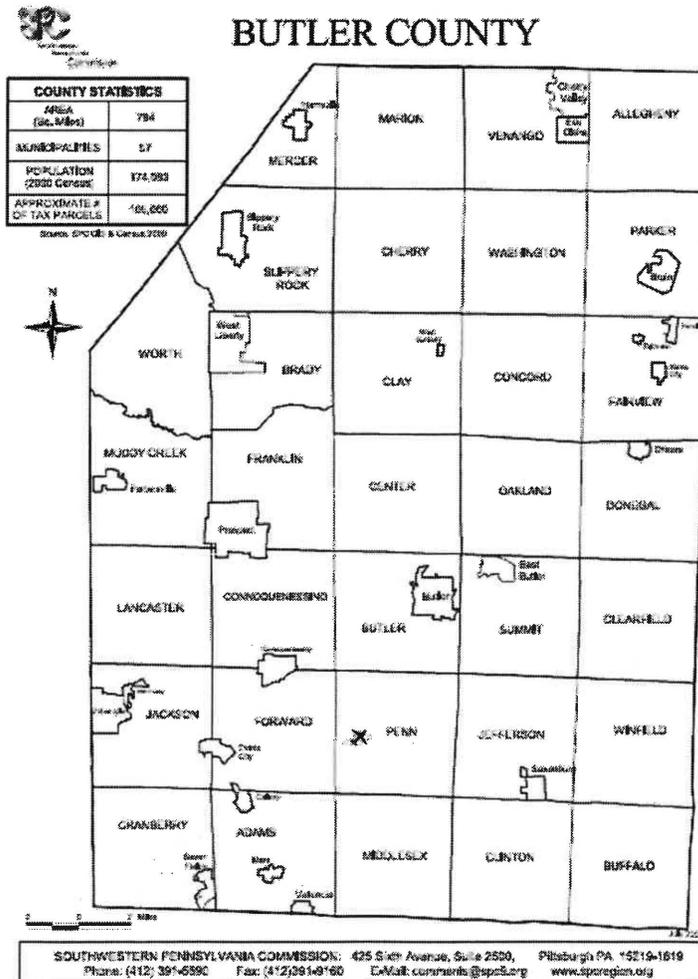
Utility gas	2,177	65.3%
Bottled, tank or LP gas	177	5.3%
Electricity	473	14.2%
Fuel oil, kerosene, etc.	460	13.8%
Coal or coke	7	0.2%
Wood	26	0.8%
Solar energy	0	0%
Other fuel	13	0.4%

Geographic area	Population	Housing units	Area in square miles			Density per square mile of land area	
			Total area	Water area	Land area	Population	Housing units
Butler County	174,083	69,868	794.79	6.26	788.53	220.8	88.6
Center Township	8,182	3,482	24.48	0.04	24.45	334.7	142.4

Geographic Comparison Table Center Township and Surrounding Municipalities 2000 Census

Geographic area	Population	Housing units	Area in square miles			Density per square mile of land area	
			Total area	Water area	Land area	Population	Housing units
Butler County	174,083	69,868	794.79	6.26	788.53	220.8	88.6
Center Township	8,182	3,482	24.48	0.04	24.45	334.7	142.4
Clay Township	2,628	1,036	25.16	0.00	25.16	104.5	41.2
Oakland Township	3,074	1,168	23.23	0.30	22.93	134.1	50.9
Butler Township	17,185	7,500	21.62	0.12	21.50	799.2	348.8
Franklin Township	2,292	912	22.40	1.62	20.77	110.3	43.9

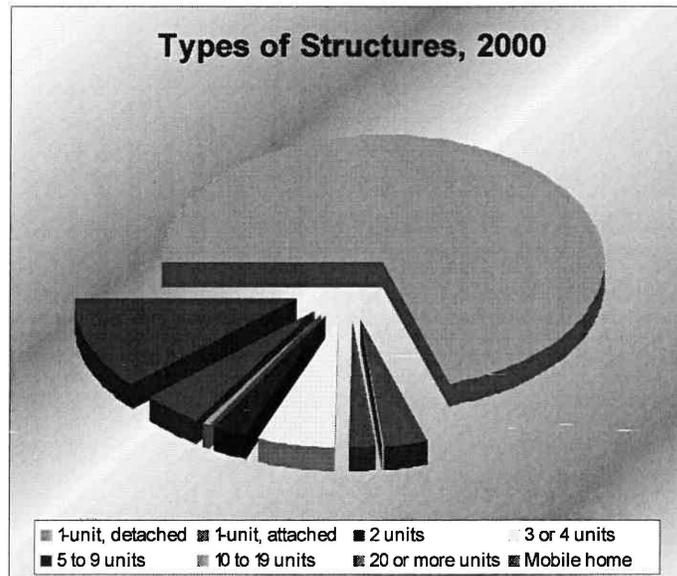
Source: GCT-1, U.S. Census Bureau



Types of Structures Center Township, 2000

	1990	2000
1-unit, detached	1,813	2,437 (70.0%)
1-unit, attached	24	118 (3.4%)
2 units	168	62 (1.8%)
3 or 4 units		195 (5.6%)
5 to 9 units	39	93 (2.7%)
10 to 19 units	12	18 (0.5%)
20 or more units		154 (4.4%)
Mobile home	380	405 (11.6%)

Source: U.S. Census Bureau, Table DP1, 1990 and 2000.



New, Privately Owned Construction Authorized by Building Permits

Center Township, 1990-2004

Year	Single-Family		Multi-Family			Total		Months Reported	Summary 1990-2004
	Units	Value	Bldgs	Units	Value	Bldgs	Units		
1990	40	\$3,967,900	0	0	\$0	42	42	\$3,967,900	Units: Single family: 871 Multi-family: 168 Total: 1,039 % Single family: 83.8% Value of Total Units: \$99,110,797
1991	55	\$5,687,250	7	37	\$961,600	62	92	\$6,648,850	
1992	55	\$5,680,394	0	0	\$0	55	55	\$5,680,394	
1993	50	\$5,437,390	3	11	\$495,000	53	61	\$5,932,390	
1994	138	\$7,501,212	6	52	\$1,129,800	144	190	\$8,631,012	
1995	49	\$4,415,475	1	3	\$150,000	50	52	\$4,565,475	
1996	32	\$2,675,300	1	49	\$1,900,000	33	81	\$4,575,300	
1997	46	\$5,579,750	0	0	\$0	46	46	\$5,579,750	
1998	70	\$7,420,203	0	0	\$0	70	70	\$7,420,203	
1999	49	\$6,080,012	0	0	\$0	49	49	\$6,080,012	
2000	36	\$4,182,353	0	0	\$0	36	36	\$4,182,353	
2001	52	\$7,635,833	0	0	\$0	52	52	\$7,635,833	
2002	59	\$7,302,060	0	0	\$0	59	59	\$7,302,060	
2003	74	\$11,374,692	0	0	\$0	74	74	\$11,374,692	12
2004	64	\$9,241,373	4	16	\$293,200	68	80	\$9,534,573	12

Source: Southwestern Pennsylvania Commission, November 30, 2005; Column "Months Reported", first time available in 2003, contains the number of months for which the data was collected.

Section 2: Evaluation of Existing Municipal and Nonmunicipal, Individual and Community Sewage Facilities in the Planning Area

A: Treatment Plants, Main Intercepting Lines, Pump Stations and Force Mains

Center Township has identified several private sewage treatment plants existing with the township. The map on page 20 [*"Privately Owned Sewage Treatment Plants", prepared for this report*] shows the location of these treatment plants. Under the Pennsylvania Sewage Facilities Act, Center Township is ultimately responsible for these private facilities, not BASA. A private sewage treatment plant was proposed as part of a rezoning request on property owned by Adamosky but this project has been stopped due to zoning approval litigation by adjoining property owners.

The maps on pages 21 through 37 show BASA's Sanitary Sewer System in 16 grids. The maps depict gravity mains (along with pipe sizes), force mains, manholes, pump stations, road centerlines, tax parcels, streams, USDA soil types, 100 ft. contours and 20 ft. contours.

There are four pump stations located in Center Township. Fisher Heights Pump Station is shown on grid A2 (page 23), Brewster Road Pump Station and the Brewster Booster Pump Station are on grid B4 (page 29), and Northview Pump Station is on grid C2 (page 31).

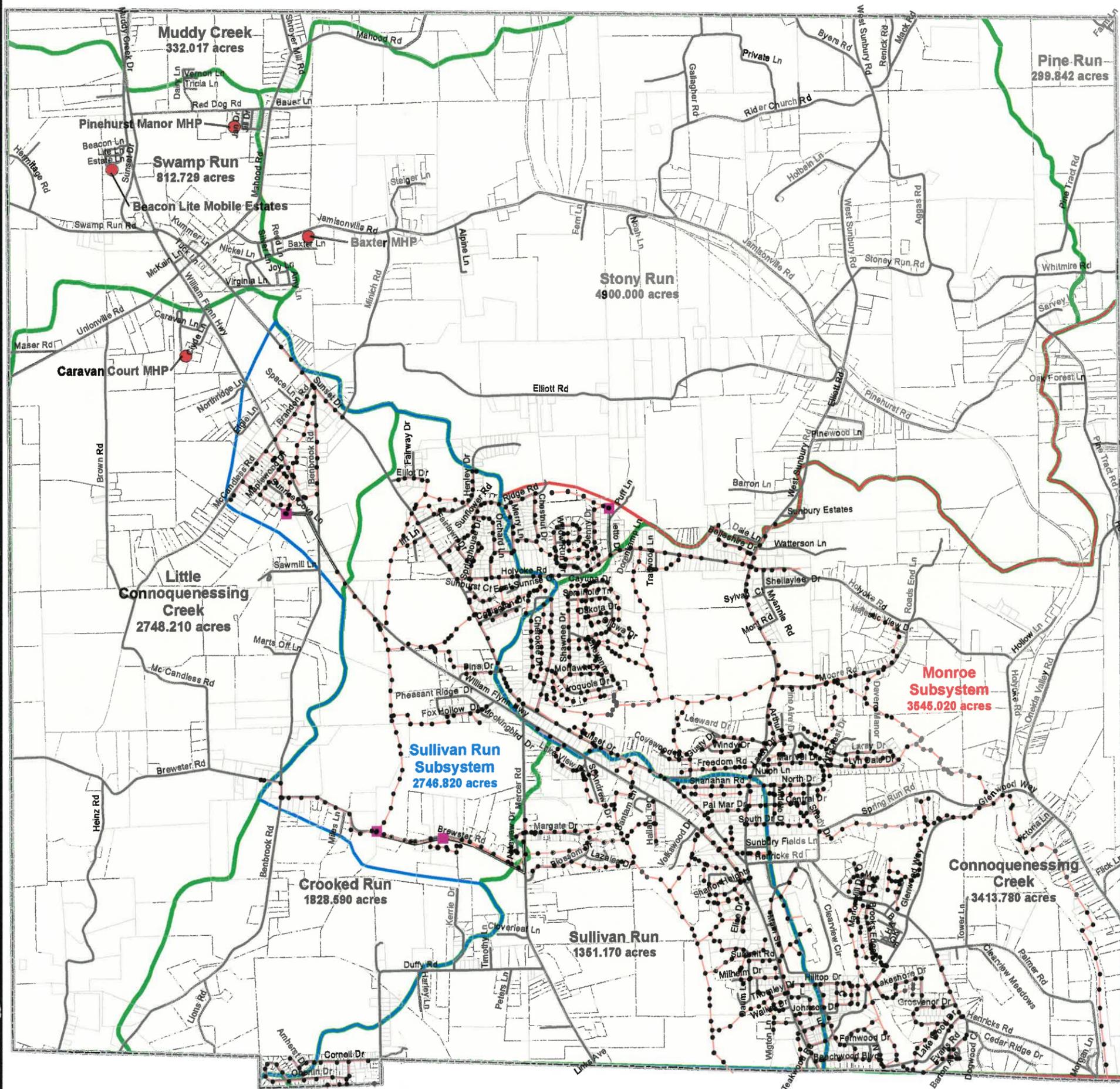
Design capacities of the pump stations are listed below:

Pump Station	Install Date	Design Capacity (gpm)	Design Capacity (GPD)	2005 Estimated Daily GPD	% Utilization	2007 Estimated Daily GPD
Northview	1979/1980	280	161,280	7,340	4.6%	7,311
Fisher Heights	1979/1980	250	144,000	93,000	64.6%	92,628
Brewster Road	1979/1980	600	345,600	190,000	55%	189,240
Brewster Booster	1979/1980	600	345,600	161,400	46.7%	160,754



Privately Owned Sewage Treatment Plant Locations

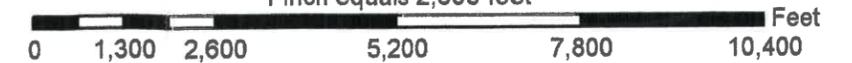
Center Township, Butler County



Legend

- Privately Operated Treatment Facilities
- Manhole
- Pump Station
- Gravity Main
- Force Main
- Tax Parcels
- Monroe Subsystem
- Sullivan Run Subsystem
- Watersheds

1 inch equals 2,600 feet



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ARCH # 200604E SEWAGE TREATMENT

O&A PROJECT # 200504E

Location Grid

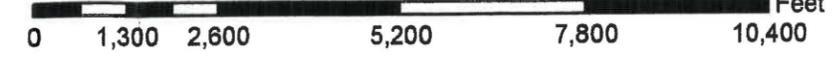
Center Township, Butler County



Legend

-  Gravity Main
-  Force Main
-  Manhole
-  Pump Station
-  Township Boundary
-  Tax Parcels
-  Road Centerlines

1 inch equals 2,600 feet



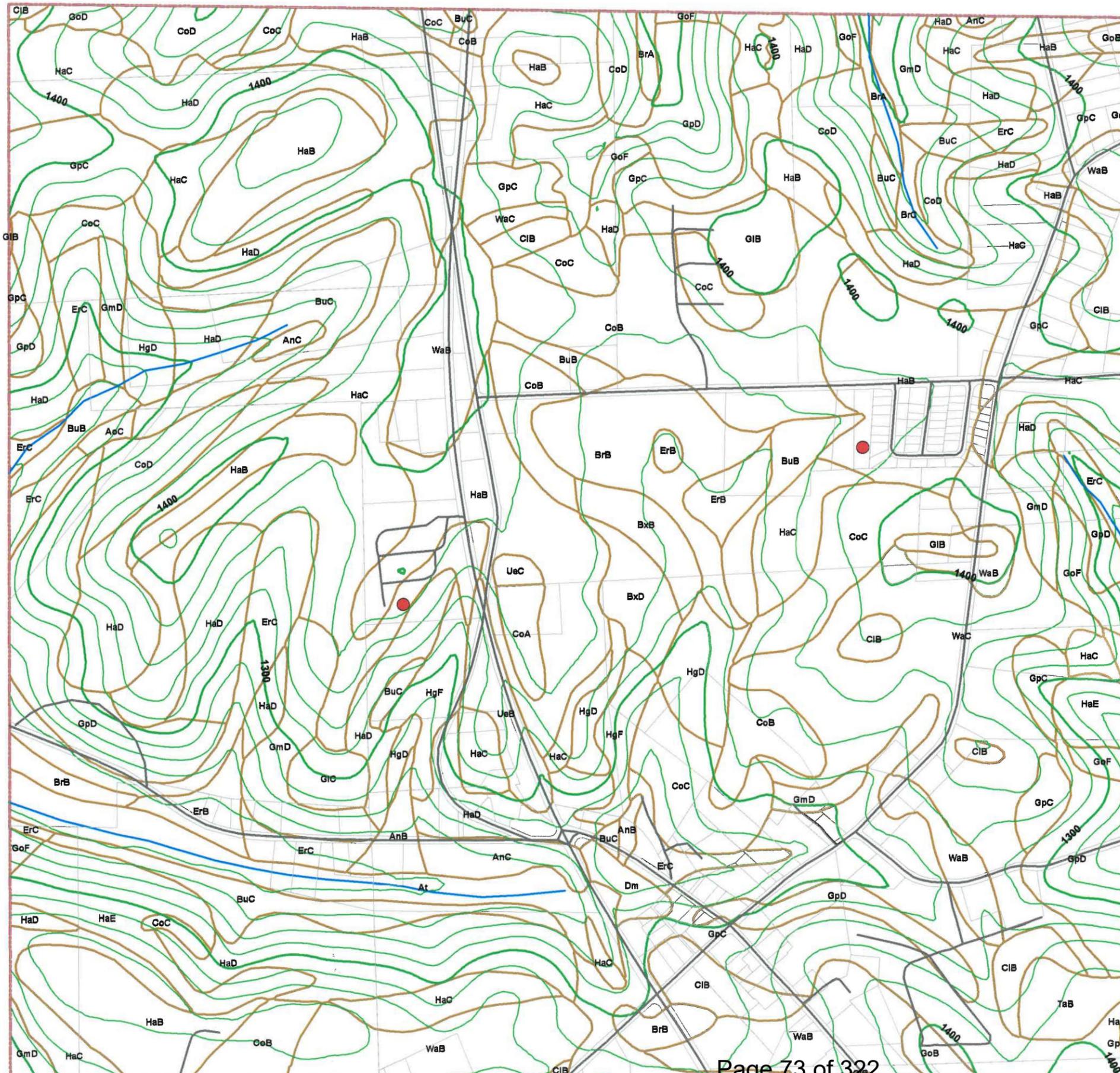
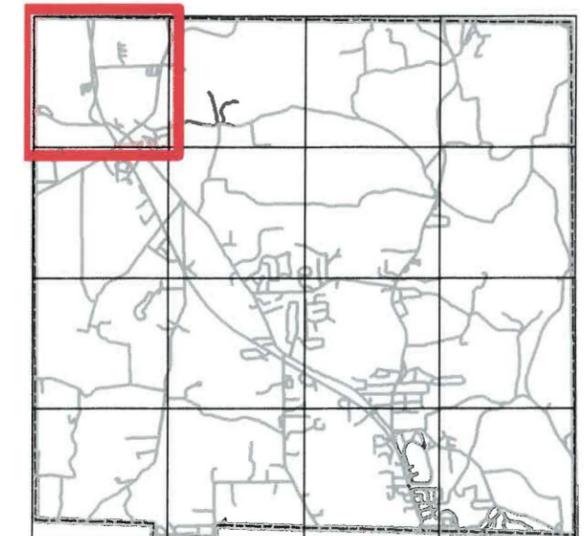
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Sanitary Sewer System Grid A1 Center Township, Butler County

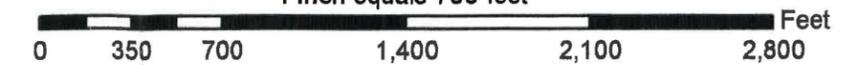
Legend

- Privately Operated Treatment Facilities
- Manhole
- Gravity Main
- Pump Station
- = Force Main
- Road Centerlines
- Tax Parcels
- Networked Streams
- Township Boundary
- Major Contours
- Minor Contours
- USDA Soil Types

Major Contours are 100 ft
and minor contours are 20 ft.



1 inch equals 700 feet



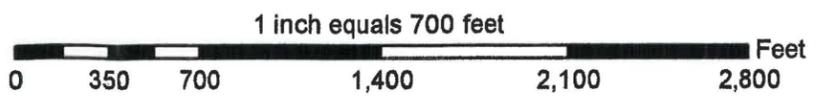
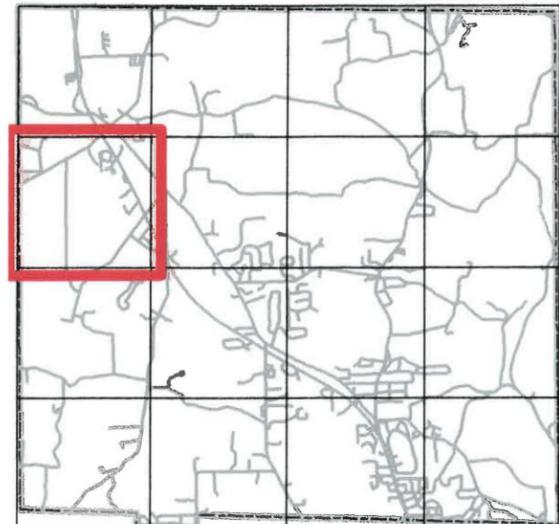
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Amended Appendix A-22-b
Sanitary Sewer System
Grid A2
Center Township, Butler County

Legend

- Privately Operated Treatment Facilities
- Manhole
- Gravity Main
- Pump Station
- Force Main
- Road Centerlines
- Tax Parcels
- Networked Streams
- Township Boundary
- Major Contours
- Minor Contours
- USDA Soil Types

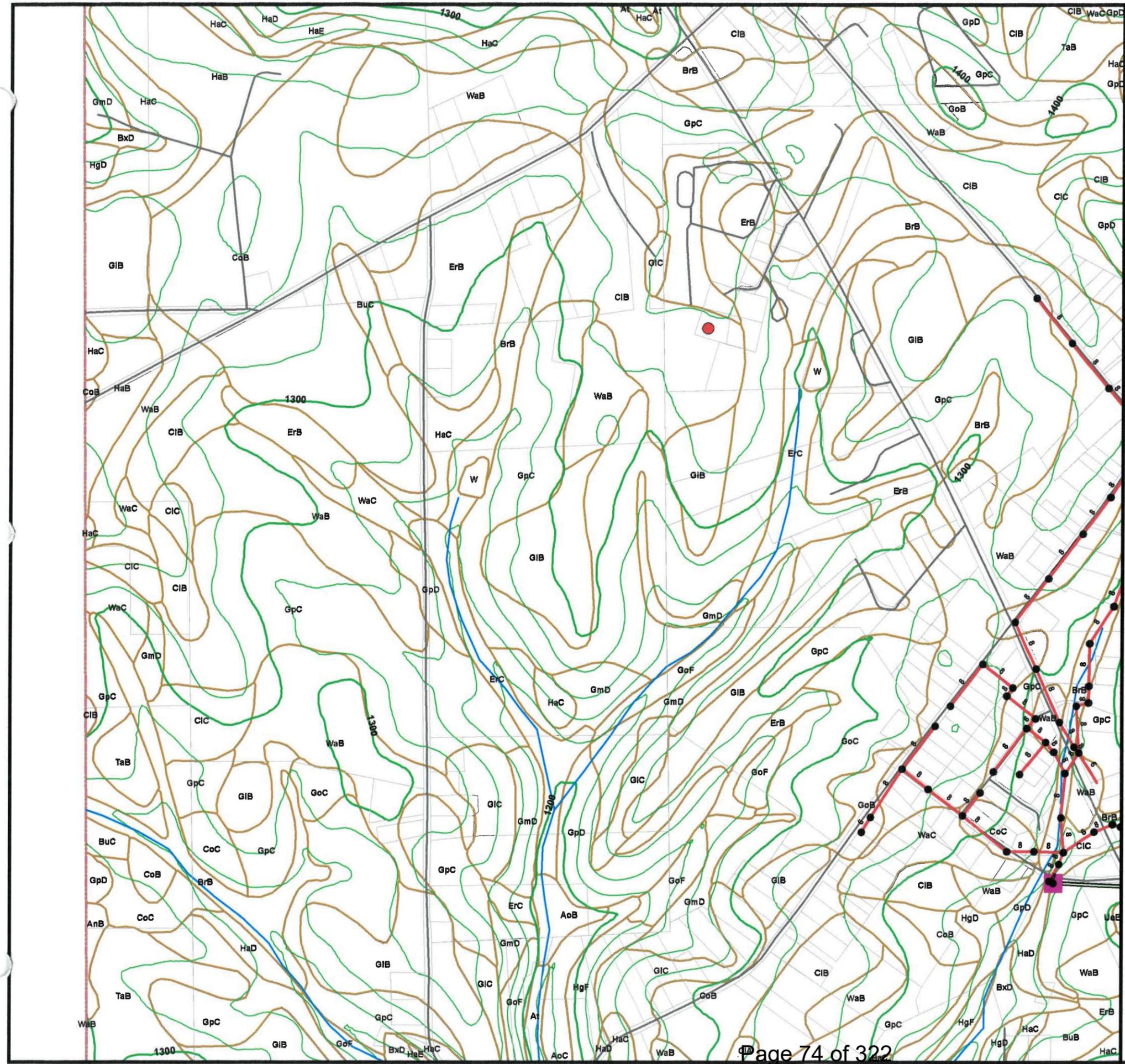
Major Contours are 100 ft
 and minor contours are 20 ft.



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ARCH # 200604E SANITARY SEWER

O&A PROJECT # 200604E

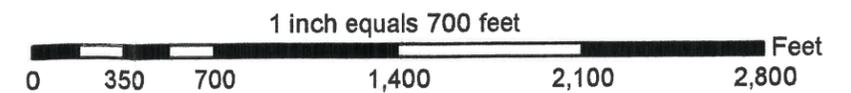
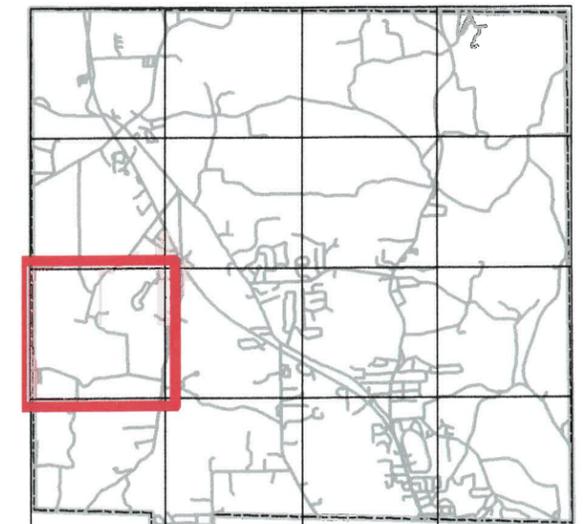


Amended Appendix A-22-b
Sanitary Sewer System
Grid A3
Center Township, Butler County

Legend

-  Privately Operated Treatment Facilities
-  Manhole
-  Gravity Main
-  Pump Station
-  Force Main
-  Road Centerlines
-  Tax Parcels
-  Networked Streams
-  Township Boundary
-  Major Contours
-  Minor Contours
-  USDA Soil Types

Major Contours are 100 ft
and minor contours are 20 ft.



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ARCH # 200604E SANITARY SEWER

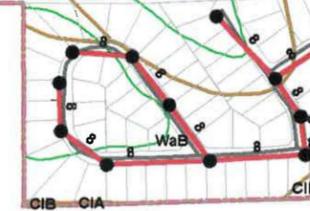
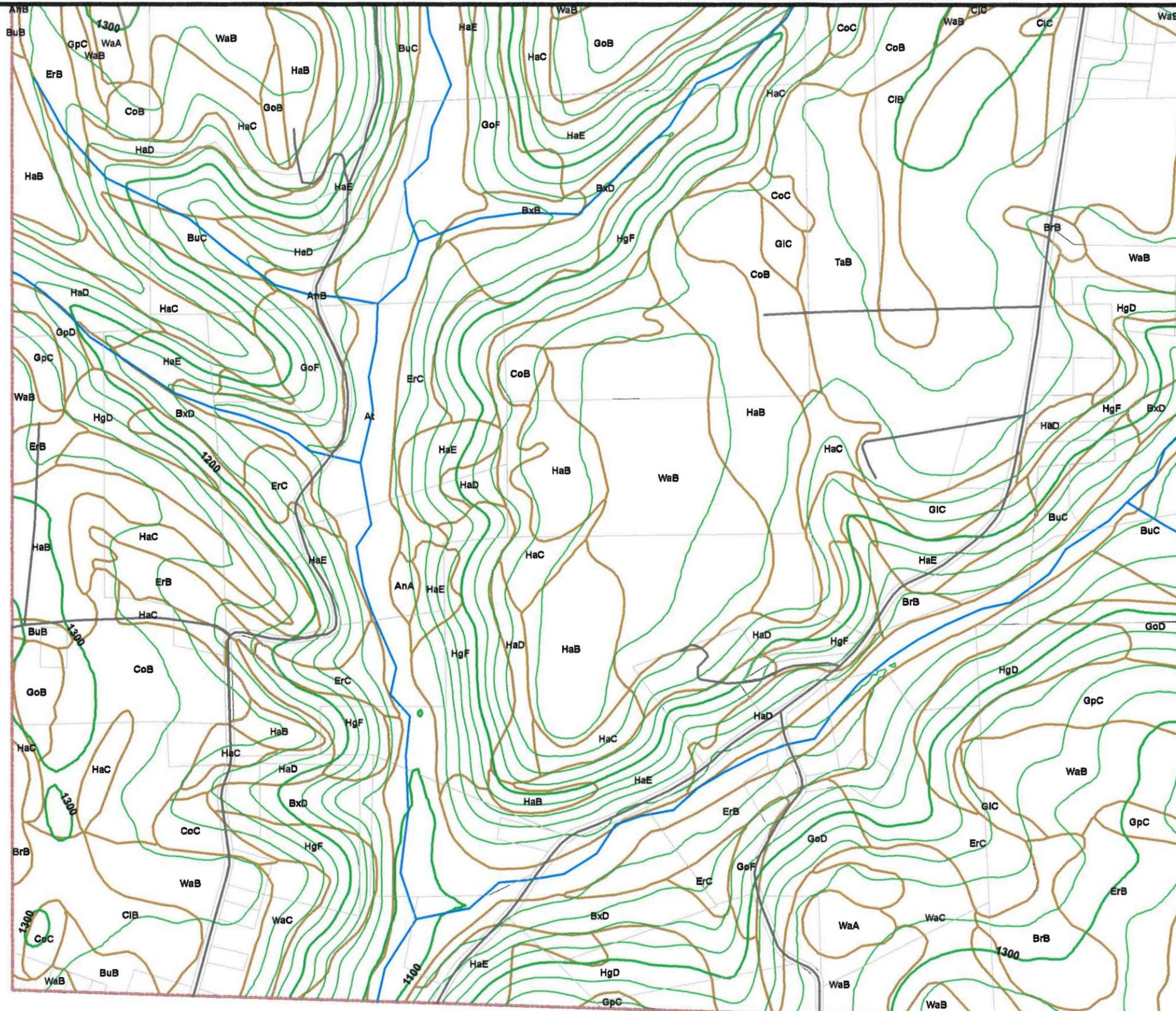
O&A PROJECT # 200604E

Sanitary Sewer System Grid A4 Center Township, Butler County

Legend

- Privately Operated Treatment Facilities
- Manhole
- Gravity Main
- Pump Station
- Force Main
- Road Centerlines
- Tax Parcels
- Networked Streams
- Township Boundary
- Major Contours
- Minor Contours
- USDA Soil Types

Major Contours are 100 ft
and minor contours are 20 ft.



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ARCH # 200604E SANITARY SEWER O&A PROJECT # 200604E

Sanitary Sewer System Grid B1 Center Township, Butler County

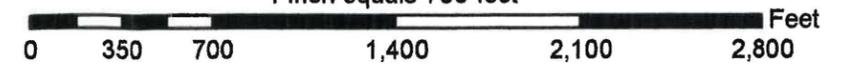
Legend

- Privately Operated Treatment Facilities
- Manhole
- Gravity Main
- Pump Station
- Force Main
- Road Centerlines
- Tax Parcels
- Networked Streams
- Township Boundary
- Major Contours
- Minor Contours
- USDA Soil Types

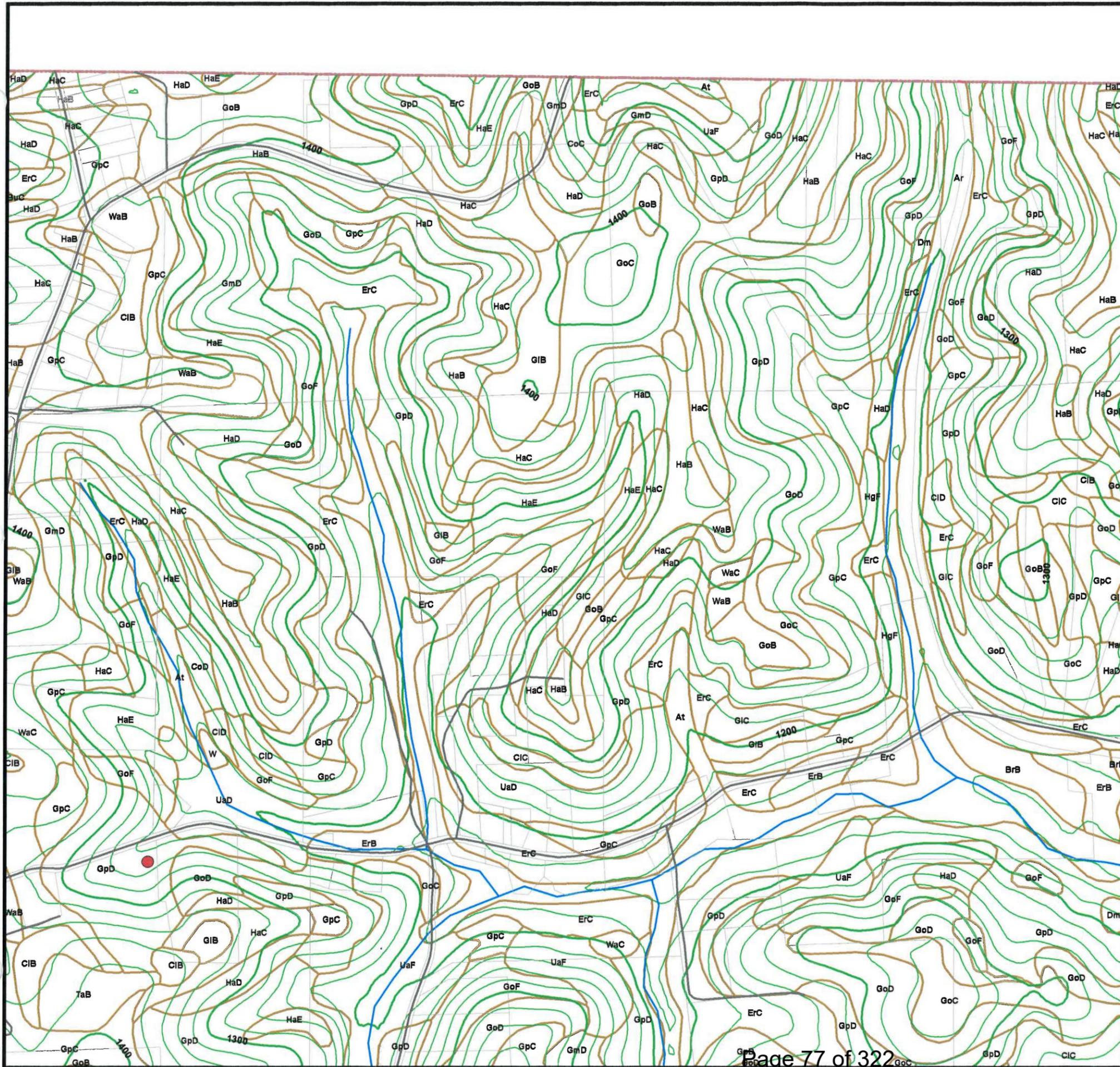
Major Contours are 100 ft
and minor contours are 20 ft.



1 inch equals 700 feet



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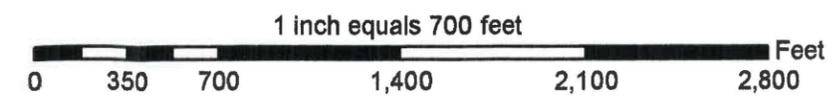
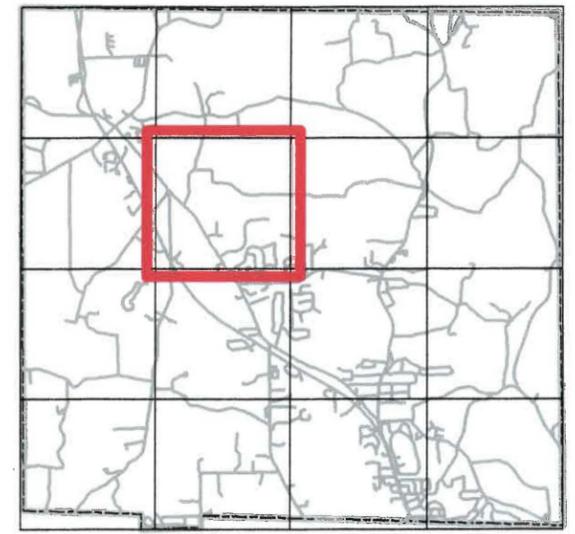


Amended Appendix A-22-b
Sanitary Sewer System
Grid B2
Center Township, Butler County

Legend

- Privately Operated Treatment Facilities
- Manhole
- Gravity Main
- Pump Station
- Force Main
- Road Centerlines
- Tax Parcels
- Networked Streams
- Township Boundary
- Major Contours
- Minor Contours
- USDA Soil Types

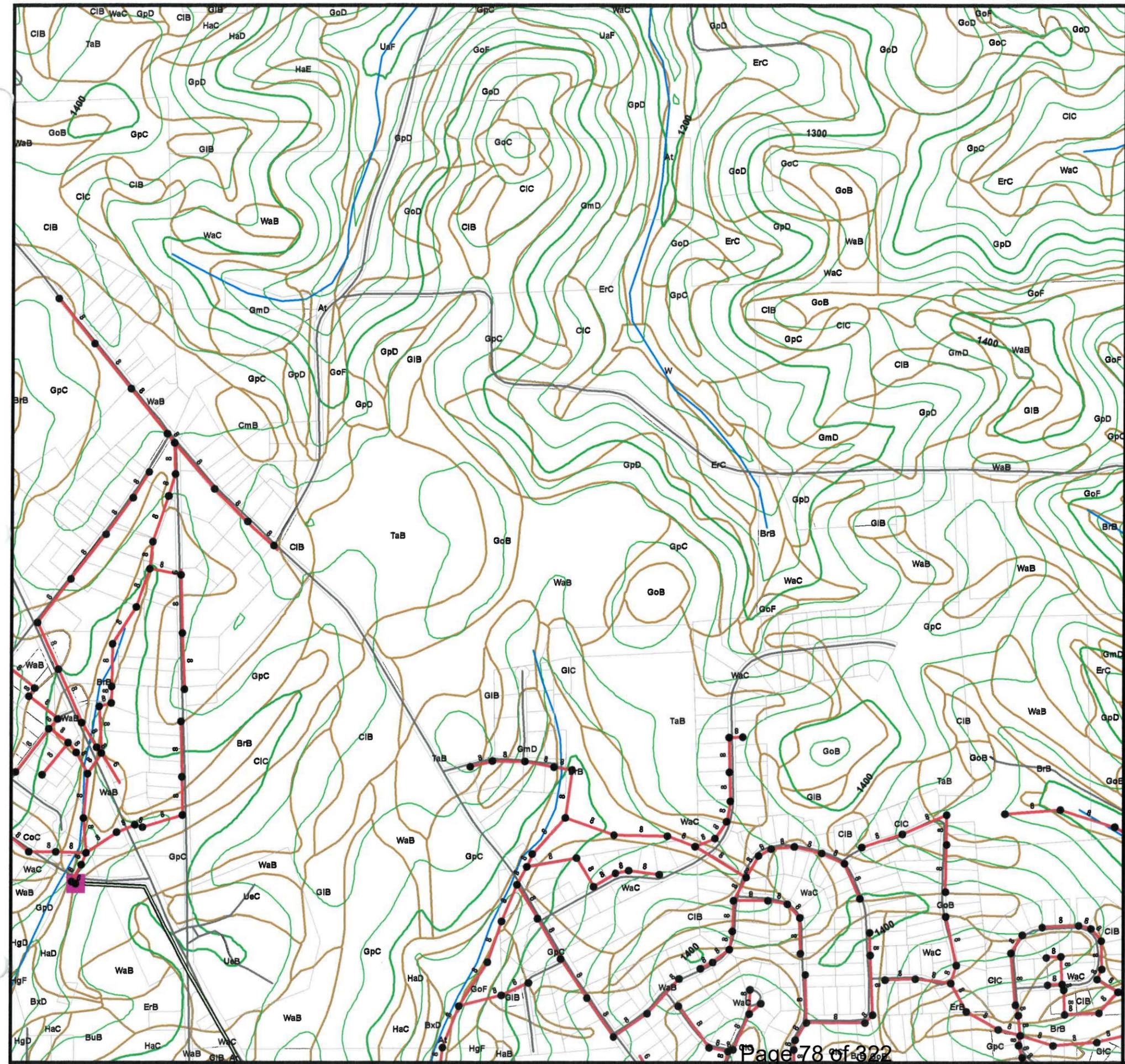
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ARCH # 200604E SANITARY SEWER

O&A PROJECT # 200604E

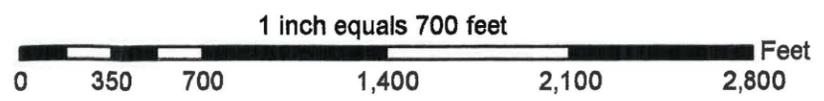


Amended Appendix A-22-b
Sanitary Sewer System
Grid B3
Center Township, Butler County

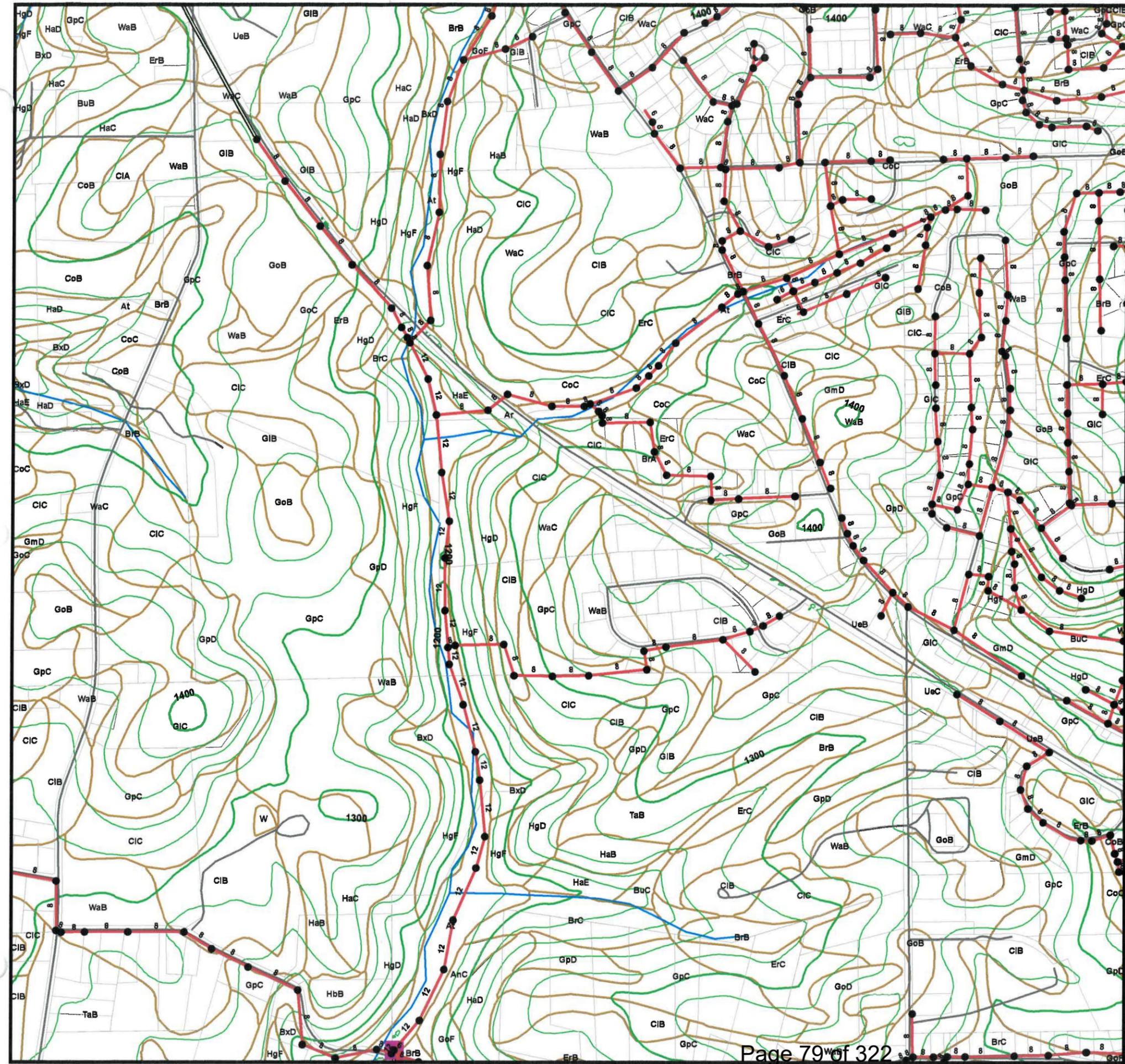
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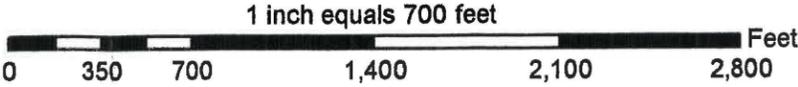


Amended Appendix A-22-b
Sanitary Sewer System
Grid B4
Center Township, Butler County

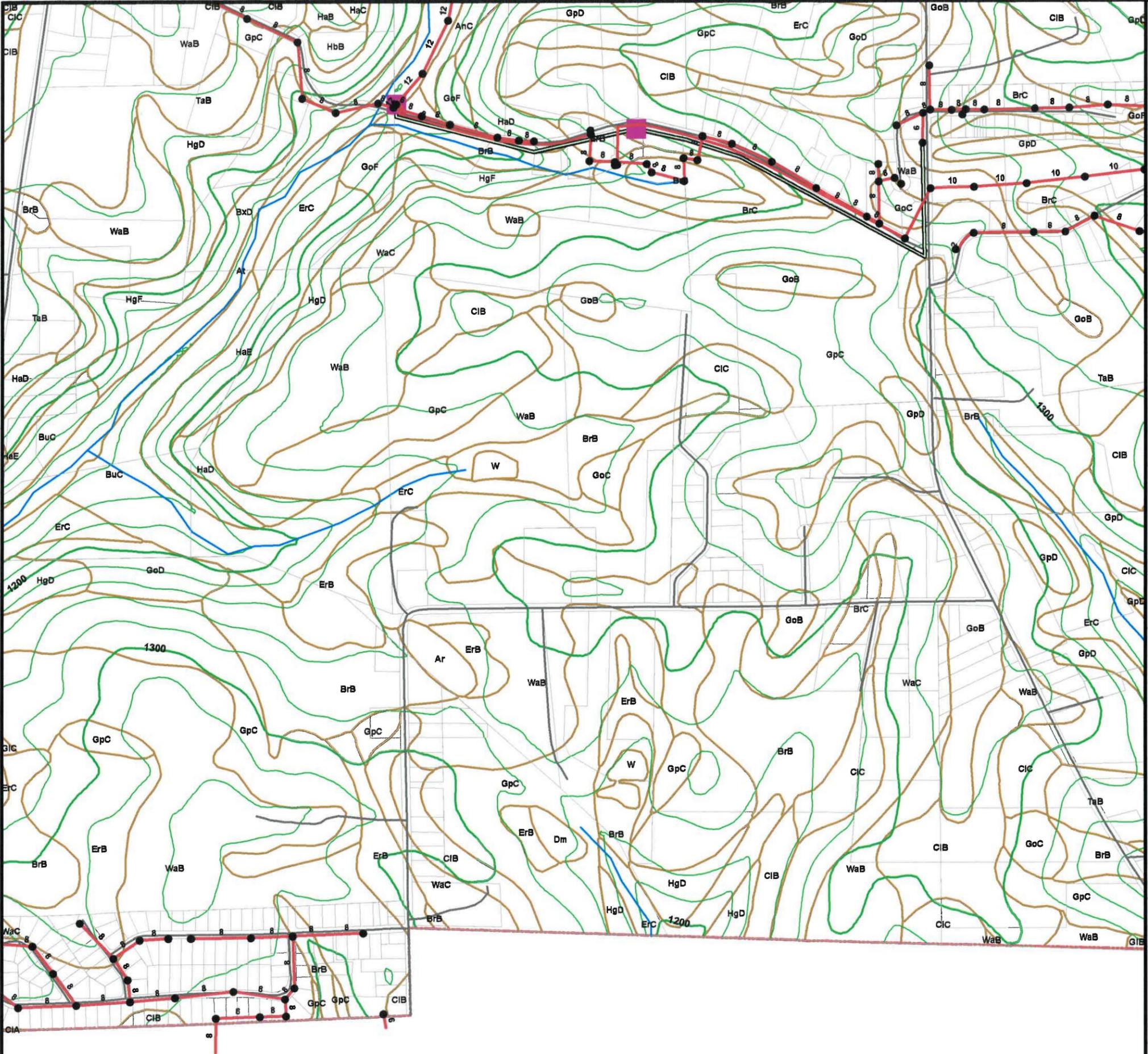
Legend

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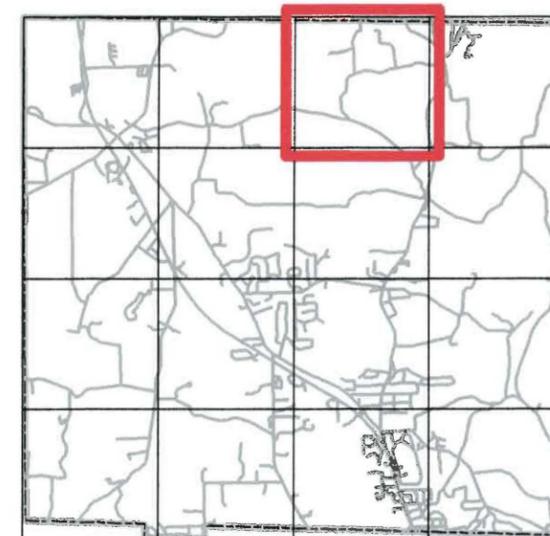


Sanitary Sewer System Grid C1 Center Township, Butler County

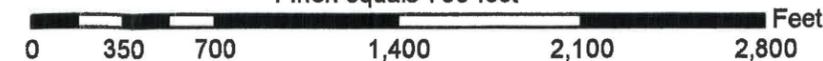
Legend

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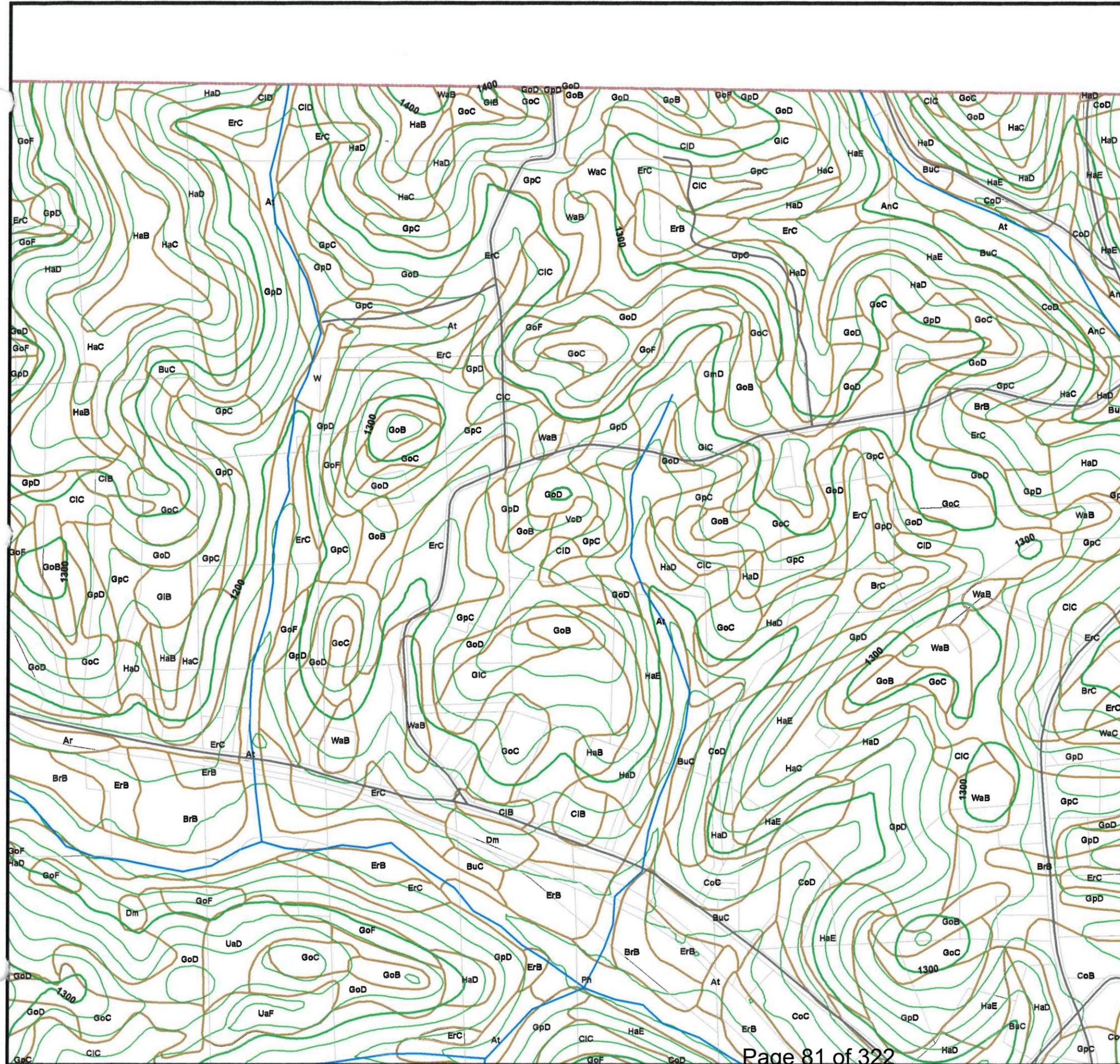
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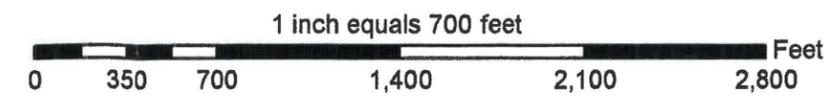


Amended Appendix A-22-b
Sanitary Sewer System
Grid C2
Center Township, Butler County

Legend

- Privately Operated Treatment Facilities
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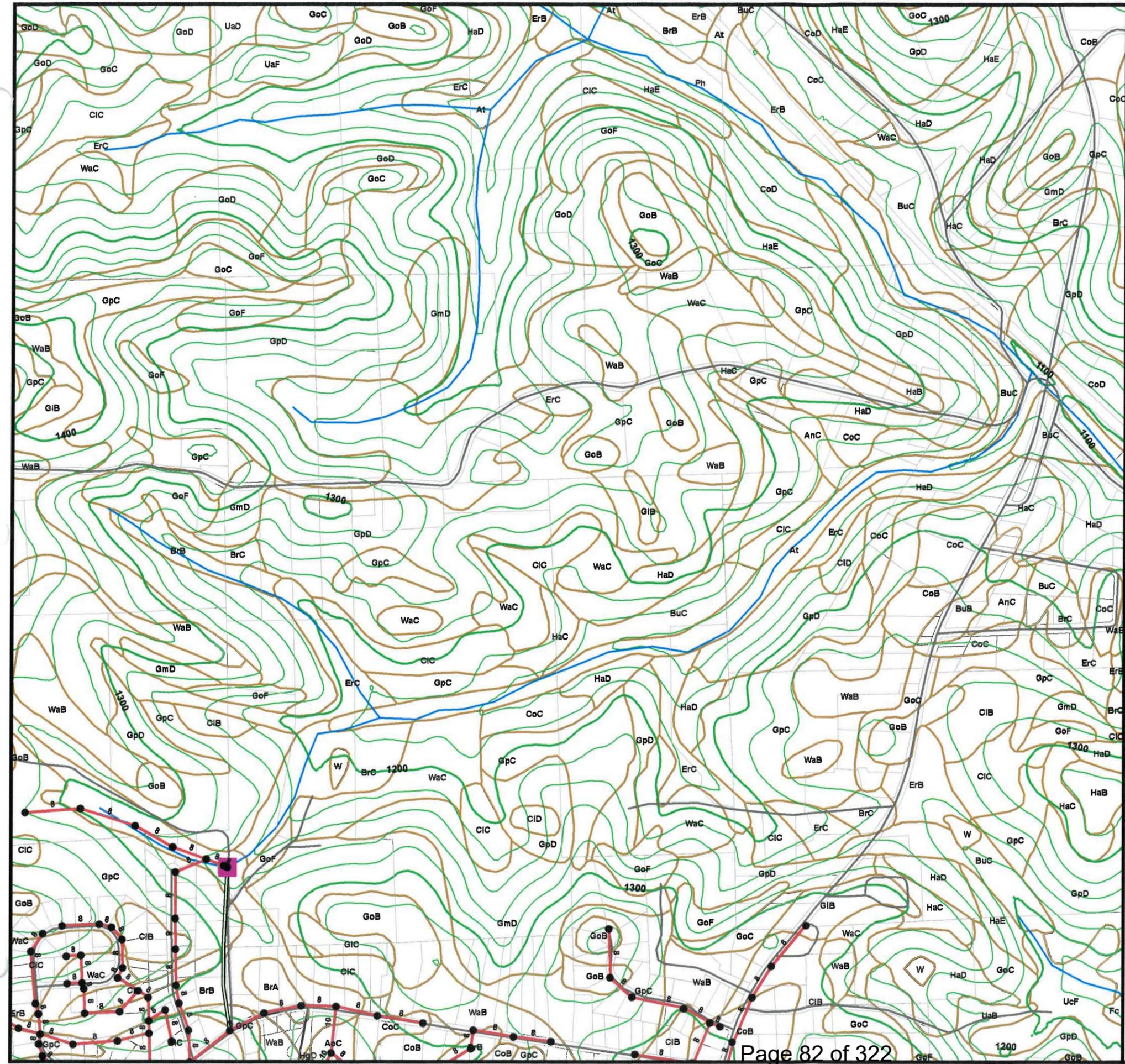
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ARCH # 200604E SANITARY SEWER

O&A PROJECT # 200604E

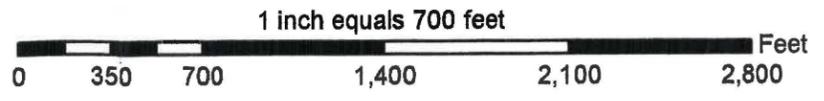
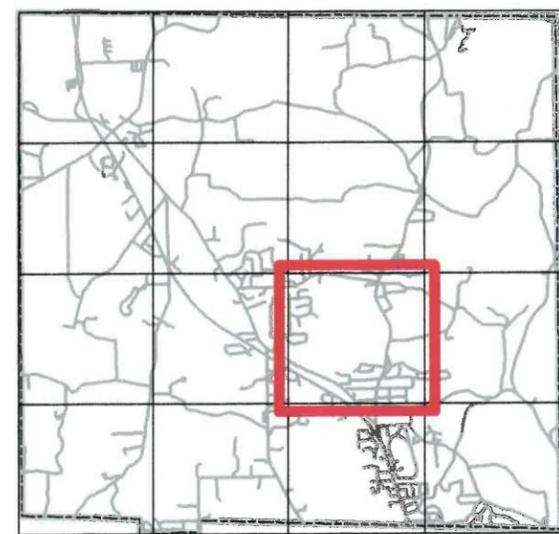


Amended Appendix A-22-b
Sanitary Sewer System
Grid C3
Center Township, Butler County

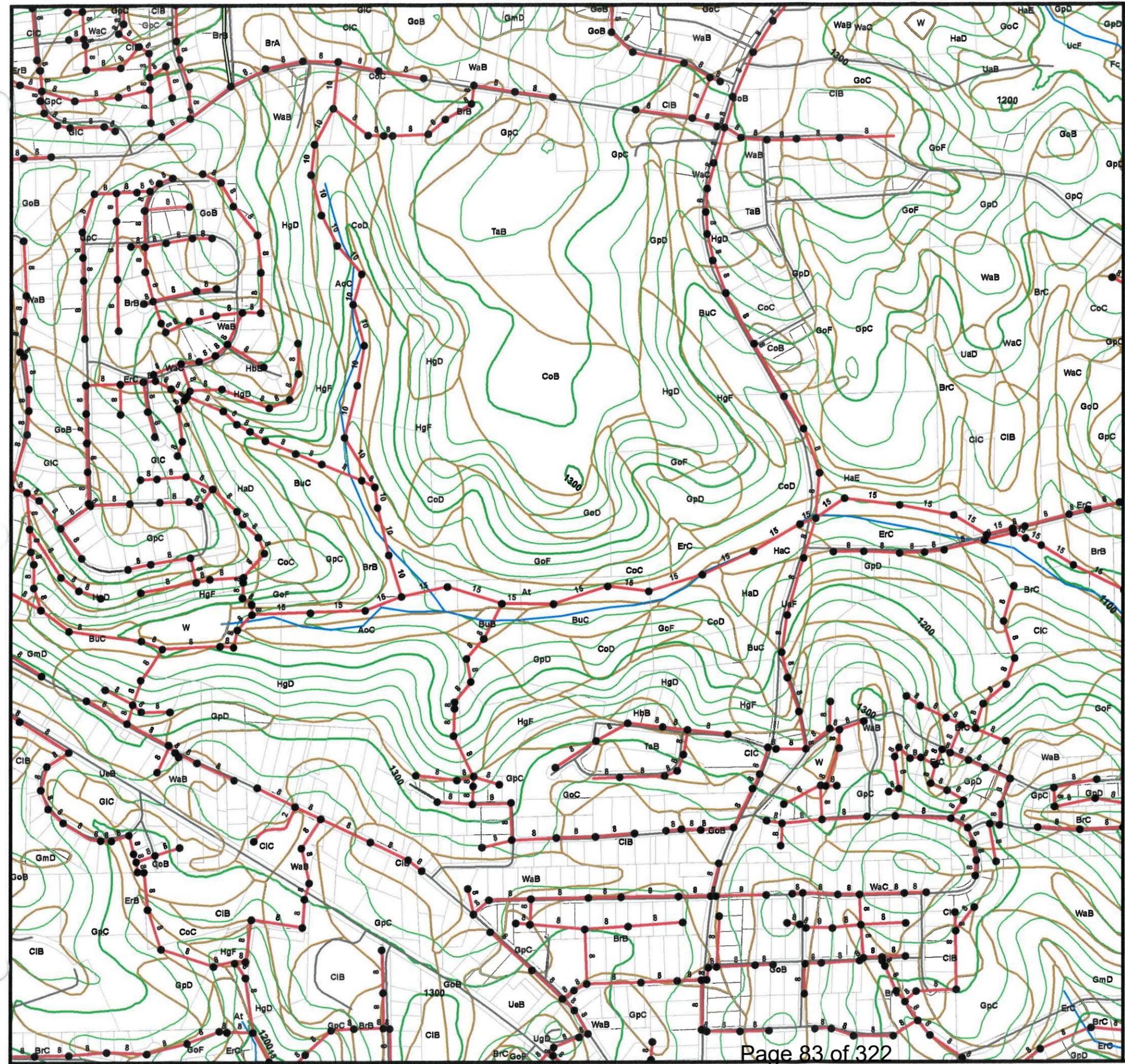
Legend

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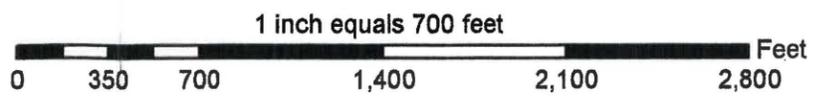


Amended Appendix A-22-b
Sanitary Sewer System
Grid C4
Center Township, Butler County

Legend

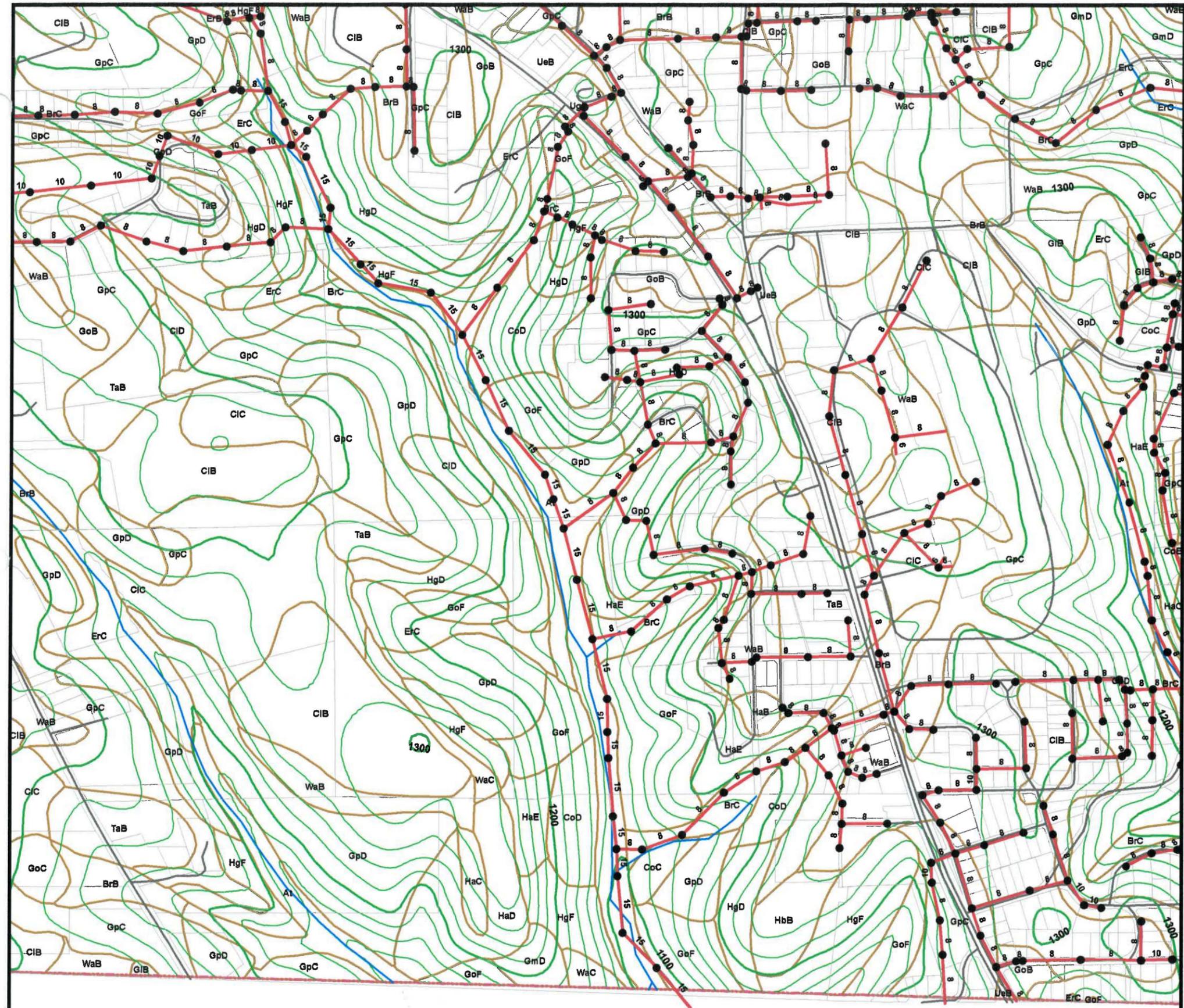
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ARCH # 200604E SANITARY SEWER O&A PROJECT # 200604E

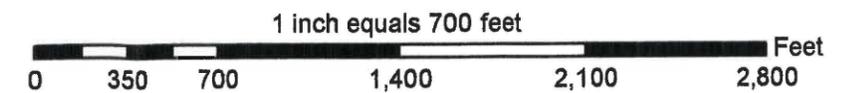
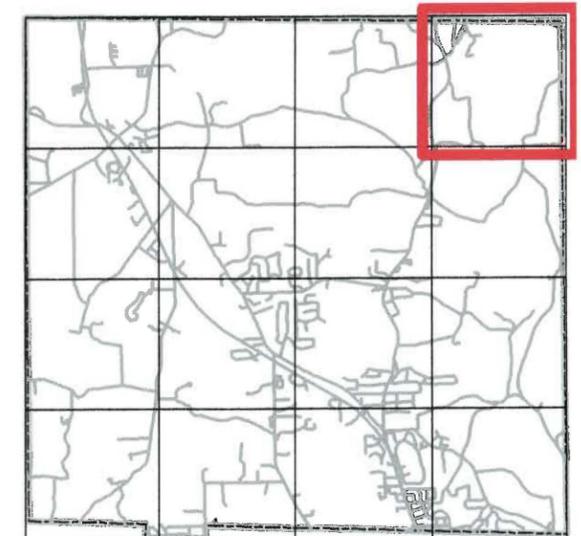


Amended Appendix A-22-b
Sanitary Sewer System
Grid D1
Center Township, Butler County

Legend

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- Manhole
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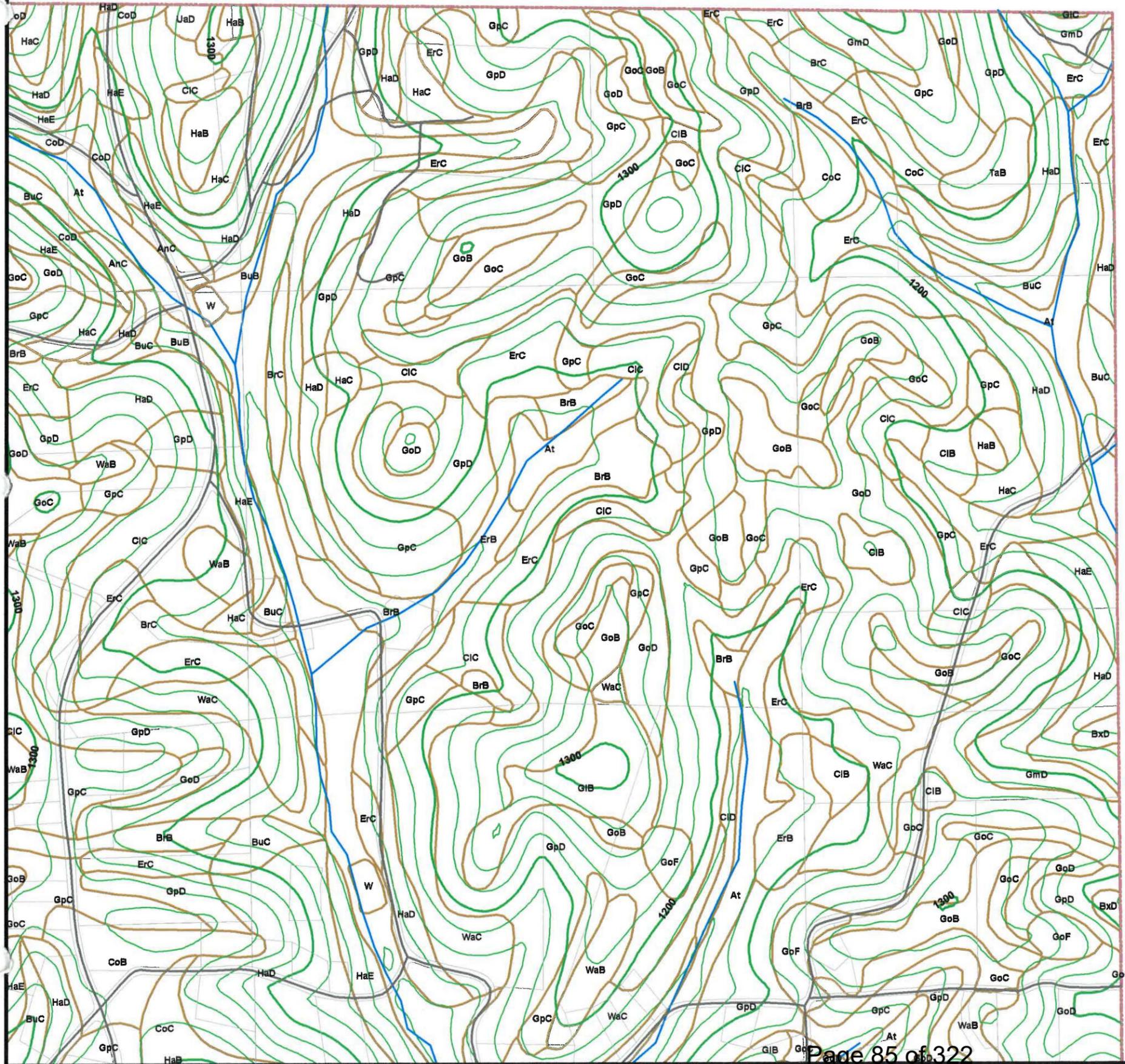
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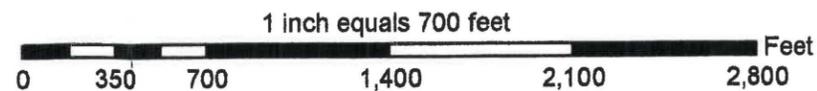
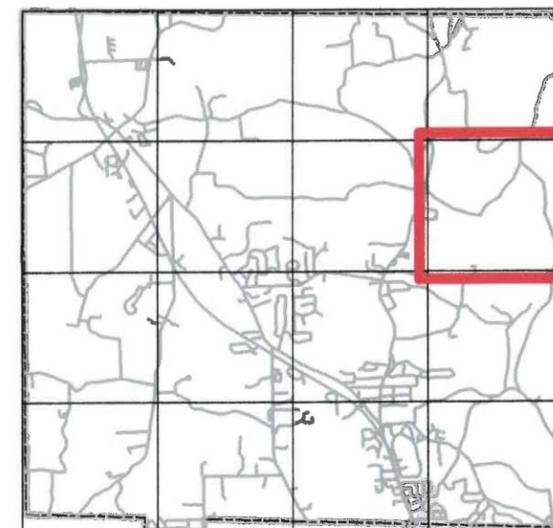


Amended Appendix A-22-b
Sanitary Sewer System
Grid D2
Center Township, Butler County

Legend

-  Privately Operated Treatment Facilities
-  Manhole
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-  Pump Station
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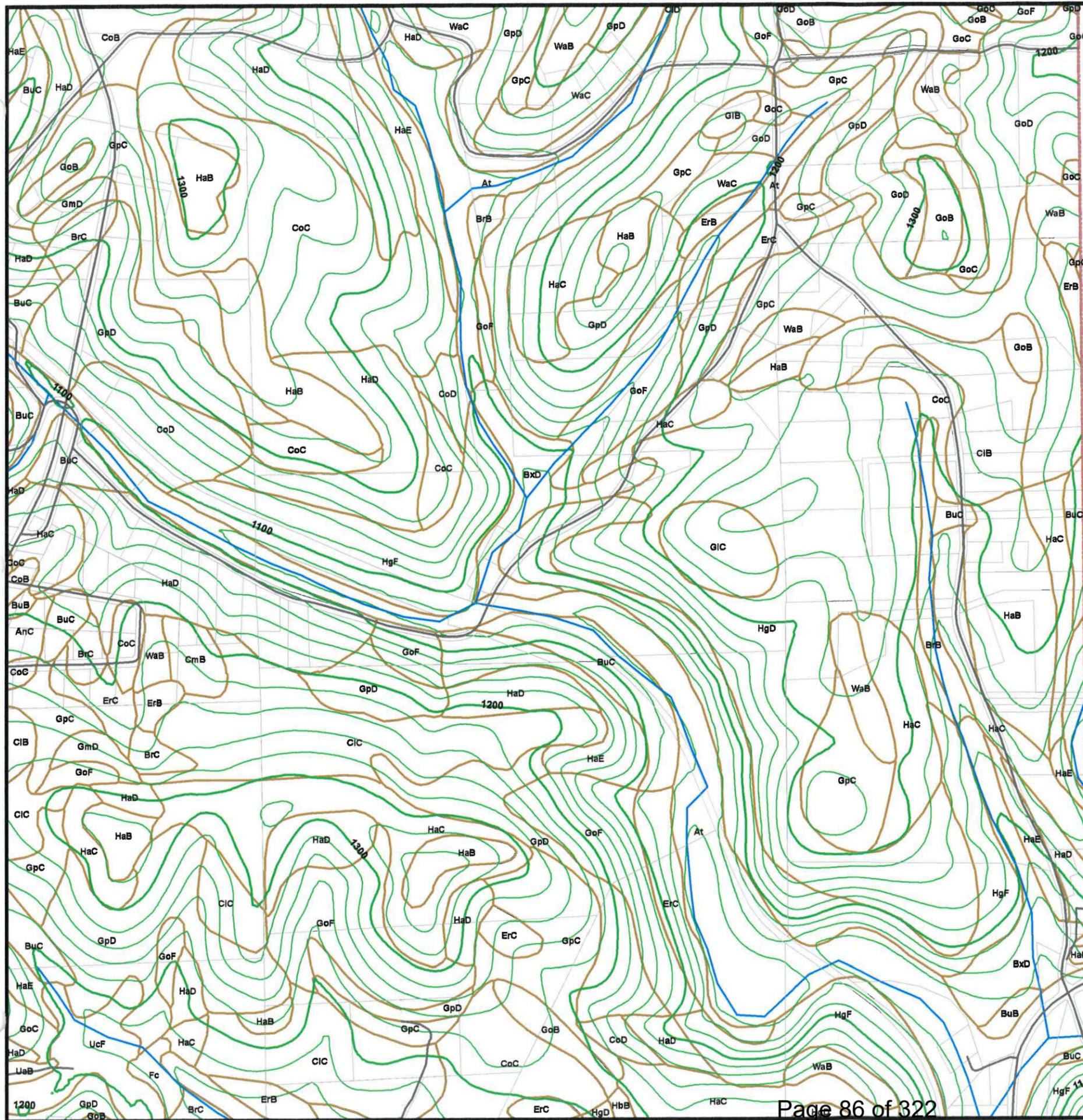
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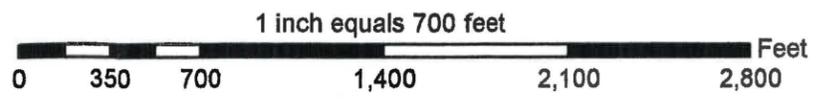


Amended Appendix A-22-b
Sanitary Sewer System
Grid D3
Center Township, Butler County

Legend

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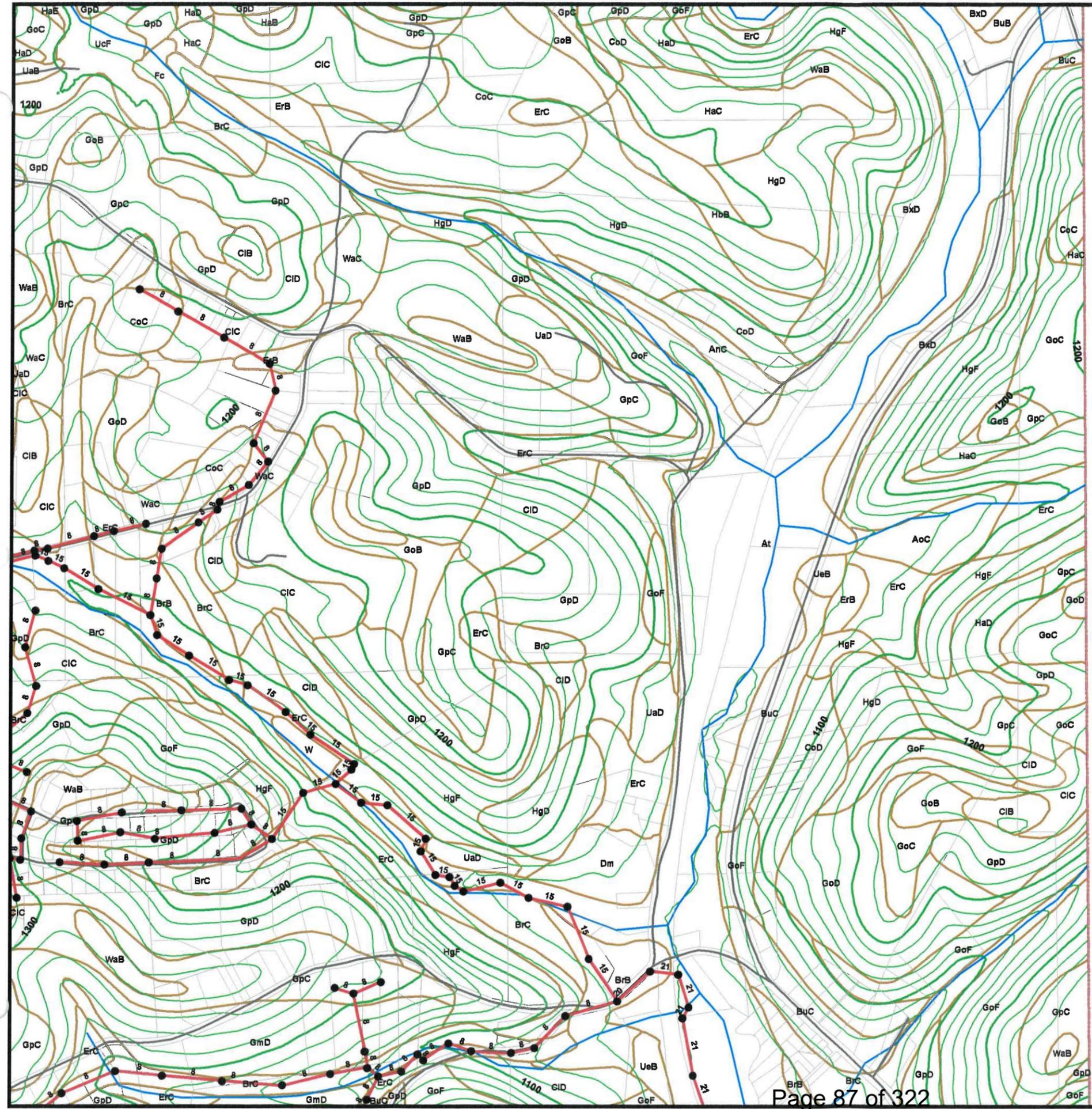
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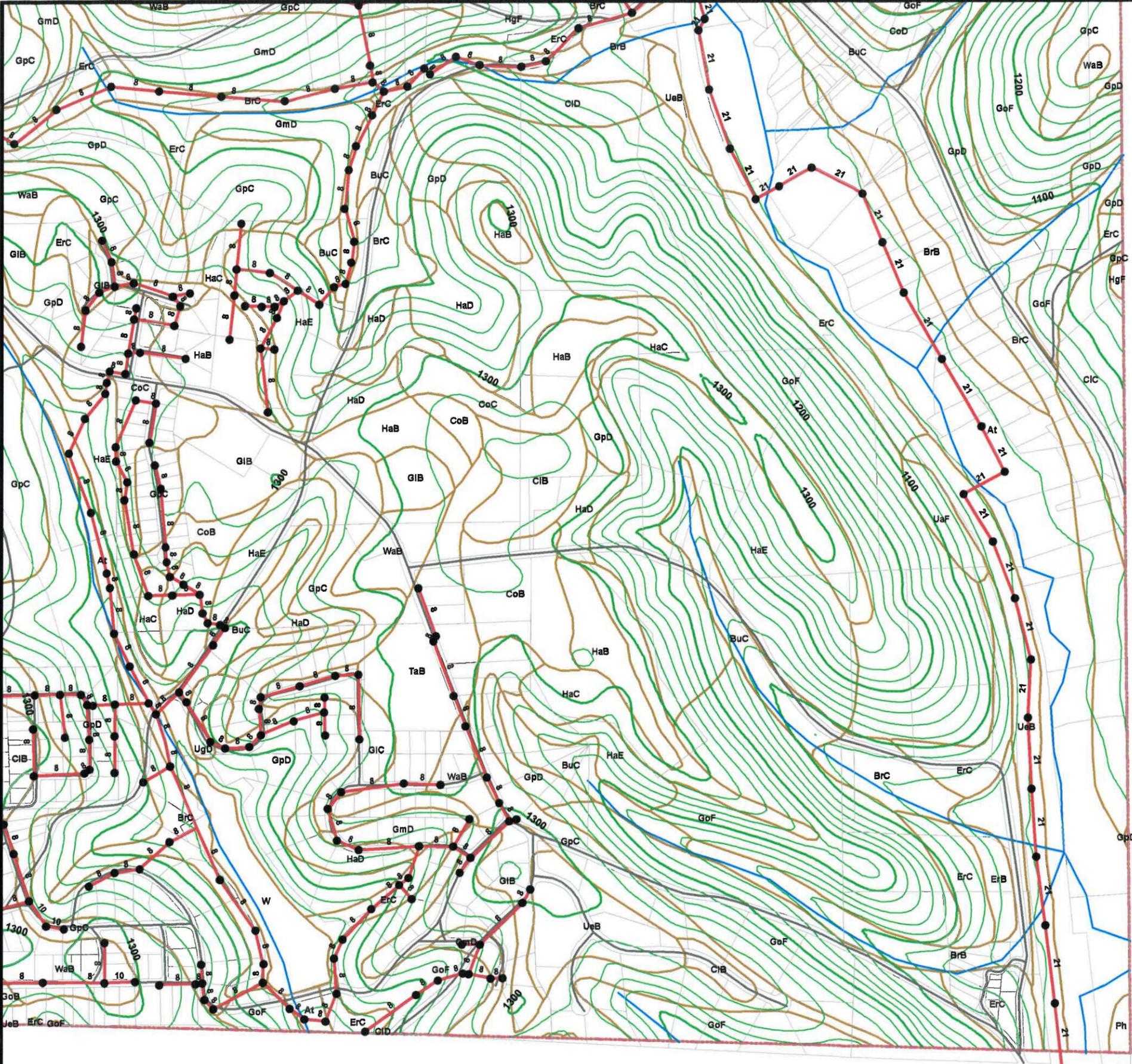
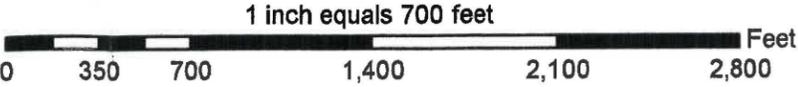


Amended Appendix A-22-b
Sanitary Sewer System
Grid D4
Center Township, Butler County

Legend

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B: Description of Problems with the Existing Facilities

No known problems exist with any area of the BASA sewer system contained within the boundaries of Center Township. The system is currently able to handle normal and peak flow occurring in the area. In addition, no sewage problems have been reported to the Center Township supervisors regarding any private or non-municipal sewage treatment facilities. It is BASA's responsibility to analyze capacities of the existing interceptors, pump stations, and force mains. This data is not included with Center Township's Act 537 Official Plan Revision.

Section 3: Development

Center Township is a township in transition with both internal and external development pressures driving growth. Their recently adopted comprehensive plan identifies two growth areas, one in the northcentral portion of the Township (south of Elliott Road) and one in the southcentral portion of the Township (the Mercer Road corridor and properties north of Cornell Drive). Sanitary sewers are available along the perimeter of both identified areas. The North Central area would require pump stations to be serviced by the BASA system. The installation of pump stations would probably expand the growth area to watershed divides approximately 1,300 feet north of Elliott Road. The map at page 7 [*"Areas Anticipated not to be Served by the Butler Area Sewer Authority within the next 20 Years"*] shows areas north of this new line as probably not being served by the BASA system. The southcentral growth area could be served by an extension of gravity sewers from the Butler Township area.

Additional commercial and manufacturing development is expected to occur within the State Route 8 corridor and along the eastern boundary of the Township in the southeastern quadrant.

According to the Southwestern Pennsylvania Commission, a peak population of about 14,234 persons is projected to occur in the year 2020. This may be a conservatively low estimate based on the rate of residential growth documented. Throughout this report, all current and future population estimates and projections closely follow Southwestern Pennsylvania Commission published information.

Further projections for both commercial and residential development were provided in a land use assumption report prepared by Daniel D. Santoro AICP and HRG in 2006, which preceded the adoption of transportation impact fees. Table 5 from that report is reproduced here and establishes a series of chronologic projections in five (or six) year increments.

Table 5 Residential Growth Projection - 21 years		
YEARS	UNITS PER YEAR	TOTAL
2005-2009	90 units	450
2010-2014	100 units	500
2015-2019	110 units	550
2020-2025*	120 units	720
Total		2,220
* six years		

These projections will need to be monitored as each range exceeds the average number of housing units permitted in the previous 15 year period for which a trend analysis was prepared. Further geographic analysis was provided through the creation of Traffic Analysis Zones (TAZ) which identifies estimated numbers of new housing units at smaller scaled areas. Table 6 from the same report is reproduced here and a digital map identifying these zones is attached.

Table 6 Residential Development by TAZ	
TAZ MAP #	PROJECTED NUMBER OF UNITS
W05	246
W09	175 <i>1 EDU/AC</i>
W11	394
W14	76
W20	204
W26	29
W30	124
W32	15
W35*	24
N09	145
N14	120
N16	137
N18	110
E14	110
E26	37
E27	57
E44	13
E47	5
Existing development	157
Total	2,178
* Misidentified in the original Land Use Assumption Report.	

Nonresidential development in Center Township is projected in Table 7 which is also reproduced here. These projections appear to be conservative and will also need to be monitored, as an average annual rate of development has not been provided.

Table 7 Nonresidential Development by TAZ	
TAZ MAP #	PROJECTED NUMBER OF UNITS
N01	75,000 sq ft office space Day Care Center
NO2	10,000 sq ft office space
NO8	Convenience store/gas station 15,000 sq ft retail Bank
N32	Convenience store/gas station
E08	2 restaurants 1 @ 4,000 sq ft 1 @ 6,000 sq ft 40,000 sq ft retail space
E19	10,000 sq ft retail space
E17	70,000 sq ft industrial building
W17	Bank
W18	75,000 sq ft office space Extended care facility
W19	60,000 sq ft Elementary school expansion

The same digital map should be used to reference the specific locations of development within Center Township.

With about 21% of the total housing units occupied by renters, and with a 2.93 persons per household number for rental occupied housing units, utility services to multi-family developments could experience capacity concerns as the Township develops. The predominant statistic of 79% owner occupied units, however, indicates a preference for low density single family development. That trend has been verified through permit records.

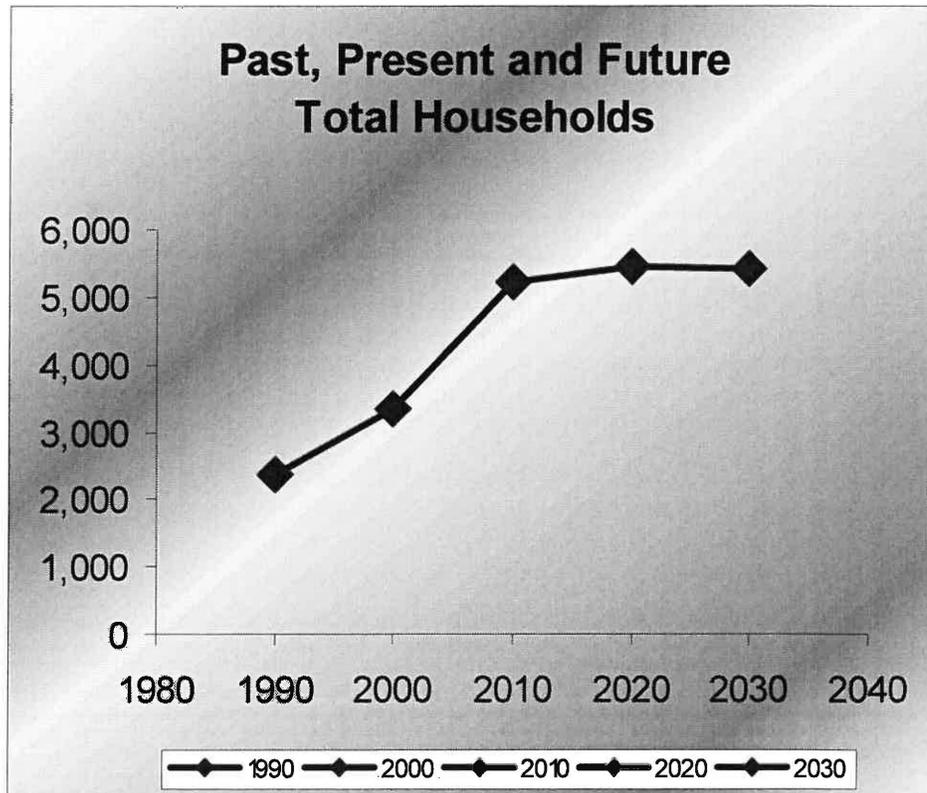
Population Projection

2010 to 2030

	2010	2020	2030
Center Township	13,688	14,234	14,191
Butler County	96,535	100,907	101,358
<i>Source: Southwestern Pennsylvania Commission</i>			

Total Households 1990-2000 2010-2030 Projected

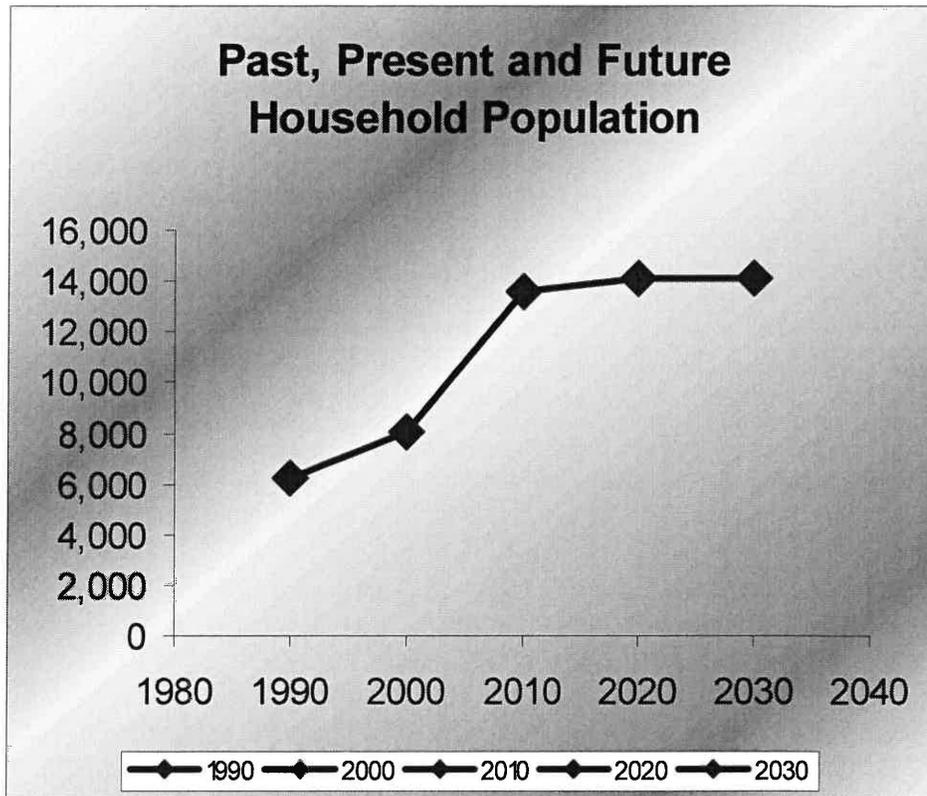
1990	2000	2010	2020	2030
2,371	3,333	5,209	5,433	5,423
Source: Penn State Data Center, 1190; U.S. Census Bureau, DP-1, 2000; Southwestern Pennsylvania Commission, projections.				



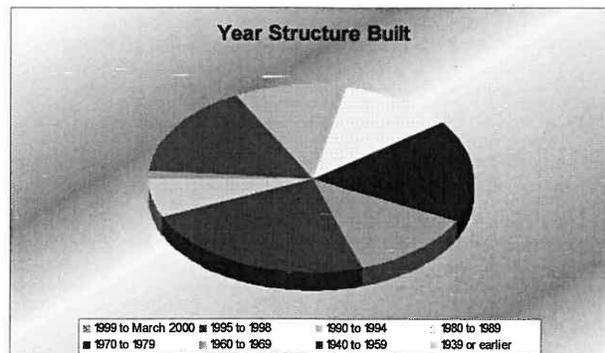
Household Population 1990-2000 2010-2030 Projected

1990	2000	2010	2020	2030
6,239	8,071	13,590	14,136	14,093

Source: Penn State Data Center, 1190; U.S. Census Bureau, DP-1, 2000; Southwestern Pennsylvania Commission, projections.



YEAR STRUCTURE BUILT		
	#	%
1999 to March 2000	46	1.3
1995 to 1998	554	15.9
1990 to 1994	383	11.0
1980 to 1989	401	11.5
1970 to 1979	619	17.8
1960 to 1969	432	12.4
1940 to 1959	812	23.3
1939 or earlier	235	6.7



The PaDEP has commented in their final review of this SPECIAL STUDY (see Appendix M: DEP Comments on Final SPECIAL SEWAGE STUDY for complete review letter) that there appear to be discrepancies between the growth projections of the Comprehensive Plan, the Southwestern Pennsylvania Commission and the Land Use Assumption Report. Projections of population growth rates included in the Center Township Comprehensive Plan, Table 18, provide a conservative, a mid-range and a high-end scenario. The high-end projection of 10,489 persons by the year 2015 is fairly consistent with the Southwestern Pennsylvania Commission (SPC) Cycle 7 Forecast of between 10,594 persons (2010) and 10,764 persons (2020). It should be noted that the Cycle 7 SPC Forecasts are lower than the previous Cycle 5 forecasts for years beginning with 2010.

Projections included in the Land Use Assumption Report (September 2005) prepared by Santoro and HRG for Traffic Impact Fee ordinances, present a more aggressive rate of development resulting in a year 2025 population of approximately 15,487 persons. Assuming the SPC baseline year 2005 population of 10,781 (which may be high) and projecting 2,200 new units through the year 2025 at a per-household number of 2.12, the Land Use Assumption Report projection appears high.

The SPC projection of 11,129 persons by the year 2030 is still twenty-eight percent (28%) lower than the year 2025 projection of 15,487 persons included in the Land Use Assumption Report. In addition, based on Township permit records for the five (5) year period 2002 to 2006 an average of fifty-three (53) new dwelling units annually were built. This includes single-family dwellings, multi-family dwellings and mobile homes. With the restriction on sewage taps in effect, during the year 2006, only twenty-one (21) new dwelling units were permitted that year. This trend based on building permit records indicates that the year 2005 SPC baseline projection of 10,781 persons may also be significantly high, when the actual population may have been under 9,000 persons.

In summary, the high end projection of population of 10,489 persons in the year 2015, included in the Township's Comprehensive Plan is probably the most reasonable number given a review of the statistical data originally provided. However, since the purpose of this report is to assure that BASA has sufficient gravity pipe flow capacity in its future sanitary sewer replacement project and that the cost of increasing pipe size is relatively low, an

under-projection of future sewage flow would be imprudent. The Land Use Assumption Report projected population growth has therefore been relied upon in this report when forecasting total future EDU per sewershed.

The following maps on pages 50-58 [*"Zoning Districts"* (from Center Township's current zoning), *"Topography"* (from USGS map), *"Small Watersheds"* (created for this report), *"Traffic Analysis Zones"* (from Center Township's Transportation Impact Fee Program, adopted 2005), *"Traffic Analysis Zones with EDU Projections"* (created for this report) and *"Developable, Currently Un-Sewered Land by Sewershed and Zoning District"* (created for this report), *"Planned Development Map 1: 2000 Comprehensive Plan projection overlayed with 2005 Land Use Assumption Report Projection"*, *"Planned Development Map 2: 2000 Comprehensive Plan projection overlayed with 2005 Land Use Assumption Rerpot projection showing TAZ map information"* and *"Summary of Projected Development: Summary map combining Comprehensive Plan projection and 2005 Land Use Assumption Report Projection"*] provide a GIS analysis of Center Township, enabling the formation of an estimation about the future sewage needs of Center Township based on projected growth.

In formulating EDU estimations per sewershed, Center Township's watersheds were mapped on page 52 [*"Small Watersheds"*]. Center Township's four pump stations alter the course of flow into slightly different sewersheds, as can be seen from this same digital map. Center Township's sewerage system can be presently divided into 3 main sewersheds serviceable by BASA's system which drain into Butler Township's system. These are:

1. The Monroe subsystem, located near the southeastern border of Center Township,
2. The Sullivan Run Subsystem, located near the southcentral border of Center Township, and
3. The Crooked Run/Little Connoquenessing Creek sewershed, located near the southwestern border of Center Township.

There is presently no service by BASA to the Crooked Run/Little Connoquenessing Creek sewershed. These sewersheds combine near the Center Township and Butler Township border and if service is to be provided to this area, BASA could extend its existing lines in northwestern Butler Township farther northward to service these customers.

Any development occurring in the Pine Run, Muddy Creek and Swamp Run watersheds in the next 20 years is not expected to be serviceable by BASA. Refer to the map on page 7, [*"Areas Anticipated not to be Served by the Butler Area Sewer Authority*

within the next 20 Years”] for a graphic representation of areas that are not anticipated to be served by the Butler Area Sewer Authority within the next 20 years.

Development in the southern part of the Stony Run watershed is expected in the next 5 to 20 years and could be serviced by BASA with the addition of a pump station, draining into the Monroe Substation. For the EDU calculations presented later in this report, approximately 247 EDU's are estimated to be added in this southern part of the Stony Run watershed in the next 20 years. In formulating projections for the Monroe Subsystem, it was assumed that this pump station will be added (to Stony Run) and these EDU's have therefore been added into the Monroe Subsystem projections.

The map on page 53 [*“Traffic Analysis Zones” (from Center Twp's Transportation Impact Fee Program, adopted 2005)*] shows the Township broken into its three TAZ zones and TAZ numbers, as Center Township has delineated in its Transportation Impact Fee Program.

The map on page 54 [*“Traffic Analysis Zones with EDU Projections” (created for this report)*] shows data from Table 6 and Table 7 (pages 40 and 41, respectively, of this report) converted into EDU's (Equivalent Dwelling Units) and placed in the appropriate TAZ number. Also shown on the map are the sewersheds in Center Township. From these two datasets, EDU counts per sewershed were computed. The complete EDU calculations and projections for residential and non-residential development can be found in Appendix E.

To predict growth beyond a 20 year period, a different technique was used to calculate estimated EDU's. The map on page 55 [*“Developable, Currently Un-Sewered Land by Sewershed and Zoning District”*] shows regions of Center Township in each sewershed, by Zoning District, that are likely to be developed in 20+ years, but are currently unsewered. These shaded areas in this map are considered buildable, based on their development constraints; specifically, these lands exhibit no steep slopes and are favorable for development. A table is listed on this map as well, listing developable acreage per zoning district per watershed. Using a “development factor” (expected EDU's per acre for each Zoning District), EDU counts can be generalized for 20+ years.

The calculations for this projection may also be found in Appendix E, and are based upon the following densities:

R1A	1.0 EDU per acre
R1	1.6 EDU per acre
R2	4.0 EDU per acre
C2	6.0 EDU per acre

The following table summarizes the projections that can be made about each sewershed in 5, 10, 15, 20 and 20+ year periods for both residential and non-residential development.

Sewershed	Projection (in years)	Projected Growth (in EDU's*)
Monroe Subsystem	0-5	113
	0-10	231
	0-15	361
	0-20	526
	20+	991
Sullivan Run Subsystem	0-5	236
	0-10	486
	0-15	767
	0-20	1,125
	20+	1,346
Crooked Run/Little Connoquenessing Creek Subsystem	0-5	131
	0-10	273
	0-15	428
	0-20	627
	20+	2,789

*An EDU is equated to 400 gpd, as defined in the PaDEP's Final Consent Order and Agreement.

The "Projected Development" maps on pages 56-58 combine data from the Center Township Comprehensive Plan, adopted in 2000, with the EDU projections based on the 2005 Land Use Assumption Report (prepared by Santoro/HRG) to varying degrees of complexity. "Future Development Map 1" (page 56) shows how these two projections overlap. Any area shaded or hatched is predicted to develop in the next 20 years, based on these two

Center Township adopted documents. "*Future Development Map 2*" (page 57) adds the EDU projections computed in Appendix E to the areas forecasted to develop in the Land Use Assumption Report. Lastly, the "*Summary of Projected Development*" map (page 58) shows very basically which areas are predicted to develop, with no distinction of the origination of the source data. This map can also be found on page 3 of the report.



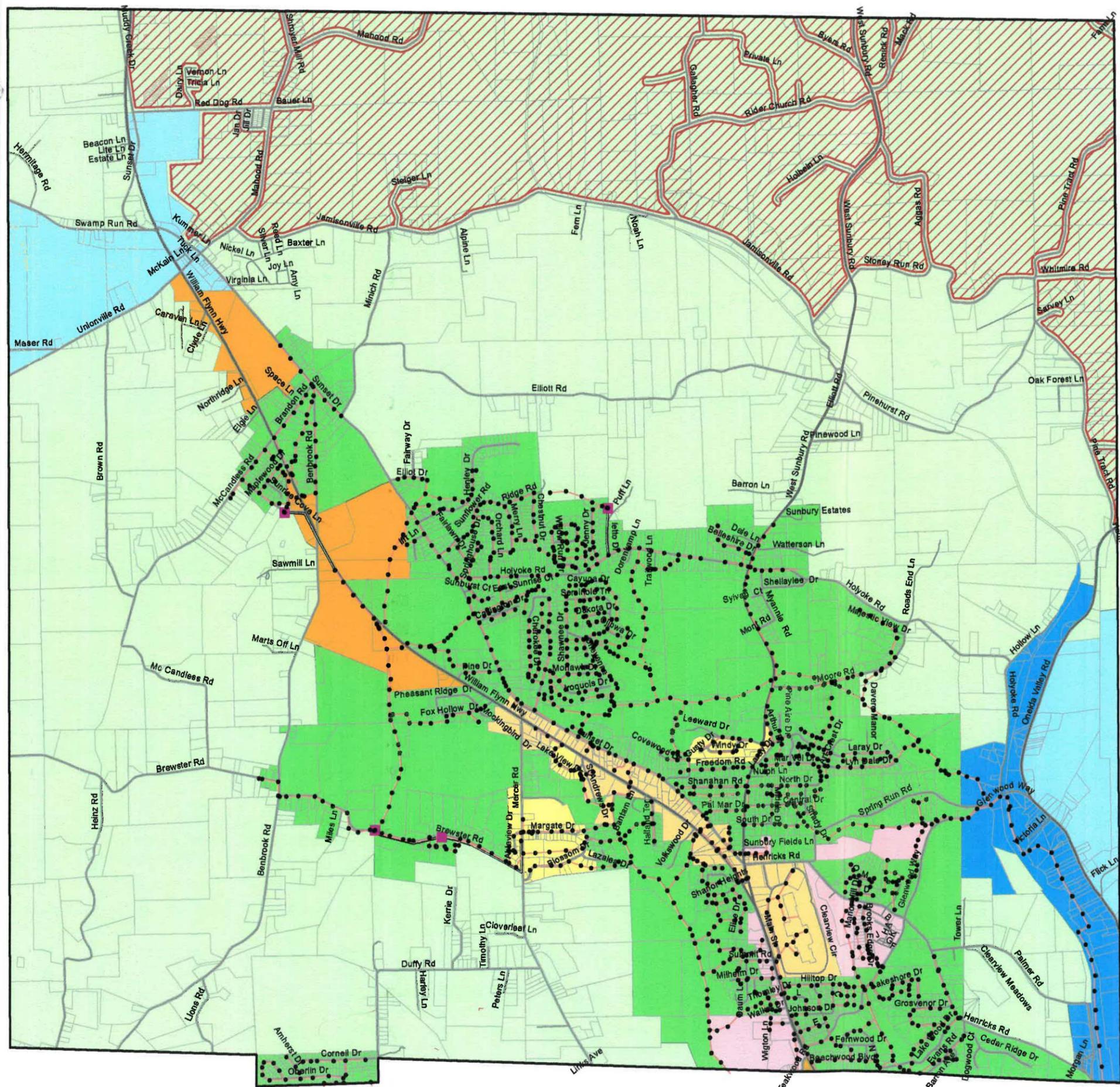
Zoning Districts

Center Township, Butler County

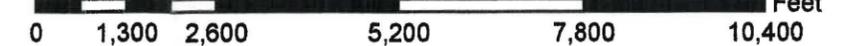
Legend

Zoning Districts

-  R-1A Single Family Residential - Agriculture
-  R-1 Single Family Residential
-  R-2 Two Family Residential
-  R-3 Multi Family Residential
-  C-1 Retail & Service Commercial
-  C-2 Highway Commercial
-  M-1 Light Industrial
-  M-2 Heavy Industrial
-  Mineral Extraction Overlay District
-  Manhole
-  Pump Station
-  Gravity Main
-  Force Main



1 inch equals 2,600 feet

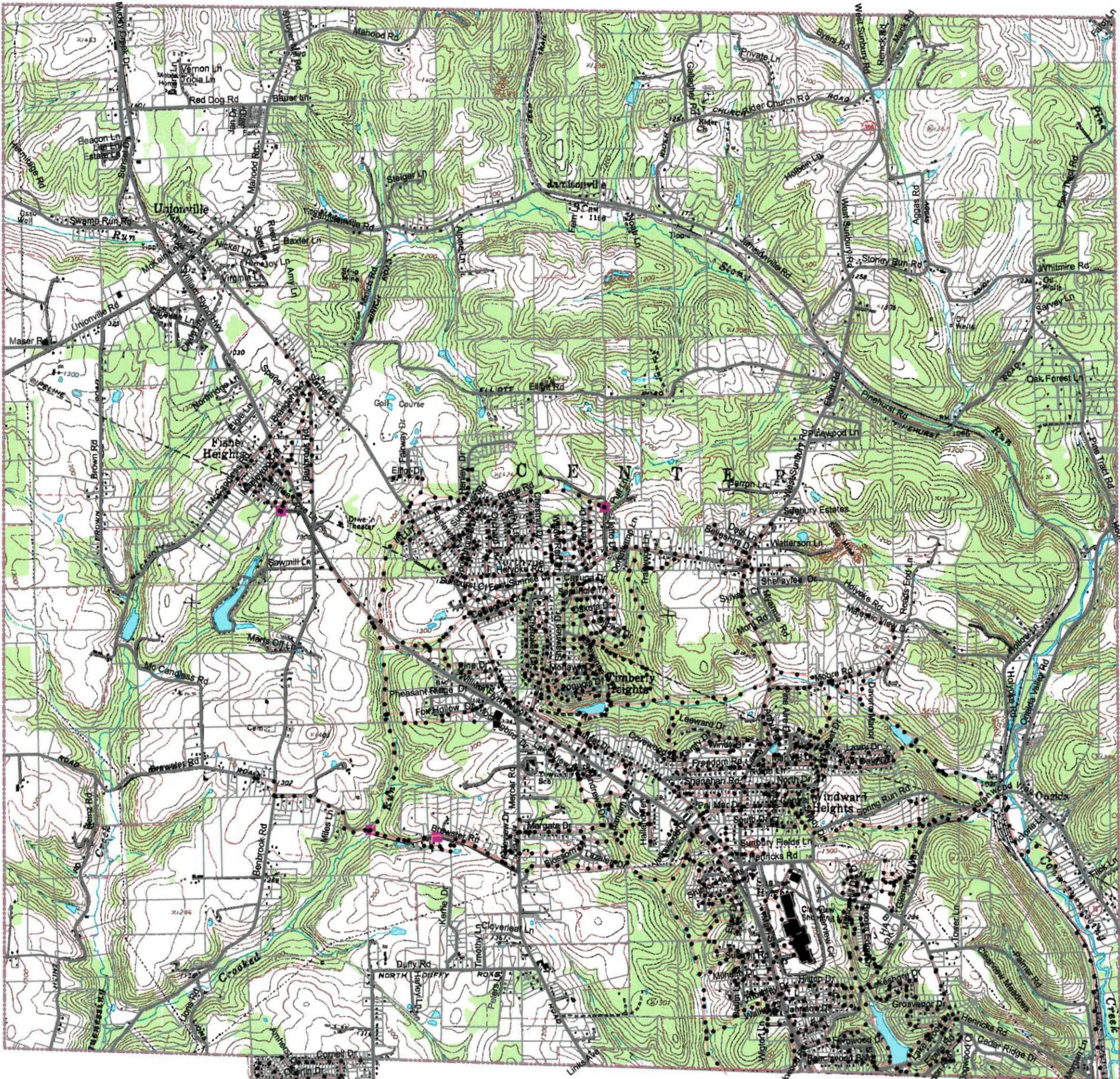


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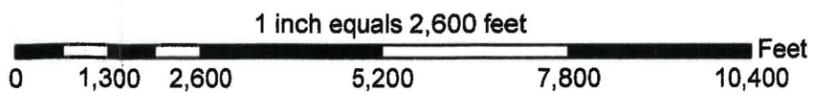
ARCH # 200604E ZONING

O&A PROJECT # 200504E

Amended Appendix A-22-b
Topography
Center Township, Butler County



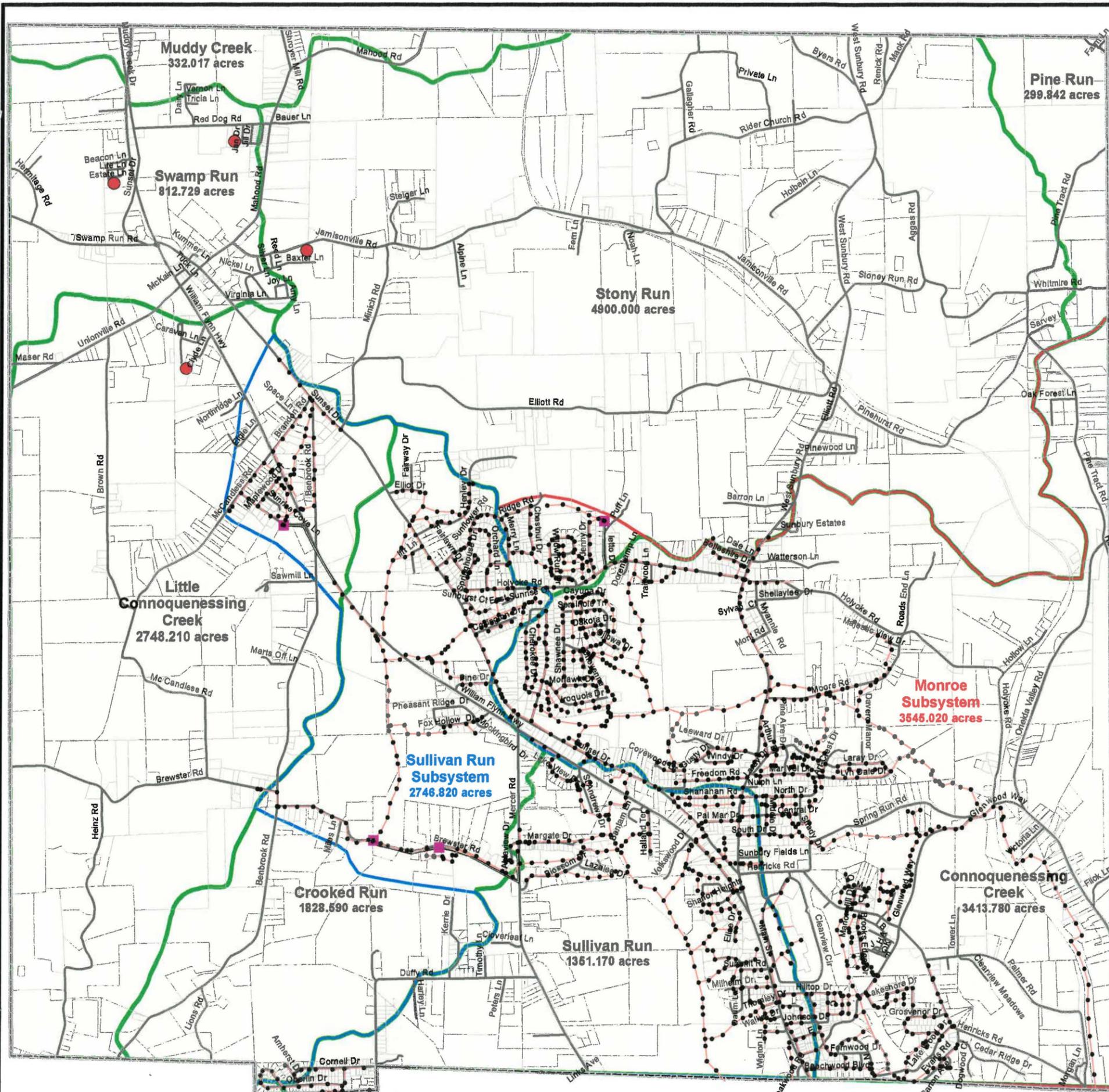
- Legend**
-  Gravity Main
 -  Force Main
 -  Manhole
 -  Pump Station
 -  Township Boundary
 -  Tax Parcels
 -  Road Centerlines



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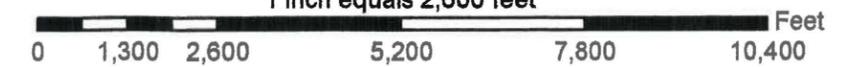
Small Watersheds Center Township, Butler County



Legend

- Location of Treatment Facilities
- Manhole
- Pump Station
- Gravity Main
- Force Main
- Tax Parcels
- Monroe Subsystem
- Sullivan Run Subsystem
- Watersheds

1 inch equals 2,600 feet



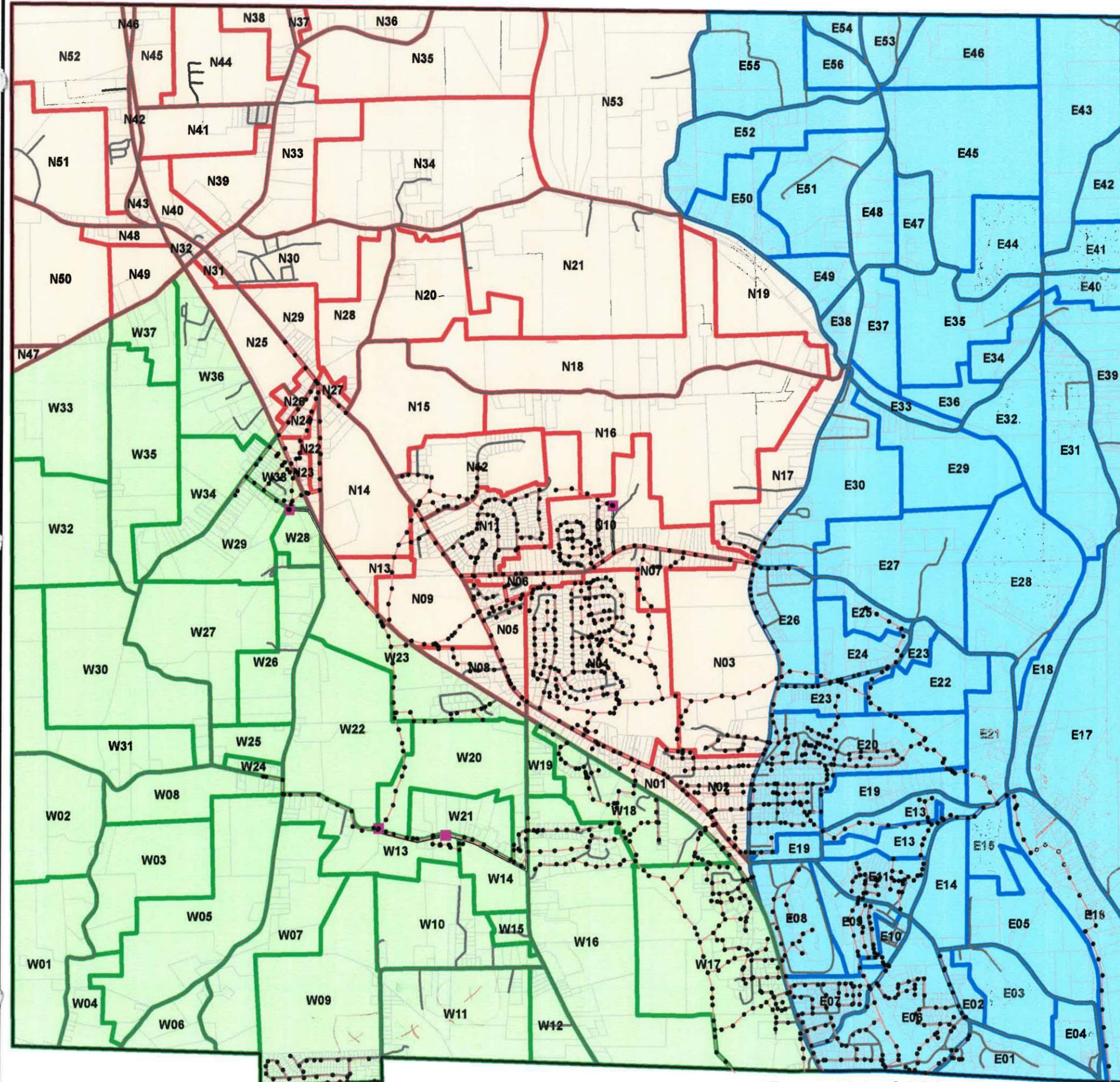
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ARCH # 200604E WATERSHEDS

O&A PROJECT # 200504E



Traffic Analysis Zones Center Township, Butler County



Legend

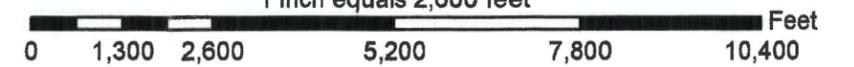
- Tax Parcels
- Gravity Main
- Force Main
- Pump Station
- Manhole

Traffic Analysis Zones

- Eastern
- Northern
- Western

Prepared by HRG

1 inch equals 2,600 feet



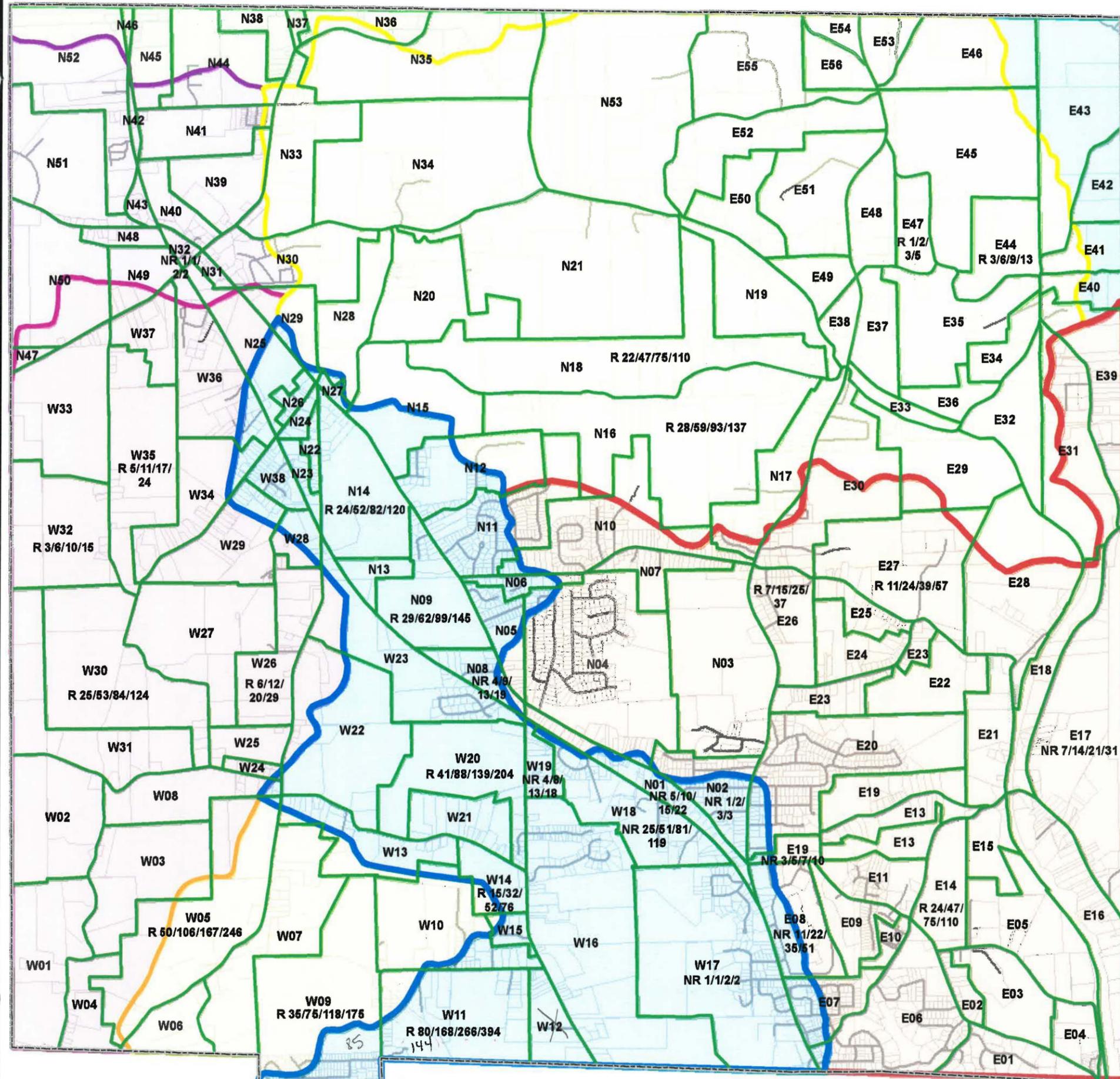
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ARCH # 200604E TAZ

O&A PROJECT # 200504E



Traffic Analysis Zones with EDU Projections Center Township, Butler County

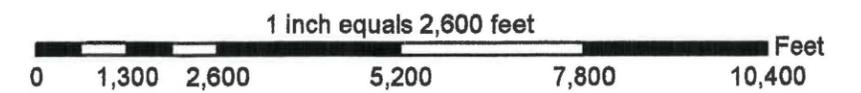


Legend

- Traffic Analysis Zones
- Tax Parcels
- CenterTwpRoads
- Monroe Subsystem
- Sullivan Run Subsystem
- Crooked Run
- Little Connoquenessing Creek
- Muddy Creek
- Pine Run
- Stony Run
- Swamp Run

Prepared by HRG

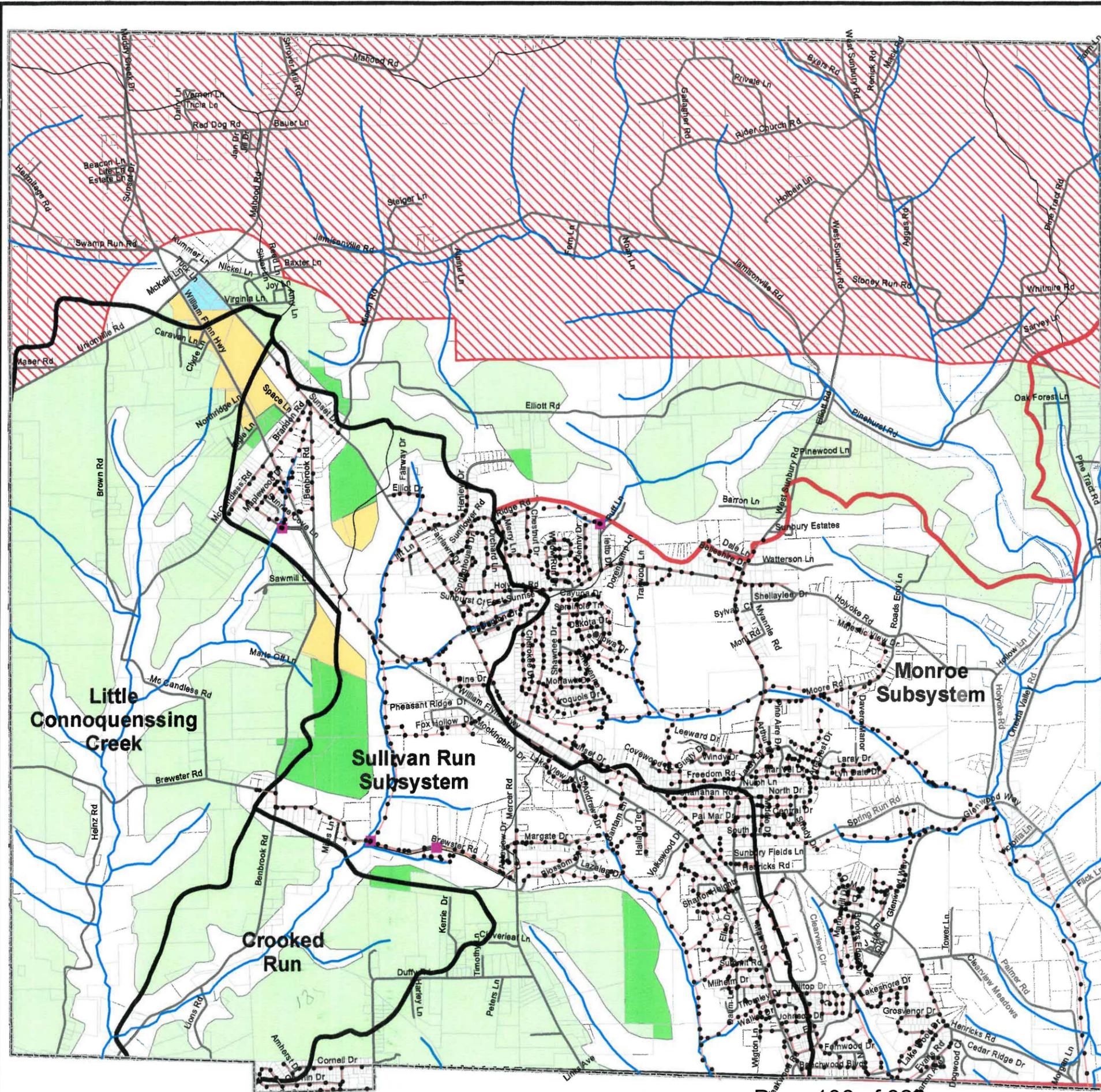
EDU Projection Key:
 Residential (R) 5-yr/10-yr/15-yr/20-yr
 Non-Residential (NR) 5-yr/10-yr/15-yr/20-yr



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 ARCH # 200604E TAZ O&A PROJECT # 200504E

Amended Appendix A-22-b

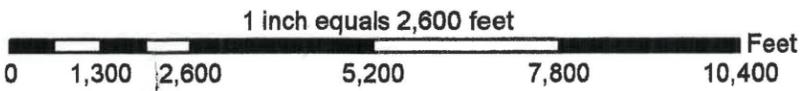
Developable, Currently Un-Sewered Land by Sewershed & Zoning District Center Township, Butler County



Watershed	Zoning District	Square Feet	Acreage
Connoquenessing Creek [BASA Monroe Subsystem]	R-1A Single Family Residential - Agriculture	9,446,084	216.852
Crooked Run [BASA Little Connoq. Crk./Crooked Run Watershed]	R-1 Single Family Residential	207,791	4.770
	R-1A Single Family Residential - Agriculture	23,340,884	535.833
Little Connoquenessing Creek [BASA Little Connoq. Crk./Crooked Run Subsystem]	C-2 Highway Commercial	3,067,832	70.428
	M-1 Light Industrial	3,476	0.080
	R-1 Single Family Residential - Agriculture	1,179,545	27.079
Stony Run [BASA Monroe Subsystem]	R-1A Single Family Residential - Agriculture	64,495,916	1,480.622
	R-1 Single Family Residential	785,517	18.033
Sullivan Run [BASA Sullivan Run Subsystem]	R-1A Single Family Residential - Agriculture	32,486,985	745.799
	R-1 Single Family Residential	2,337,342	53.658
Swamp Run [BASA No Service Area]	R-1 Single Family Residential - Agriculture	9,058,934	207.965
	R-2 Two Family Residential	8,277	0.190
	R-1A Single Family Residential - Agriculture	22,399,328	514.218
All Watersheds	C-2 Highway Commercial	584,445	13.417
	M-1 Light Industrial	650,755	14.939
	R-1A Single Family Residential - Agriculture	1,911,246	43.876
	R-1 Single Family Residential	5,989,619	137.503
	R-2 Two Family Residential	8,277	0.190
Total		171,964,357	3,947.758

Legend

- Area not Anticipated to be Served by BASA within the next 20 years
- Zoning Districts**
- R-1A Single Family Residential - Agriculture
- R-1 Single Family Residential
- R-2 Two Family Residential
- C-2 Highway Commercial
- M-1 Light Industrial



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ARCH # 200604E NOT SERVED O&A PROJECT # 200504E



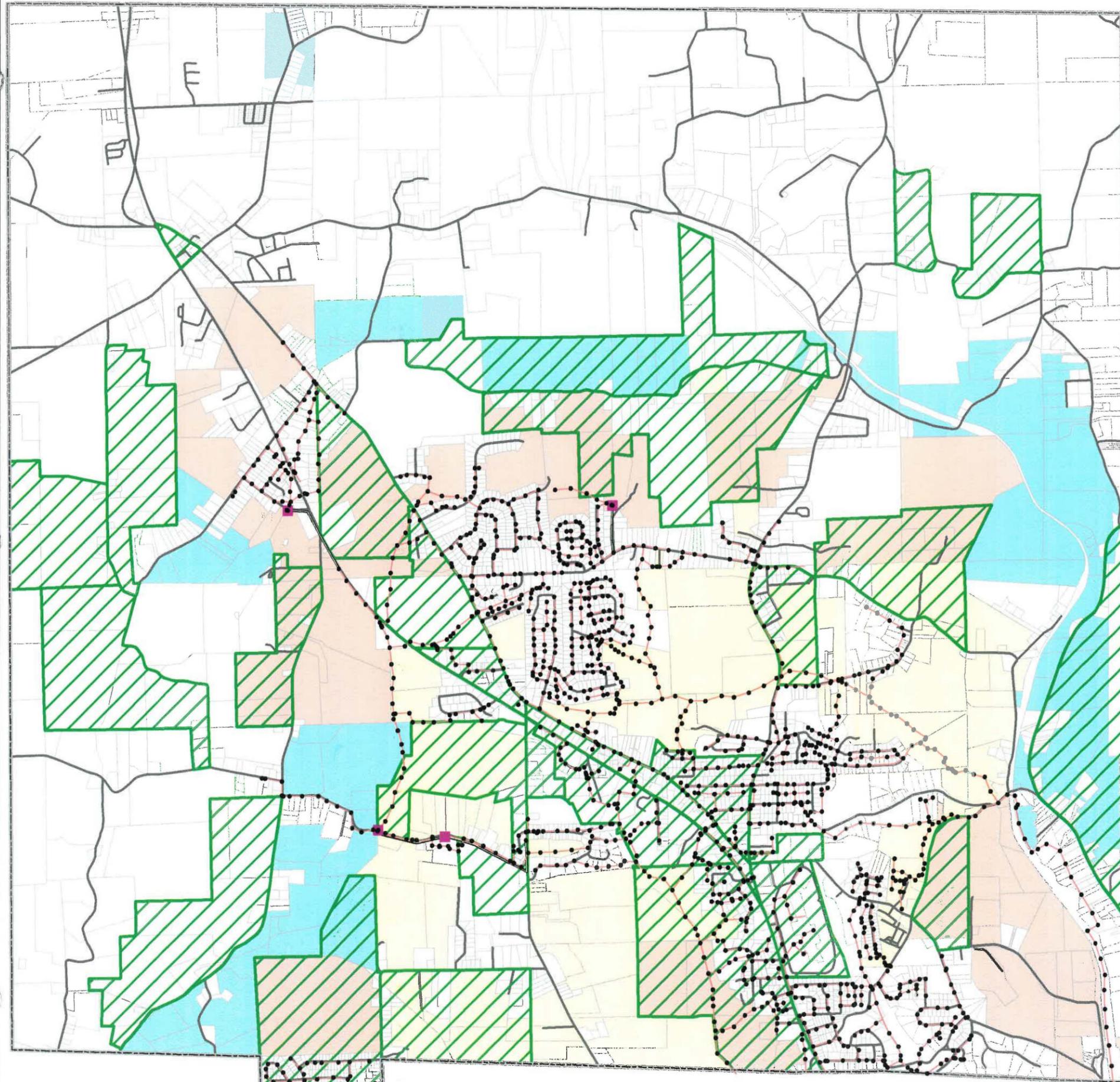
Projected Development Map 1:

2000 Comprehensive Plan projection
overlayed with 2005 Land Use
Assumption Report projection

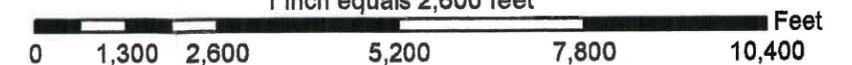
Center Township, Butler County

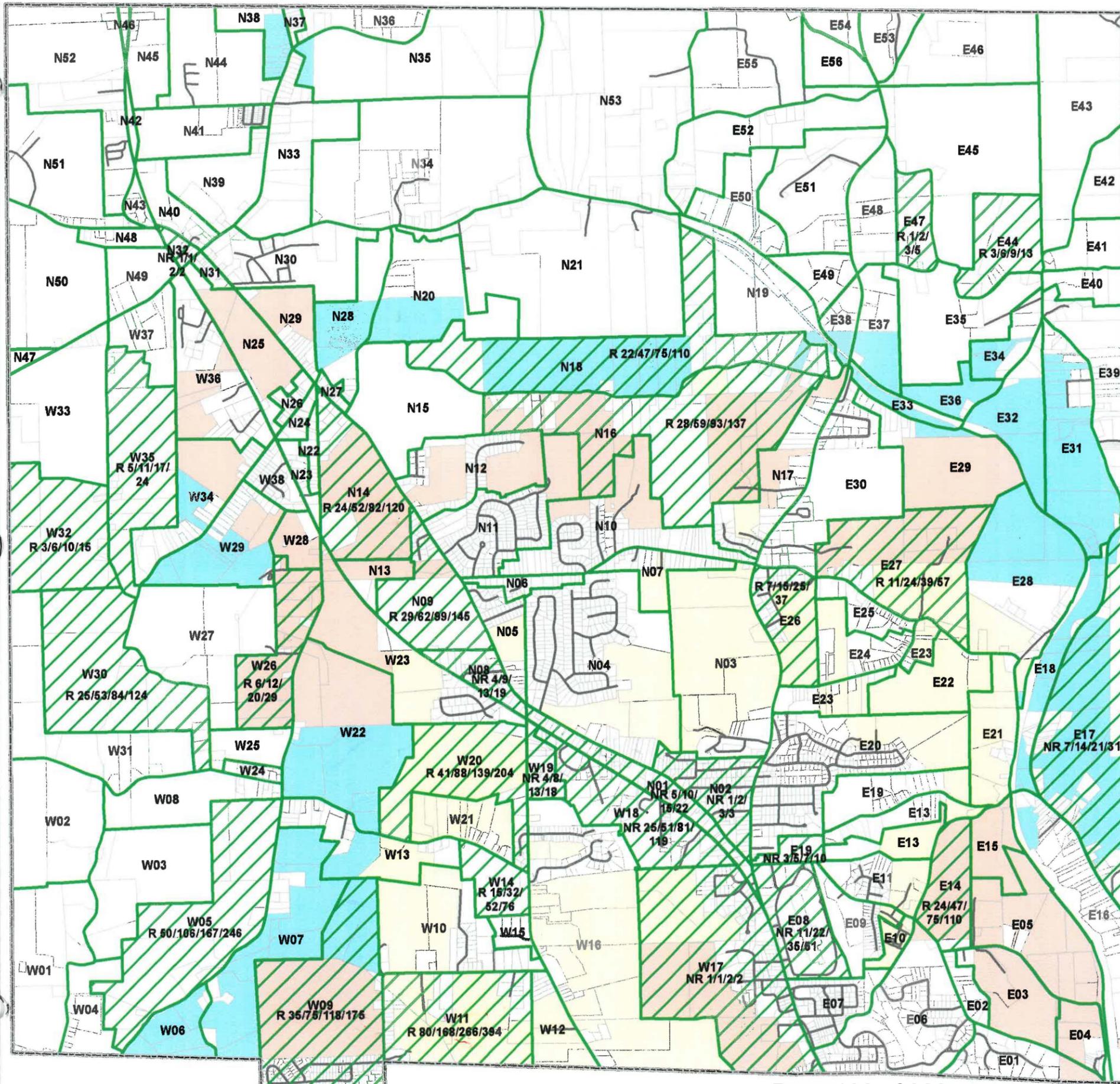
Legend

- Tax Parcels
 - Force Main
 - Gravity Main
 - Pump Station
 - Manhole
 - Time Table for Future Development - 2000 Comp Plan**
 - Short-Term Development (0 - 10 years)
 - Mid-Term Development (11 - 20 years)
 - Long-Term Development (20+ years)
 - Traffic Analysis Zones with Projected Development
- Prepared by HRG/Santoro 2005



1 inch equals 2,600 feet





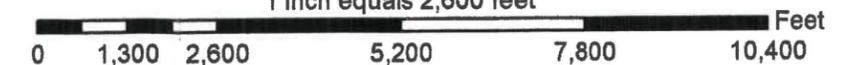
Projected Development Map 2: 2000 Comprehensive Plan projection overlayed with 2005 Land Use Assumption Report projection showing TAZ map information Center Township, Butler County

Legend

- Tax Parcels
 - Time Table for Future Development**
 - Short-Term Development (0 - 10 years)
 - Mid-Term Development (11 - 20 years)
 - Long-Term Development (20+ years)
 - Traffic Analysis Zones with Projected Development
- Prepared by HRG/Santoro 2005

EDU Projection Key:
Residential (R) 5-yr/10-yr/15-yr/20-yr
Non-Residential (NR) 5-yr/10-yr/15-yr/20-yr

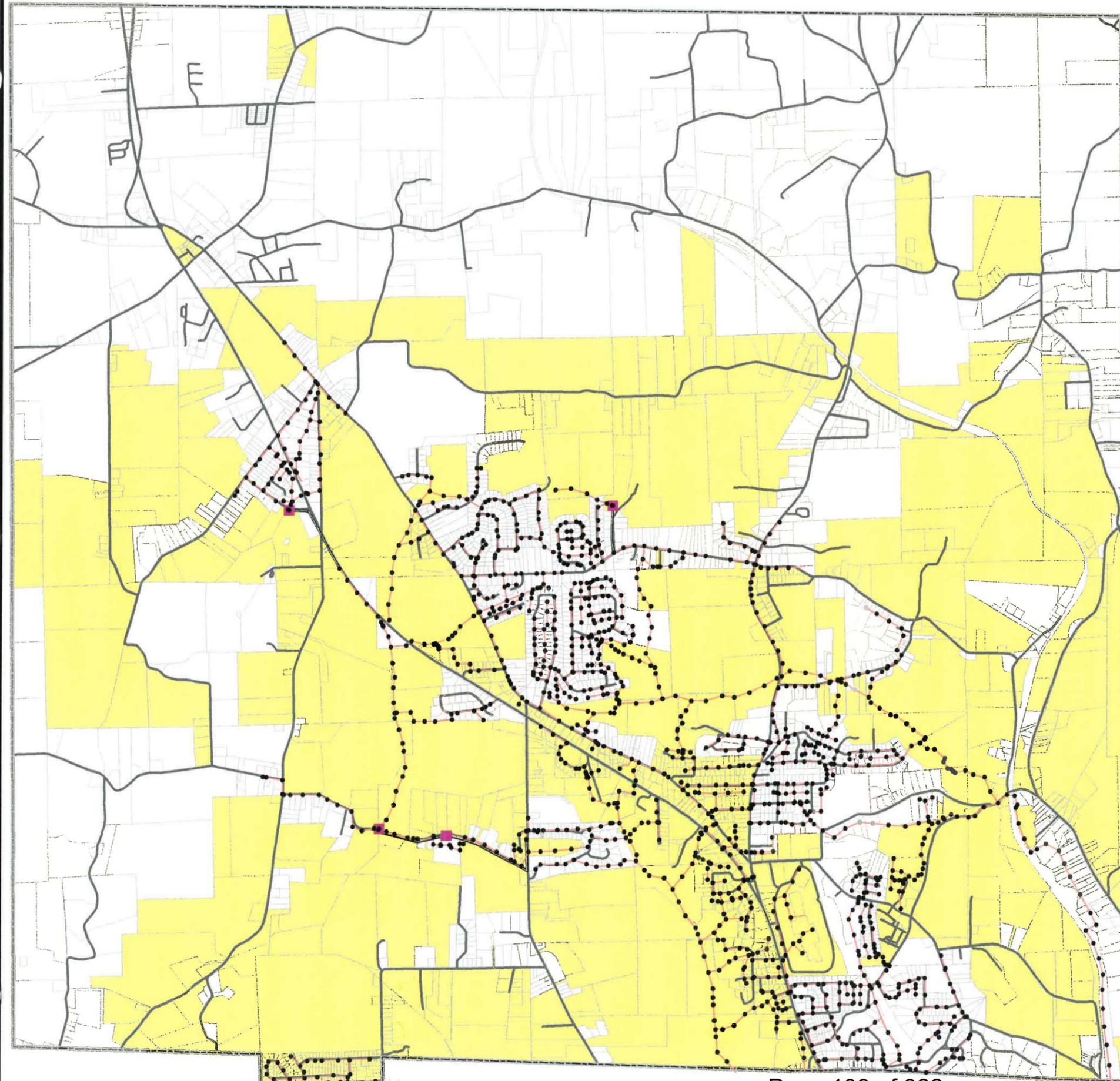
1 inch equals 2,600 feet



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ARCH # 200604E TAZ DEVELOPMENT 2 O&A PROJECT # 200604E



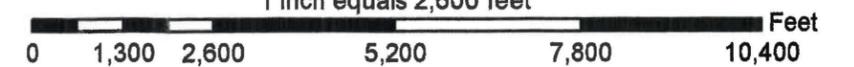
**Summary of Projected
Development**
 Summary map combining
 2000 Comprehensive Plan projection
 and 2005 Land Use
 Assumption Report projection
Center Township, Butler County



Legend

- Manhole
- Pump Station
- Gravity Main
- Force Main
- Tax Parcels
- Parcels Projected to Develop by both the 2000 Comprehensive Plan and the 2005 Land Use Assumption Report

1 inch equals 2,600 feet



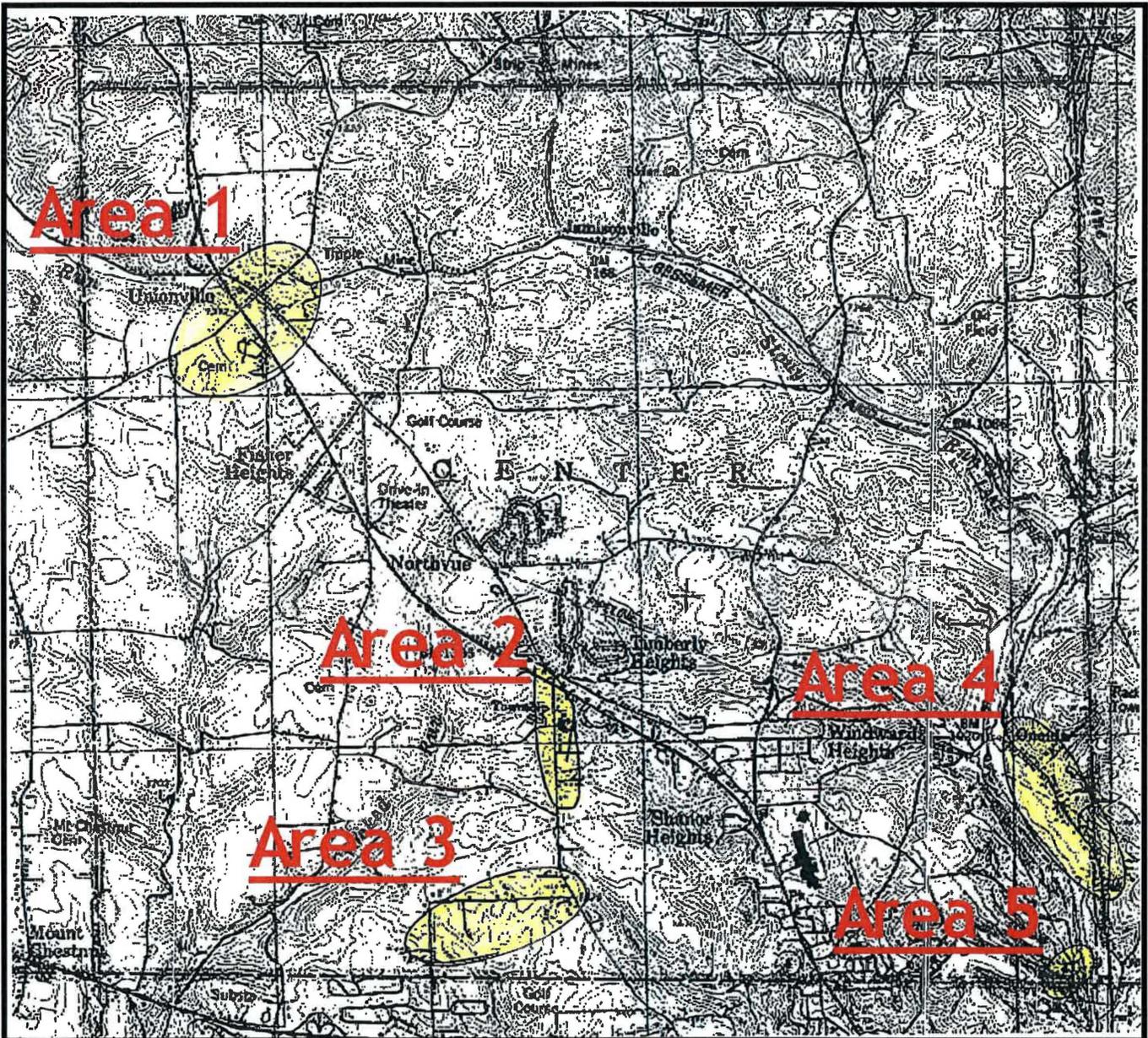
ARCH # 200604E TAZ DEVELOPMENT 3

O&A PROJECT # 200604E

Section 4: Current Needs

The PaDEP has commented in their final review of this SPECIAL STUDY (see Appendix M: DEP Comments on Final SPECIAL SEWAGE STUDY for complete review letter) that if sewer extensions are built to serve the growth areas as outlined in Part 3, Section 3, many of these extensions will traverse already developed, but unsewered areas. The DEP provided a map of five areas that were evaluated for this purpose. This map appears on the following page. [*DEP Existing Currently Unsewered Customer Map*, from DEP comment letter on Final Center Township Act 537 Plan Revision: SPECIAL SEWAGE STUDY]

DEP Existing Currently Unsewered Customer Map



Area 1

If this area develops and BASA sewers are provided to existing customers, an approximately 200 additional existing customers could be served. However, because this area is at the juncture of the Swamp Run, Stony Run, Little Connoquenessing Creek, and Sullivan Run subsystems, extensive use of pump stations would be required to serve all 200 customers shown in this area. This figure includes the tenants of the Baxter Mobile Home Park in the Stony Run sewershed (approximately 96 trailers) and the Caravan Court Mobile Home Park in the Little Connoquenessing Creek sewershed (approximately 35 trailers). If BASA sewers are to be extended into these areas, it is assumed that these mobile home parks would abandon their current privately owned sewage treatment facilities, as per current Center Township ordinance. It is envisioned that the multiple pump stations in this area would connect to the current system servicing the area at the intersection of Sunset Drive and Brandon Road, which is currently pumped out of this area into the Sullivan Run Subsystem. Therefore, all flow generated from Area 1 would be part of the Sullivan Run Subsystem.

Area 2

There is relatively little current development in this area along Mercer road between the intersections of Route 8 and Brewster Road. There are 6 existing non-sewered houses which could connect into the system, as well as two businesses with currently unknown sewage output. All flow generated from Area 2 (10 EDU, estimated) would be part of the Sullivan Run Subsystem.

Area 3

In this area located along Duffy Road, approximately 50 EDU of existing customers could be added into the BASA system; around 15 EDU would flow into the Crooked Run/Little Connoquenessing Creek sewershed, while the remainder (35 EDU) would flow into the Sullivan Run sewershed.

Area 4

Approximately 45 EDU could be added to the system if BASA sewers were made available in this southeastern portion of the Township. Area 4 would add to the EDU in the Monroe Subsystem.

Area 5

Approximately 10 EDU could be added to the system if BASA sewers were made available in this area, located at the southeastern corner of Center Township. Area 5 would add to the EDU in the Monroe Subsystem.

The following table summarizes the EDU estimates of existing structures per sewershed in Center Township which may be connected in the future to the BASA system based on the above assumptions.

Sewershed	Approximate Existing Structure EDU
Monroe Subsystem	55 EDU
Sullivan Run Subsystem	245 EDU (including 2 Mobile Home Parks)
Crooked Run/Little Connoquenessing Creek Subsystem	15 EDU

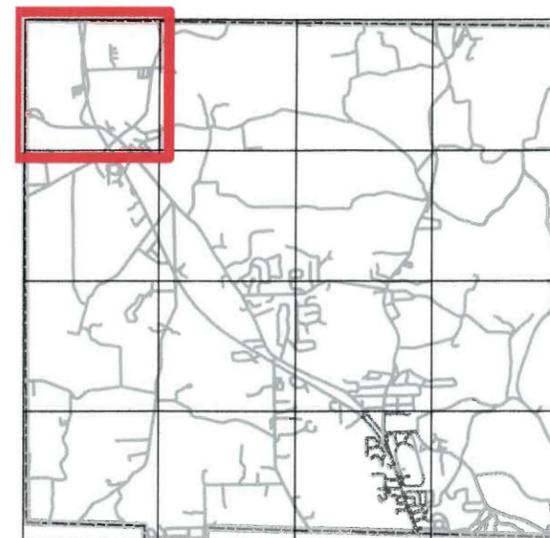
PART 4: Sanitary Sewer System with 2006 Orthophotos

The following 16 maps [*"Sanitary Sewer System with 2006 Orthophotos", created for this report*] have been added to the Final Act 537 Official Plan Revision: SPECIAL SEWAGE STUDY to aid BASA in its future planning efforts. In preparing this study, these maps were consulted frequently because of their clarity and ease of use in identifying and understanding the study areas. Because of their usefulness they have thus been included in this STUDY.

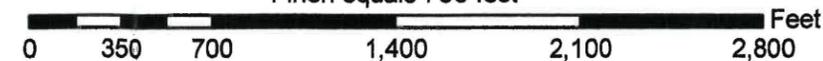
Sanitary Sewer System with 2006 Orthophotographs Grid A1 Center Township, Butler County

Legend

- Privately Operated Treatment Facilities
- Manhole
- Gravity Main
- Pump Station
- Force Main
- Road Centerlines
- Tax Parcels
- Township Boundary



1 inch equals 700 feet

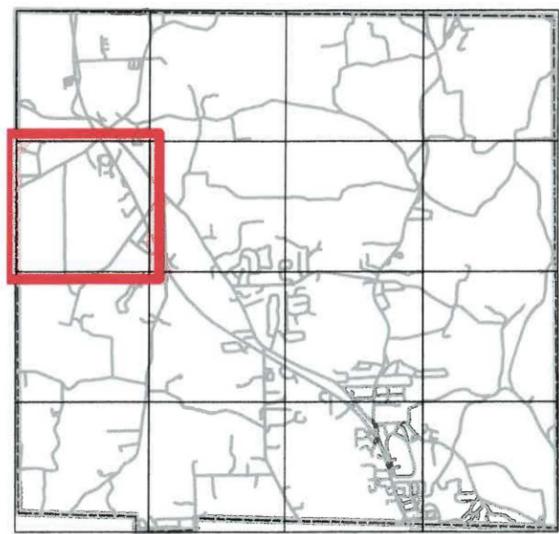


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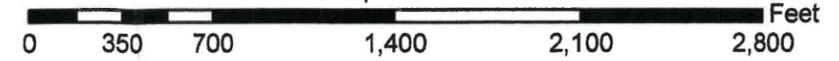
Sanitary Sewer System with 2006 Orthophotographs Grid A2 Center Township, Butler County

Legend

- Privately Operated Treatment Facilities
- Manhole
- Gravity Main
- Pump Station
- Force Main
- Road Centerlines
- Tax Parcels
- Township Boundary



1 inch equals 700 feet



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Sanitary Sewer System with 2006 Orthophotographs Grid A3 Center Township, Butler County

Legend

- Privately Operated Treatment Facilities
- Manhole
- Gravity Main
- Pump Station
- Force Main
- Road Centerlines
- Tax Parcels
- Township Boundary



1 inch equals 700 feet

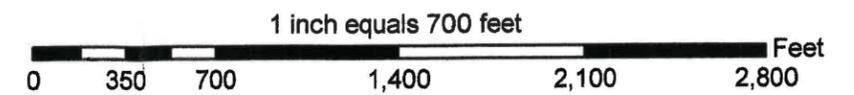


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Amended Appendix A-22-b
**Sanitary Sewer System
 with 2006 Orthophotographs
 Grid A4
 Center Township, Butler County**

Legend

- Privately Operated Treatment Facilities
- Manhole
- Gravity Main
- Pump Station
- Force Main
- Road Centerlines
- Tax Parcels
- Township Boundary



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ARCH # 200604E SANITARY SEWER

O&A PROJECT # 200604E



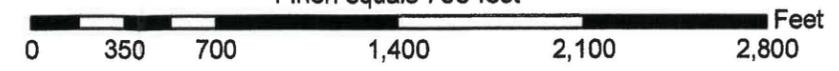
Sanitary Sewer System with 2006 Orthophotographs Grid B1 Center Township, Butler County

Legend

- Privately Operated Treatment Facilities
- Manhole
- Gravity Main
- Pump Station
- = Force Main
- Road Centerlines
- Tax Parcels
- Township Boundary



1 inch equals 700 feet



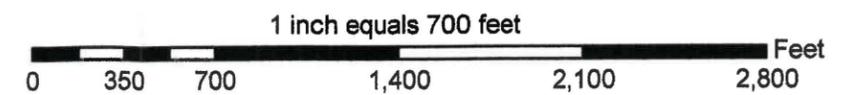
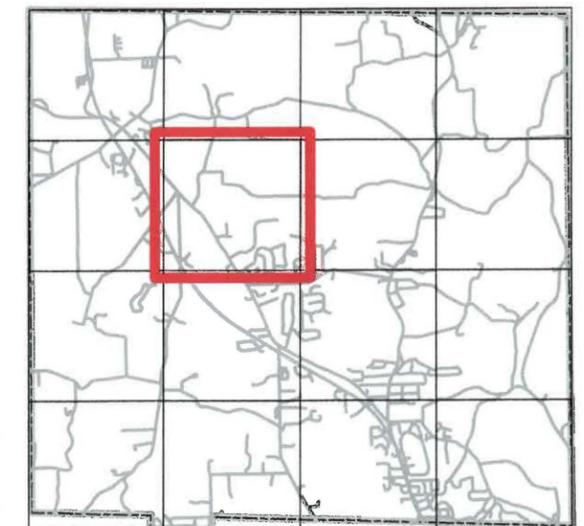
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Amended Appendix A-22-b
**Sanitary Sewer System
 with 2006 Orthophotographs
 Grid B2
 Center Township, Butler County**



Legend

- Privately Operated Treatment Facilities
- Manhole
- Gravity Main
- Pump Station
- Force Main
- Road Centerlines
- Tax Parcels
- Township Boundary



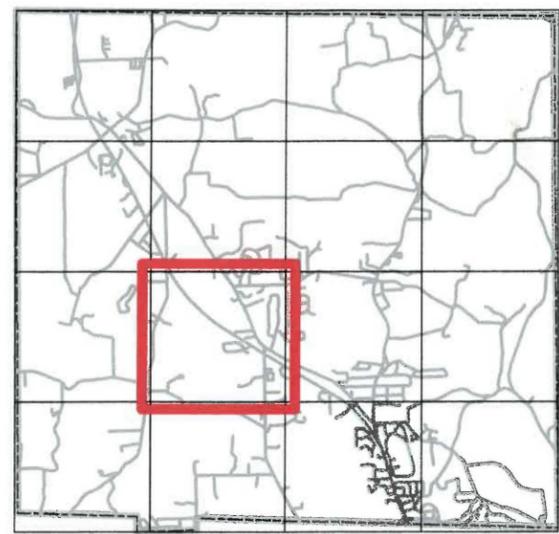
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Sanitary Sewer System with 2006 Orthophotographs Grid B3 Center Township, Butler County

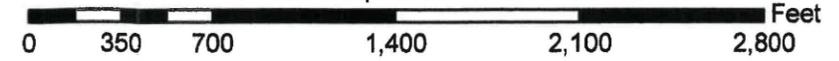


Legend

- Privately Operated Treatment Facilities
- Manhole
- Gravity Main
- Pump Station
- Force Main
- Road Centerlines
- Tax Parcels
- Township Boundary



1 inch equals 700 feet



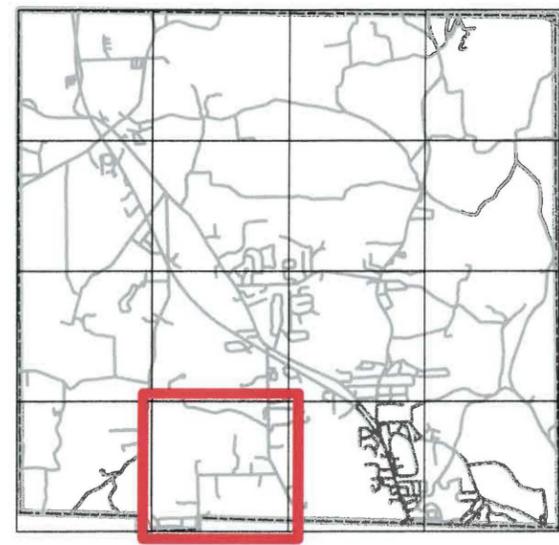
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Sanitary Sewer System with 2006 Orthophotographs Grid B4 Center Township, Butler County

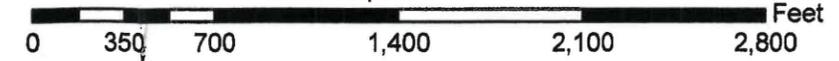


Legend

- Privately Operated Treatment Facilities
- Manhole
- Gravity Main
- Pump Station
- Force Main
- Road Centerlines
- Tax Parcels
- Township Boundary



1 inch equals 700 feet



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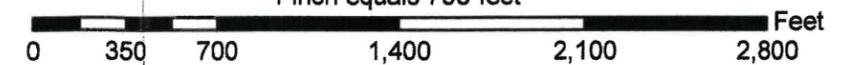
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Legend

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- Pump Station
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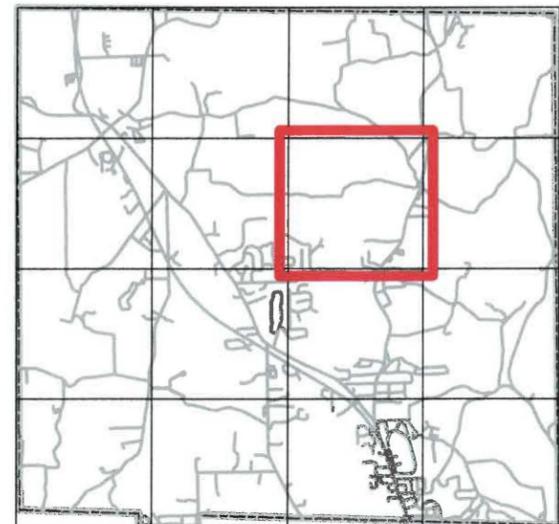
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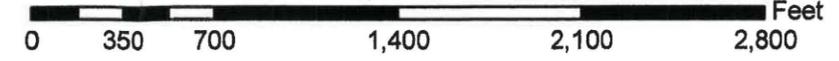
Sanitary Sewer System with 2006 Orthophotographs Grid C2 Center Township, Butler County

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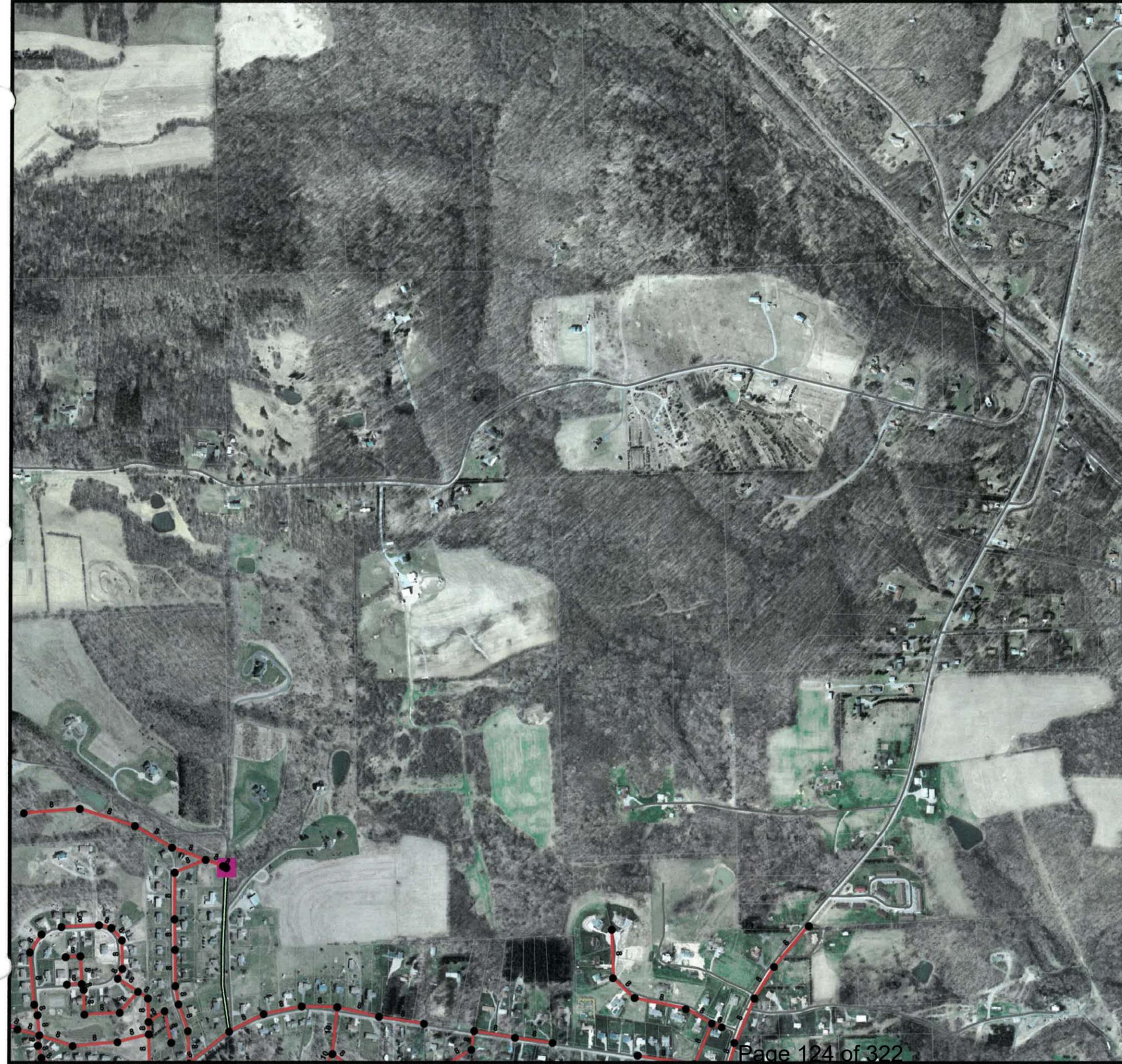
-  Privately Operated Treatment Facilities
-  Manhole
-  Gravity Main
-  Pump Station
-  Force Main
-  Road Centerlines
-  Tax Parcels
-  Township Boundary



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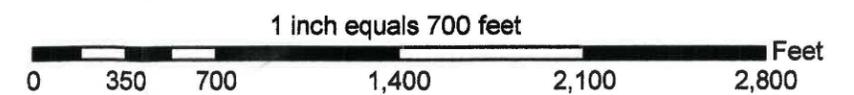
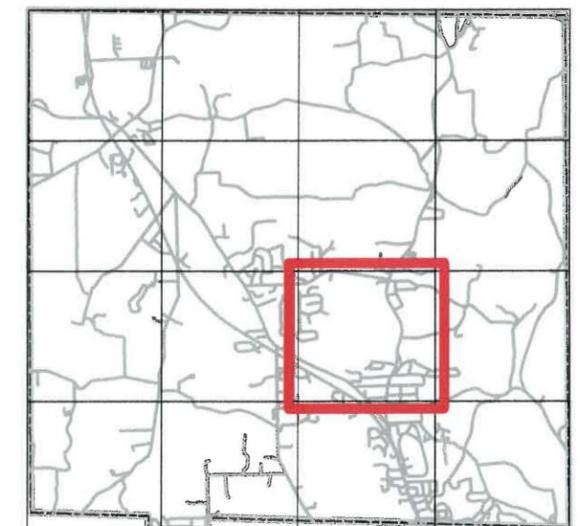


Amended Appendix A-22-b
Sanitary Sewer System
with 2006 Orthophotographs
Grid C3
Center Township, Butler County



Legend

- Privately Operated Treatment Facilities
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- Gravity Main
- Pump Station
- Force Main
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- Township Boundary



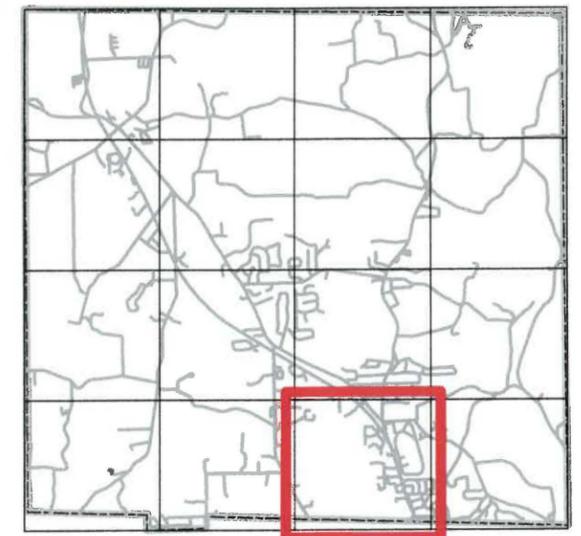
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Amended Appendix A-22-b
Sanitary Sewer System
with 2006 Orthophotographs
Grid C4
Center Township, Butler County

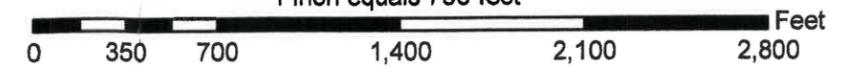


Legend

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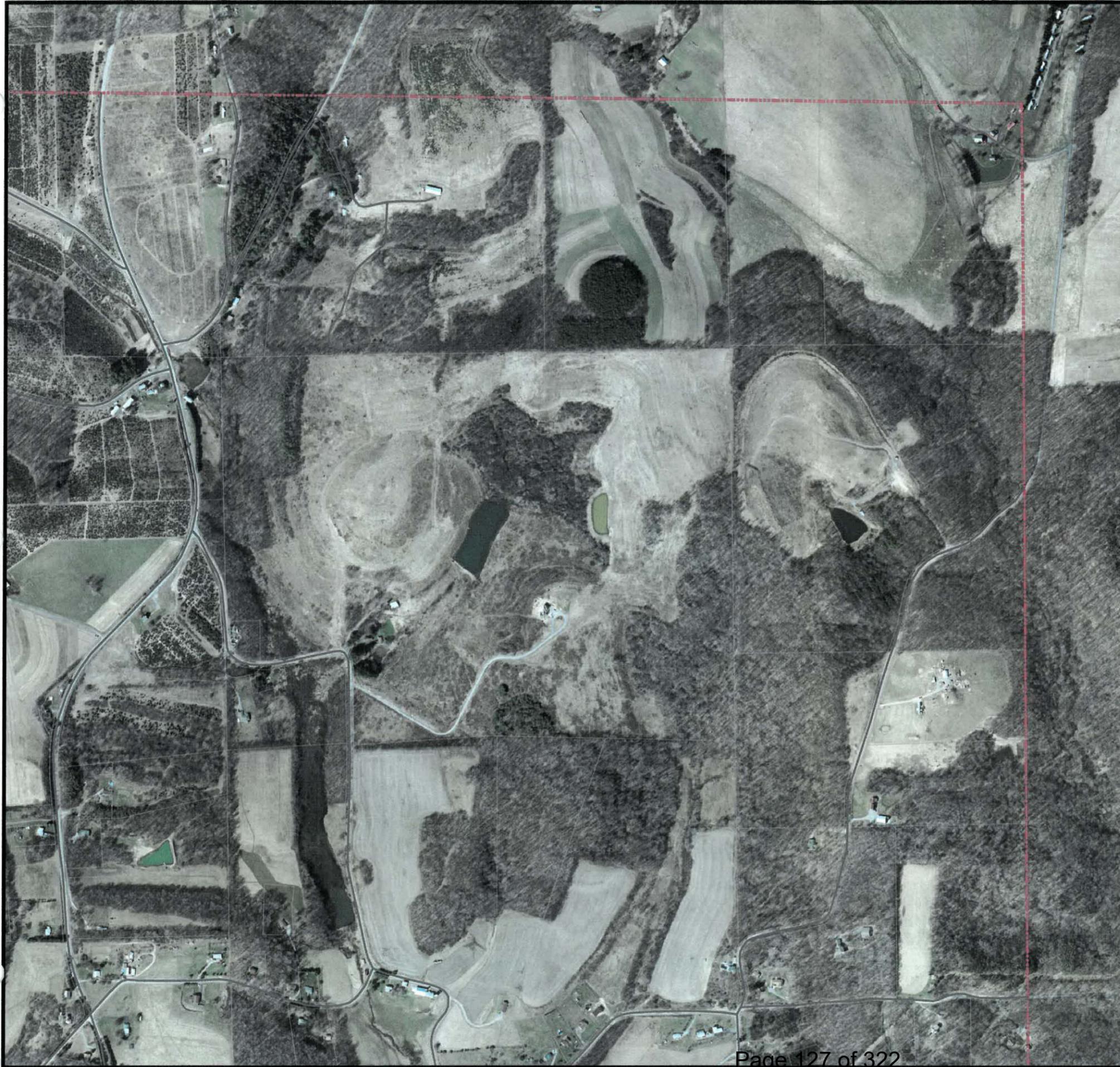


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ARCH # 200604E SANITARY SEWER

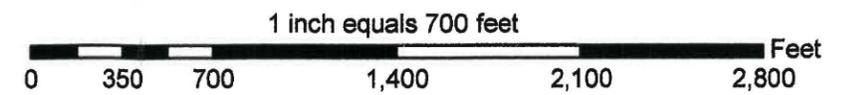
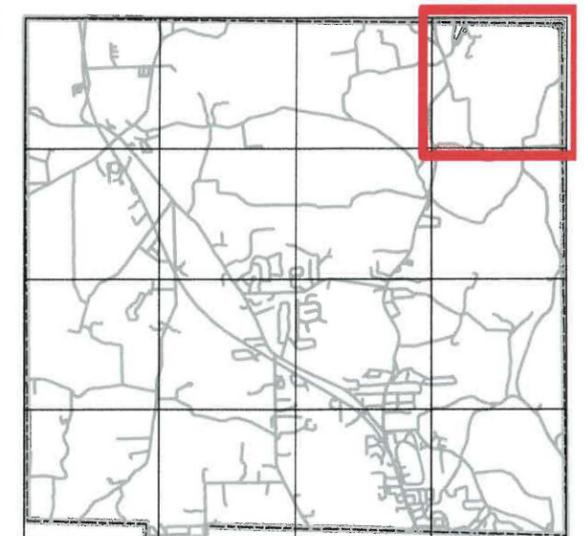
O&A PROJECT # 200604E

Amended Appendix A-22-b
**Sanitary Sewer System
 with 2006 Orthophotographs
 Grid D1
 Center Township, Butler County**



Legend

- Privately Operated Treatment Facilities
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- Pump Station
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ARCH # 200604E SANITARY SEWER

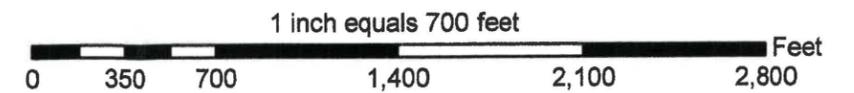
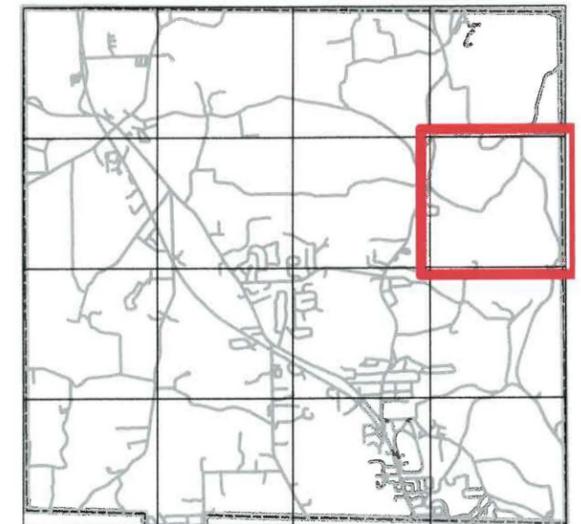
O&A PROJECT # 200604E

Amended Appendix A-22-b
Sanitary Sewer System
with 2006 Orthophotographs
Grid D2
Center Township, Butler County



Legend

- Privately Operated Treatment Facilities
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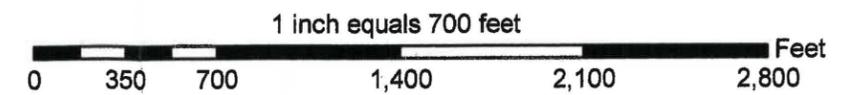
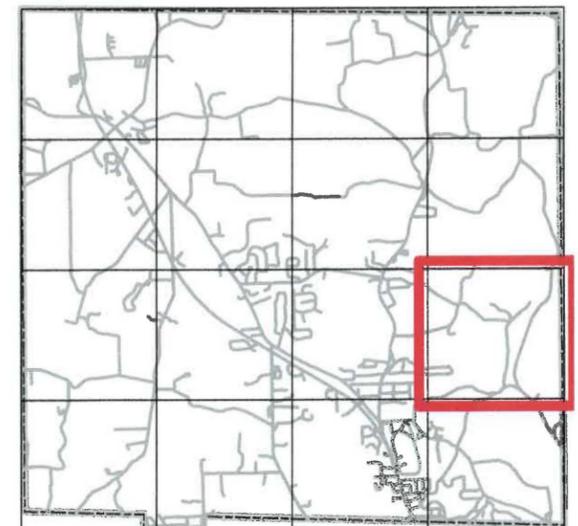


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Amended Appendix A-22-b
Sanitary Sewer System
with 2006 Orthophotographs
Grid D3
Center Township, Butler County

Legend

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ARCH # 200604E SANITARY SEWER

O&A PROJECT # 200604E

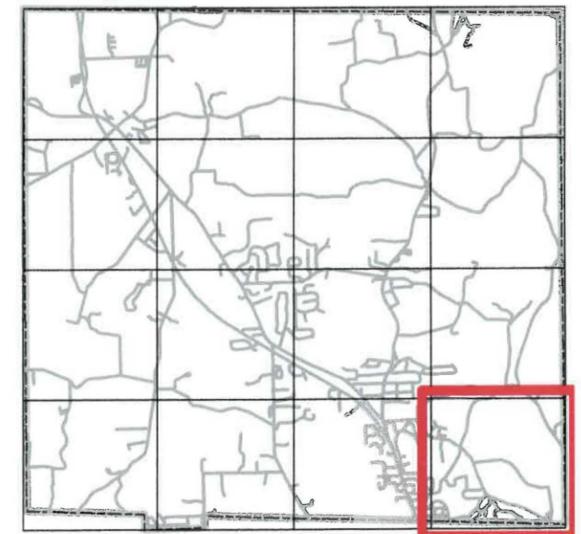


Amended Appendix A-22-b
Sanitary Sewer System
with 2006 Orthophotographs
Grid D4
Center Township, Butler County

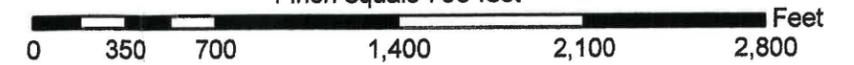


Legend

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ARCH # 200804E SANITARY SEWER

O&A PROJECT # 200804E

Appendix A: Draft Consent Order and Agreement

DRAFT—MAY 8, 2006
FOR DISCUSSION WITH BASA AND THE TRIBUTARY MUNICIPALITIES ONLY

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 _____ day of _____ 2006, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”), Butler Area Sewer Authority (“BASA”), City of Butler, Butler Township, Center Township, Summit Township, the Borough of East Butler, Oakland Township, and Connoquenessing Township. This Consent Order and Agreement replaces the obligations, but not the Findings, of the Consent Order and Agreement between the Department and BASA, dated February 20, 2001.

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").

Parties

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*, 3 P.S. §§301-322 ("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 in November 1963.

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 “person” 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 sewerage facilities under the provisions of Sewerage Permit No. 9817-S-T1 issued by the Sanitary Water Board, and Quality 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 sewage collection and conveyance systems located within the boundaries of the Tributary Municipalities.

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 all/or 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 an average daily design capacity of 10 million gallons per day, and a 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. The POTW has discharged sewage from five structures located before the headworks of the sewage treatment plant ("Overflow Structures"). Specifically, these Overflow Structures are located at the Deshon pump station, Monroe pump station, the General Tire area, the Ball Park area, and the 006 Overflow. Discharges from any Overflow Structure are not authorized by any permit issued by the Department.

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 all of the Overflow Structures. The 2001 Agreement is maintained as a public record by the Department at its Northwest Regional office in Meadville, Pennsylvania, and it is incorporated herein by reference.

S. The 2001 Agreement required, among other things, that BASA complete by December 31, 2005, all of the tasks under the March 20, 2001, Corrective Action Plan, as amended.

T. On December 31, 2005, BASA informed the Department by letter that it had not completed all of the tasks, and BASA requested an extension until April 30, 2009, to complete all of the tasks under the March 20, 2001, Corrective Action Plan, as amended, as required under the 2001 Agreement.

U. BASA also informed the Department that it had received a \$7.2 million PENNVEST loan for reconstruction of the public sewers within the Deshon sewershed to address extraneous flow from storm water and groundwater, including private laterals ("Deschon Sewer Rehabilitation Project").

V. 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.

W. In a letter dated February 3, 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.

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

NPDES Permit

Y. 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.

Z. 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 1, 2006. BASA submitted its application to renew the NPDES permit on February 6, 2006, e.g. 36 days late.

AA. BASA has requested that the Department accept the February 6, 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 _____, 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, which BASA has agreed not to appeal. The final renewal NPDES permit for the POTW is attached as Exhibit A and incorporated by reference.

Violations

AB. BASA's failure to comply with the 2001 Agreement constitutes continuing violations of Sections 5 and 610 of the Clean Streams Law, 35 P.S. §§691.5 and 691.610.

AC. BASA's failure to submit an application to renew its NPDES permit within 180 days before the existing NPDES permit expires date constitutes a violation of 25 Pa. Code §92.1.

AD. BASA's past and continuing unpermitted discharges from the 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.

AE. Because the POTW remains hydraulically overloaded, the Official Sewage Plans of the Tributary Municipalities do not adequately meet the existing sewage disposal needs of their

respective communities, in violation of Section 5 of the Sewage Facilities Act, 35 P.S. §750.5, and Sections 401 and 601 of the Clean Streams Law, 35 P.S. §§691.401 and 691.601.

AF. The violations set forth in Paragraphs AB-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 Section 14 of the Sewage Facilities Act, 35 P.S. §750.14; and subject BASA and the Tributary Municipalities to civil penalty liability under Sections 5 and 605 of the Clean Streams Law, 35 P.S. §§691.5 and 691.605, and Section 13a of the Sewage Facilities Act, 35 P.S. §750.13a.

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 60 calendar days** of the date of this Consent Order and Agreement, each Tributary Municipality shall submit a draft Official Plan revision Special Study to the 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 90 calendar days** of the date of this Consent Order and Agreement, each Tributary Municipality shall consider the comments of the 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 120 calendar days** of the date of this Consent Order and Agreement, each Tributary Municipality shall submit to the Department 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.

b. **Within 150 calendar days** of the date of this Consent Order and Agreement, BASA shall prepare and submit to the Department for approval a proposed Task/Activity Report. The Task/Activity Report 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 each Tributary Municipality, as defined in Paragraph 3.a., above, and provides for all Overflow Structures that do not have both a NPDES permit and a Water Quality Management permit to permanently cease all discharges and be permanently closed or eliminated.

The Task/Activity Report shall include an itemized cost proposal to prepare the Official Plan Update Revision.

c. Within **180 calendar days** of the Department's approval of the Task/Activity Report, BASA shall submit to the Department, on behalf of each Tributary Municipality, 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 all Overflow Structures that do not have both a NPDES permit and a Water Quality Management permit to have ceased all discharges and be permanently closed or eliminated by July 31, 2012.

d. Within **180 calendar days** of receiving written comments from the Department concerning the draft Official Plan Update Revision, BASA shall submit to the Department 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.

e. If the Department determines that the Final Update Revision is not administratively complete, BASA shall, within **90 calendar days** of receiving the Department's written comments, submit to the Department a revised Final Update Revision that addresses the Department's written comments.

f. If the Department disapproves the revised Final Update Revision submitted by BASA pursuant to Paragraph 3.e., above, BASA and the Tributary Municipalities shall be in violation of this Consent Order and Agreement, and shall be subject to civil penalty liability under Sections 5 and 605 of the Clean Streams Law, 35 P.S. §§691.5 and 691.605, and Section 13a of the Sewage Facilities Act, 35 P.S. §750.13a.

g. If the Department determines that revisions to the Final Update Revision under Paragraphs 3.e. and 3.f., 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.d., above, the Department, at its sole discretion, may require the Tributary Municipalities to readopt and submit to the Department updated resolutions evidencing their adoption of the revised Final Update Revision. BASA and the Tributary Municipalities agree to waive their right to appeal any such determination.

h. If a Tributary Municipality fails to comply with its obligations under Paragraphs 3.a., 3.d., and/or 3.g., above, that specific municipality shall be in violation of this Consent Order and Agreement, and shall be subject to civil penalty liability under Sections 5 and 605 of the Clean Streams Law, 35 P.S. §§691.5 and 691.605, and Section 13a of the Sewage Facilities Act, 35 P.S. §750.13a.

i. Upon the Department's written approval of the Final Update Revision or the revised Final Update Revision, BASA 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. Within 30 calendar days of the date of this Consent Order and Agreement, begin sewer rehabilitation work;
- ii. Within 24 months of the date of this Consent Order and Agreement, complete the public sector phase of Deshon Sewer Rehabilitation Project;
- iii. Within 30 months of the date of this Consent Order and Agreement, complete the private sector phase of the Deshon Sewer Rehabilitation Project, and begin post-construction flow monitoring for a period of six months; and
- iv. 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 sewershed 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. **Submittals.** For any proposal, plan, or other document that is required to be submitted to the Department pursuant to this Consent Order and Agreement, except those documents submitted pursuant to Paragraphs 3.b.-e., above, the Department will review the document and will approve, modify, or disapprove the document in writing. If the Department disapproves the document, BASA 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, 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 violations set forth in Paragraph AC, above, 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 meet the following conditions:

i. BASA shall pay the following penalties for the following violations:

- (1) \$1,000 per month for any overflow within the POTW reported during the monthly monitoring period;
- (2) \$100 per parameter for each effluent violation of weekly average loading or concentration reported on the monthly Discharge Monitoring Reports;
- (3) \$150 per parameter for each effluent violation of monthly average loading or concentration reported on the monthly Discharge Monitoring Reports; and
- (4) \$25,000 plus an additional \$200 per day for each day after July 31, 2012 that all projects under the Department-approved Final Update Revision are not to be completed.

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. *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, and/or local development projects that create new jobs in manufacturing or tourism; 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 160 EDUs for the period of March 31, 2006, to March 31, 2007. BASA shall act as the approving and issuing agency for new connections to the POTW for requests from the Tributary Municipalities.

Connection Prohibition

c. Beginning April 1, 2007, 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.

Exceptions to the Prohibition

d. BASA may request exceptions to the Prohibition from the Department for the following circumstances and shall meet the following conditions:

- i. Connections for those exceptions as set forth in 25 Pa. Code §§94.51-94-57;
- ii. connections for projects for Economic Development; and,
- iii. any proposed exceptions to the Prohibition shall be submitted to the Department by BASA. Such proposals shall be in writing and shall comply with Section 94.51 of the Regulations, 25 Pa. Code §94.51.

e. 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

f. When the Deshon Sewer Rehabilitation Project is complete, and if BASA and the Tributary Municipalities are in compliance with all of their obligations under this Consent Order and Agreement, the Department will consider written annual requests from BASA for additional connections to the sewer system. The requests for additional connections shall be for the following circumstances and shall meet the following conditions:

- i. Connection requests shall be based on actual sewage needs defined in BASA's service area;

- ii. BASA shall provide supporting documentation to demonstrate that flow reduction activities have reduced sewage flows in the POTW in an amount greater than the requested flow from the new connection; and
- iii. any 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.

g. The Department, in its sole discretion, shall determine whether or not to grant any requests for connections, and BASA and the Tributary Municipalities agree to waive their right to appeal any such determination.

h. 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.

10. ***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.

11. ***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.

12. ***Liability of BASA.*** BASA shall be solely liable for any of its violations of the Consent Order and Agreement, except Paragraph 3, including those caused by, contributed to, or allowed by its officers, directors, agents, employees, contractors, successors, and assigns.

13. ***Joint and Several Liability for Paragraph 3.*** BASA and the Tributary Municipalities shall be jointly and severally liable for any violation of Paragraph 3 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. The Department, in its sole discretion, may agree to modify or terminate BASA's and/or the Tributary Municipalities' duties and obligations under this Consent Order and Agreement upon transfer of the sewerage facilities and POTW, or any part thereof, and upon the transferee entering into an enforceable agreement with the Department concerning the matters addressed in this Consent Order and Agreement. BASA and the Tributary Municipalities agree to waive their right to appeal any Department's decision in this regard.

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

Township Manager
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. *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.

19. *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.

20. **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.

21. **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.

22. **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.

23. **Replacement of 2001 Agreement.** Upon signature of this Consent Order and Agreement by all of the Parties, this Consent Order and Agreement shall replace the obligations, but not the Findings, of the 2001 Agreement.

24. **Agreement to not Appeal Final Renewal NPDES Permit.** BASA has reviewed, commented on, and approved the final renewal NPDES Permit for the POTW that is attached to this Consent Order and Agreement at Exhibit A. BASA hereby agrees not to appeal the final renewal NPDES Permit which will be issued by the Department to BASA on the date of this Consent Order and Agreement.

25. *Termination of Consent Order and Agreement.*

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

i. BASA has:

- (1) Completed all of its obligations under this Consent Order and agreement;
- (2) eliminated all unpermitted discharges for a minimum of six consecutive months and permanently closed or eliminated all Overflow Structures that do not have both a NPDES permit and a Water Quality Management;
- (3) paid any outstanding stipulated civil penalties owed by BASA pursuant to Paragraph 8, above; and
- (4) achieved compliance with the Clean Streams Law, the Sewage Facilities Act, and all applicable Regulations by December 31, 2012; and

ii. the Tributary Municipalities have fully-complied with Paragraph 3, of this Consent Order and Agreement.

b. The Department, in its sole discretion, may decide to terminate this Consent Order and Agreement after December 31, 2012, and BASA and the Tributary Municipalities agree to waive their right to appeal any Department decision in this regard.

26. *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.

27. *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 representative. 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 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:**

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

Chairman

Ricardo F. Gilson
Regional Manager
Water Management
Northwest Region

Name
Attorney

Stephanie K. Gallogly
Assistant Counsel

Appendix B: Draft NPDES 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 Sewer Authority**, 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 and 018)** 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

- 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	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
Cadmium Total+								
(Interim)	XX			XX			4/month	24-hr comp
(Final)	42			0.5		1.0	4/month	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 #8.

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

- I. For Outfall 011, Latitude 40° 50' 29", Longitude 79° 55' 06", River Mile Index _____, Stream Code _____
- For Outfall 012, Latitude 40° 50' 29", Longitude 79° 55' 06", River Mile Index _____, Stream Code _____
- For Outfall 013, Latitude 40° 50' 27", Longitude 79° 55' 00", River Mile Index _____, Stream Code _____
- For Outfall 014, Latitude 40° 50' 28", Longitude 79° 54' 50", River Mile Index _____, Stream Code _____
- For Outfall 018, Latitude 40° 50' 28", Longitude 79° 55' 50", River Mile Index _____, Stream Code _____

which receives wastewater from stormwater runoff from the sewage treatment plant site

- 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 Measurement Frequency ⁽³⁾	Required Sample Type
	Monthly Average	Average Weekly	Minimum	Monthly Average	Average Weekly	Instantaneous Maximum ⁽²⁾		
These discharges shall consist of stormwater runoff from the sewage treatment plant site only. Refer to Special Condition 6.								

XX -- Monitor and report on monthly DMRs.

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

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

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, county, 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 collecting and conveying stormwater and which is directly related to manufacturing, processing or raw material 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 date of the sample measurement, report or application. The 3-year period shall be extended as requested by DEP or the EPA Regional Administrator.

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.a of this section.

PT 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 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.

ARTICLE**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)(vii);
 - 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 also include sampling and analysis of treatment plant influent, effluent, and sludge for toxic and incompatible pollutants, and an analysis of any trends in such data for the last three years;
 - 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. Headworks Analysis - The permittee shall submit to EPA and DEP a reevaluation of its local limits based on a headworks analysis of its treatment plant within 1 year of permit issuance. The list of pollutants to be evaluated, as well as a sampling plan for collection of necessary data, shall be submitted to EPA and DEP within 3 months of permit issuance. Within 4 months of acceptance of the headworks analysis by the Approval Authority, the permittee shall adopt the revised limits and notify all contributing municipalities of the need to adopt the revised local limits.
- E. 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.
- F. 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.
- G. Correspondence - The Approval Authority shall be EPA at the following address:

Pretreatment Coordinator
NPDES Permits Branch (3WP41)
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) Monitoring

A. General Requirements

The permittee shall conduct chronic whole effluent toxicity (WET) tests 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.

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 NOEC (No Observed Effect Concentration) greater than TIWCc (Target Instream Waste Concentration chronic) of 72.6% (The TIWCc is the IWCC / 1), the permittee may request

that the Department reevaluate the performance of the facility and the effects of the facility effluent upon the aquatic community and reduce or remove the WETT frequency for the remainder of the permit cycle.

2. If any of the quarterly chronic tests result in an NOEC less than the TIWCc of 72.6%, 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 Toxicity Reduction Evaluation (TRE), WET testing will be conducted semi-annually. This schedule will continue until the toxicants are identified, confirmed and controlled to acceptable levels through establishment of chemical specific limits or institutional methods. At this point, 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, design changes, or establishment of and compliance with a chemical limit specific 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 NOECs greater than the TIWCc of 72.6% subsequent to institution of the controls specified in the report. If the permittee does not identify the sources of toxicity or adequately control them, a WETT limit, adequate to protect the aquatic community, will be imposed for the next permit cycle.

Toxicity Identification/Reduction Evaluation

If any of the chronic tests show an NOEC less than the TIWCc of 72.6%, 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 Department will review the schedule and respond within 60 days. If the Department fails to respond within that time period, the permittee may commence with the study in accordance with the submitted schedule.

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 must 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 chronic 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, Third Edition (EPA/600/4-91/002). 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 TIWC, your specific dilution series is (100%, 85%, 73%, 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-WQ0146 3/95 and 3620-FM-W2 145 3/95).
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. When effluents are dechlorinated, dechlorination procedures must be described and a thiosulfate control used in addition to the normal dilution water control. Appropriate statistical consideration of test results should include comparison of both controls.
9. All observations or test conditions affecting the test outcome should be described. Any identified 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 standards 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 address 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

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, & 018) shall be composed entirely of non-polluting stormwater.
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 may cause or contribute to an impact on aquatic life 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 have developed 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; temporarily collect and store sludge in enclosed containers or tanks.
- (2) Store chemicals in secure areas on impervious surfaces away from storm drains.

- (3) Design wastewater treatment facilities 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 within 24 hours of the discharge and on your monthly Discharge Monitoring Report (DMR) in the Remarks block. Indicate the date of discharge, action taken and volume of discharge. 40 CFR 122.41(l) (6) & (7) (relating to reporting requirements)."

8. **Toxics Reduction Evaluation (TRE)**

A. Water Quality-Based Effluent Limitations (WQBELs)

- 1) Based on the discharge and stream data currently available to the Department, the WQBELs for Cadmium on Page 2 are necessary to protect the receiving stream uses designated in the Department's Rules and Regulations.
- 2) Within 60 days of the permit effective date (PED), the permittee must submit notification to the Department verifying one of the following options has been selected.
 - a) The permittee accepts the Department's data, assumptions and water quality modeling which was the basis for the WQBELs and will not proceed with optional site-specific data collection activities described in Section C of this condition. The WQBELs will be considered final and enforceable three years after the PED and should be used as the basis for conducting Phase II of the TRE.
 - b) During the period following permit issuance, and prior to the WQBELs becoming final, the permittee agrees to conduct site-specific discharge and/or stream data collection and provide the Department with data to verify or refine the WQBELs in accordance with the schedule in Section B.2, herein. If warranted, modified WQBELs will be established through a permit amendment. Any such permit amendment shall be considered a formal permitting action of the Department subject to applicable permit modification procedures.

If the permittee fails to select one of these options within 60 days of permit effective date, option A.2.a. is selected by default. If the permittee selects option A.2.b, and conducts TRE actions within the schedule in Section B.2 of this condition of the permit, herein, the Department will issue a written decision by letter or permit amendment. The permittee will have 30 days from the date of receipt of such written Department letter or decision to file an appeal of the final WQBELs.

- 3) In either case, the Permittee must conduct a TRE as outlined below. Phase I of the TRE has both required and optional components.

B. TRE Submission Requirements

- 1) The TRE shall be developed to:
 - a) Confirm and quantify the presence of the pollutant in the discharge with WQBELs.
 - b) Verify or refine the modeling data and/or assumptions used to develop the WQBELs.

- c) Identify sources of the pollutant with final WQBELs.
 - d) Recommend management practices, wastewater treatment technologies, or other control techniques to reduce or eliminate this pollutant.
- 2) A copy of the Department's "Guidelines for Conducting a Toxics Reduction Evaluation" is enclosed for your use. The TRE and associated reports shall be completed and submitted in accordance with the following schedule:

Action	Date
a) Submit notification specified in A.2 above	within 60 days of PED
b) Submit work plan for conducting Phase I	within 90 days of PED
c) Start Phase I	within 120 days of PED
d) Submit complete Phase I report (3 copies)	within 18 months of PED
e) Start Phase II from the Department to proceed with Phase II	within 30 days of notice
f) Submit complete Phase II report to proceed with Phase II	within 180 days of notice
g) Progress reports starting 120 days after PED	every three months

C. Phase I TRE Requirements

- 1) The permittee is required to submit Phase I of the TRE consisting of the following components:
 - a) Influent and effluent quality review
 - b) Source inventory and evaluation
 - c) Source reduction evaluation
 - d) Implementation of pollution prevention, sound housekeeping practices, and other management practices.
- 2) The permittee selecting option A(2)(b) above has the option of providing all or some of the following site-specific data as part of Phase I for use in verifying and refining the WQBELs:
 - Discharge hardness
 - Discharge pollutant concentration and variability
 - Design discharge flow
 - Discharge mixing characteristics
 - Pollutant fate characteristics
 - Stream width, depth and slope
 - Stream velocity
 - Ambient stream data for pollutants, pH, temperature
 - Instream hardness

- Water intake quality and quantity
- Treatment plant influent pollutant concentrations
- Chemical translators
- Water Effects Ratio (WER)

The permittee should contact the Department for guidance in determining which of the above data will have a significant impact on the WQBELs and also for protocols on collecting and submitting the data. The Department will determine the adequacy of any site-specific data submitted and advise the permittee accordingly. If initial review of the submitted data suggests that additional data collection is necessary, the Department will so advise the permittee. The Department will notify the permittee what effect, if any, the data have on the WQBELs using the procedure outlined in A.2 above.

3) Site-Specific Criteria

The permittee may request an opportunity to demonstrate alternative, site-specific criteria for any pollutants with WQBELs. The procedures for carrying out such demonstrations must receive written approval in advance by the Department and must be in accordance with the requirements of Section 93.8 of the Department's Rules and Regulations.

If the permittee chooses this option, requests for alternative, site-specific criteria must be submitted to the Department as part of the Phase I TRE report. Where the demonstration results in more stringent limitations than those previously established by the Department, the more stringent limitation will apply. Any less stringent limitations which are approved by the Department shall not violate any other applicable water criteria.

4) Alternative Site Specific Method Detection Limits (MDL)

In some cases, the WQBEL may be less than the Method Detection Level (MDL) in the Department's Policy, 25 PA Code 16. In this event, the permittee has the option to demonstrate alternative, facility-specific MDLs to account for analytical matrix interference associated with the wastewater in question. The procedures for determining MDLs, published as Appendix B in 40 CFR 136 must be followed and complete documentation provided. The request for approval of alternative facility-specific MDLs including all documentation required to support such a request must be submitted to the Department with the Phase I TRE report.

The Department may grant a facility specific MDL by including the numeric alternate MDL value for compliance purposes through the permit modification or renewal process.

D. Phase II TRE Requirements

The permittee should not proceed with Phase II until notified by the Department to do so. Depending on the results of Phase I, the WQBELs may need to be modified or Phase II may not be necessary.

1) Source Reduction Evaluation

In addition to those items in C.1 above, as part of Phase II, the permittee must conduct source reduction evaluations including recycle, reuse, and process/chemical substitution. The intent of this portion of the TRE is to investigate and implement all low-cost, non-structural alternatives to reduce pollutants.

2) Final WQBEL Compliance Strategies and Schedule

A complete TRE report must consist of identification and assessment of all available pollution control options (Best Management Practices and/or treatment technologies and other structural alternatives) and their ability to comply with the final WQBELs or other WQBELs identified in response to Phase I. The permittee must select a specific pollution control option that will achieve the applicable WQBELs and specify a schedule for the implementation of this option.

3) Section 95.4 Time Extension Requests

In some cases, the final WQBEL may not be technologically achievable using any combination of control options. In this event, the permittee has the option of requesting an extension of time to achieve the WQBEL, provided the permittee demonstrates eligibility for time extension under the requirements contained in 25 Pa. Code 95, Section 95.4 of the Department's Rules and Regulations. If the permittee elects to submit the 95.4 time extension request, the request must be submitted with Phase II of the TRE report. Forms are available from the Department to be used for any such requests.

Appendix C: Final Consent Order and Agreement



Pennsylvania Department of Environmental Protection

Office of Chief Counsel
230 Chestnut Street
Meadville, PA 16335-3481
September 8, 2006

Northwest Regional Counsel

814-332-6070
FAX 814-332-6996

VIA E-MAIL and FIRST-CLASS U.S. MAIL

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

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

Dear Messrs. Hnath, Muscatello and Gallagher:

Enclosed please find the Department's final Consent Order and Agreement to address the continuing issues surrounding BASA's POTW ("Final Agreement"). The Final Agreement reflects some, but not all, of the comments that were contained in your most recent comment letters. The Final Agreement also contains a copy of the draft renewal NPDES Permit for BASA's POTW. Upon execution of the Final Agreement by all parties, the Department will issue the renewal of the NPDES Permit and will attach a copy of the final renewal NPDES Permit to the Final Agreement as Exhibit A.

The Department believes that the enclosed Final Agreement is reasonable and fair. Upon your clients' approval and execution of the Final Agreement at their next meetings, please forward their resolutions and the signed Final Agreement to my attention. Once the Final Agreement is fully executed, I will send each of you copies of the Final Agreement with all Exhibits.

It is the Department's intention to resolve BASA's violations as soon as possible. Thus, this offer of settlement will expire at the close of business on October 13, 2006.

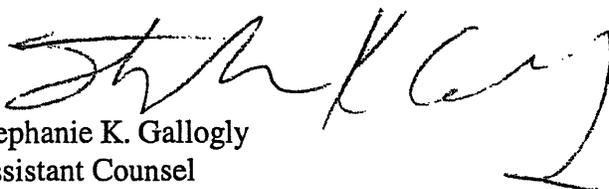
Michael D. Hnath, Esquire
Bruno A. Muscatello, Esquire
Michael Gallagher, Esquire

2

September 8, 2006

Please contact me if you have any questions.

Sincerely,



Stephanie K. Gallogly
Assistant Counsel

Enclosures

cc: R. Gilson
K. Burch
R. Lybrook

I:\sgallogly\BASA\finalCOA Ltr 90706.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:

TRIBUTARY MUNICIPALITY	DATE TAR SUBMITTED	DATE TAR APPROVED
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

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.

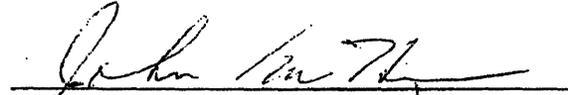
27. **Resolution.** Attached as Exhibit B are resolutions of BASA and the Tributary Municipalities authorizing their signatories below to enter into this Consent Order and Agreement on their behalf.

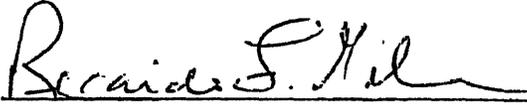
28. **Execution of Agreement.** This Consent Order and Agreement may be executed in counterparts.

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:**

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


Name
Chairman


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

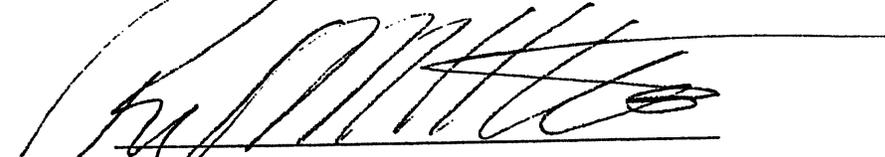
James P. Coulter
Name
Solicitor

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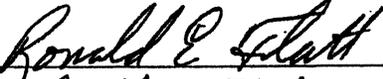

Name
Chairman


Name
Secretary


Name
Solicitor

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FOR CENTER TOWNSHIP:



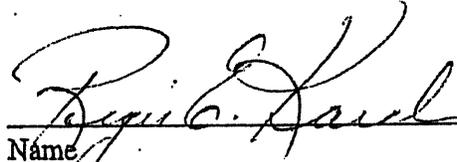
Name *Ronald E Flatt*
Chairman



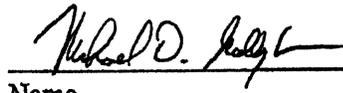
Name
Solicitor

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FOR SUMMIT TOWNSHIP:



Name
Chairman



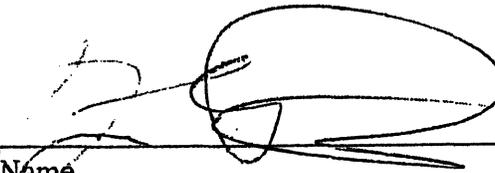
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Solicitor

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**FOR THE BOROUGH OF EAST
BUTLER:**



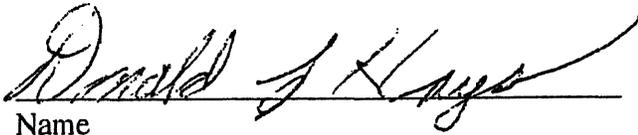
Name
Mayor



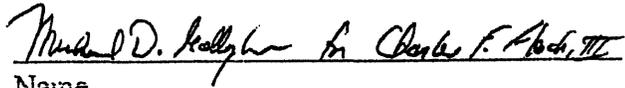
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Solicitor

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FOR OAKLAND TOWNSHIP:

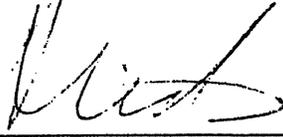


Name
Chairman

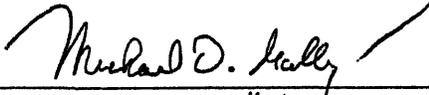


Name
Solicitor

**FOR CONNOQUENESSING
TOWNSHIP:**



Name *Steven H. Histo*
Chairman



Name *Michael D. Golloper*
Solicitor

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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 Sewer Authority**, located at **100 Littman Road, Butler, PA 16001-3256, Butler Township, Butler County** to the **Connoqueenessing 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					daily	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)	459			6.0		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

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

I. For Outfall 005 (STP – Alternative Outfall)*, Latitude 40° 50' 29", Longitude 79° 50' 06", River Mile Index 0.1, Stream Code 35116

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⁾		
This outfall is for emergency use only. Any discharge from this outfall shall meet the same effluent limitations and monitoring requirements imposed on Outfall 001.								

XX – Monitor and report on monthly DMRs.

* – When discharging

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

Outfall 001 monitoring point.

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

- For Outfall 011, Latitude 40° 50' 29", Longitude 79° 55' 06", River Mile Index , Stream Code
- For Outfall 012, Latitude 40° 50' 29", Longitude 79° 55' 06", River Mile Index , Stream Code
- For Outfall 013, Latitude 40° 50' 27", Longitude 79° 55' 00", River Mile Index , Stream Code
- For Outfall 014, Latitude 40° 50' 28", Longitude 79° 54' 50", River Mile Index , Stream Code

which receives wastewater from stormwater runoff from the sewage treatment plant site

- 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⁾		
These discharges shall consist of stormwater runoff from the sewage treatment plant site only. Refer to Special Condition 6.								

XX – Monitor and report on monthly DMRs.

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

PART A EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS (Con't)

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.

Permit

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 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.

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).

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

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

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 standards 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.

1. 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.

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

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.

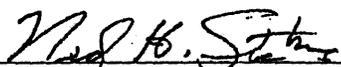
BE IT RESOLVED by the Board of the Butler Area Sewer Authority that:

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.

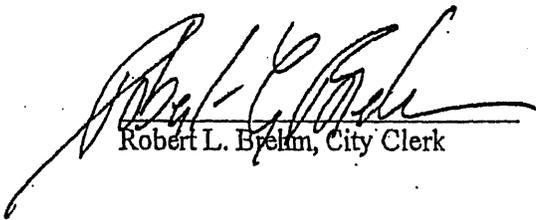
• ENCLOSURES

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. Eyrum, City Clerk


Margaret D. Stock, Mayor

Distribution of State Aid & Wage Tax to City Pension Funds				
2006 MMOs	Police	Municipal	Fire	City Totals
\$ 183,419	\$ -	\$ 476,714	\$ 660,133	
Percent of total MMO	27.79%	0	72.21%	
\$ 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 No 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)				
MMO	Police	Municipal	Fire	City Total
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

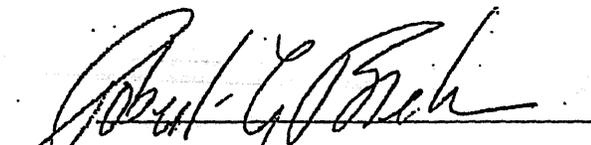
WHEREAS, the County of Butler has designated the Butler Township-City Joint Municipal Transit Authority as the municipality responsible for the providing of transportation services within the geographic boundaries of the County of Butler; and

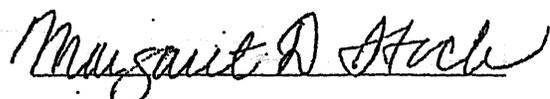
WHEREAS, it is believed that the current name of the Authority is too restrictive and fails to acknowledge the scope of services currently provided and which may be provided in the future.

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

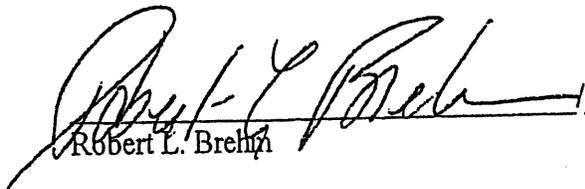

Margaret D. Stock, Mayor

SEAL

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2006.09.28.A

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 G. Protzman
Commissioner

by: Joseph B. Cavaleiro
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. Felt
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:

Seal of Governing Body

419 Sunset Drive
Butler, PA 16001

MDG:lmz 2:\Clients NEWSummit TwptResolution (BASA) 09.20.06.doc

**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**

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: [Signature]
Chairman

BY: Rodney E Scott
Vice Chairman

BY: [Signature]
Supervisor

(TOWNSHIP SEAL)

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:

Seal of Governing Body

502 Bonniebrook Road
Butler, PA 16002

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: Phyllis E. Sussex
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:

Seal of Governing Body

565 Chicora Road
Butler, PA 16001

Z:\Clients\ConnoqTwp\Resolution (BASA) 09.26.06.doc

**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:

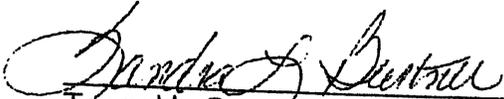
**Butler Area Sewer Authority, City of Butler, Butler Township,
Center Township, Summit Township, Borough of East Butler,
Oakland Township, and Connoquenessing Township Butler
County, Pennsylvania**

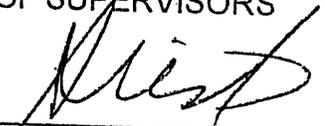
2. The Chairman of the Board of Supervisors and the Township Solicitor are authorized and directed to sign the aforesaid Agreement and provide DEP with the signature page and a certified copy of this Resolution.

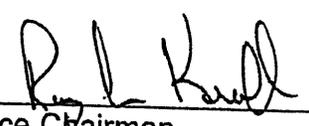
SO RESOLVED this 4th day of October, 2006.

ATTEST:

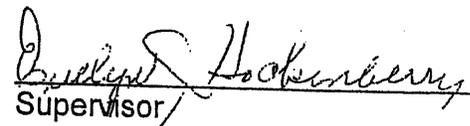
CONNOQUENESSING TOWNSHIP
BOARD OF SUPERVISORS

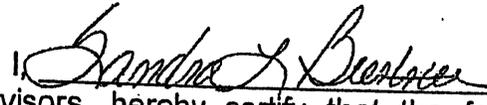

Township Secretary

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

Seal of Governing Body

Telephone No.: (724) 789-7186

Appendix D: Approved Task Activity Report



Pennsylvania Department of Environmental Protection

121 North Mill Street
New Castle, PA 16101

July 3, 2007

724-656-3160

Fax: 724-656-3267

New Castle District Office

Center Township
Stephanie Sellers
419 Sunset Drive
Butler PA 16001

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

Dear Ms. Sellers:

The Department of Environmental Protection hereby approves the Revised Task Activity Report (TAR) submitted on your behalf by Olsen and Associates 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 Center 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 now \$22,702.50. This is the second revised TAR submitted with increased cost due to including revisions completed per DEP's comment letter. 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: Jeremy Olsen – Olsen & Associates, LLC
BCPC
BASA
Cynthia Selby

TS:dmp





TASK/ACTIVITY REPORT

Center Township
 Municipality

Butler
 County

(Special Study for Entire Township)
 Proposed Planning Area (Attach Map)
 Date of Report: 6/26/07

Date Completed plan will be submitted to DEP 12-Mar-2007 Estimated Cost of Plan \$22,702.50

Column Headings May Be Changed To Suit The Needs of the Planning Effort Use Additional Sheets if Necessary Sheet 1 of 2

TASK ACTIVITY NUMBER FROM APPENDIX I	PRINCIPAL		PROJECT ENG.		SR. ENG.		ENGINEER		PLANNER		DRAFTSMAN		CLERICAL		LEGAL		SUB TOTAL
	HR/ RATE	\$95	HR/ RATE	\$80	HR/ RATE		HR/ RATE	\$85	HR/ RATE	\$80	HR/ RATE	\$55	HR/ RATE	\$35	HR/ RATE	\$120	
	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	
71.21.a.1.i (ID & Map Boundaries)			2	\$160					2	\$160	30	\$1650					\$1970
71.21.a.1.ii (ID & Map Physical Characteristics)			2	\$160					2	\$160	17	\$935					\$1255
71.21.a.1.iii (Map Soils and Geological Features)			2	\$160					2	\$160	14	\$770					\$1090
71.21.a.1.iv (Population)			2	\$160					4	\$320			7	\$245			\$725
71.21.a.1.v (ID wetlands)									1	\$80	5	\$275					\$355
71.21.a.2.i.A (Location of System Features)	6	\$570	2	\$160					2.5	\$200	17	\$935					\$1865
71.21.a.2.i.B (Desc. of Problems)	6	\$570	2	\$160			3	\$255									\$985
71.21.a.3.i (Existing Dev.)			2	\$160							20.5	\$1127.50					\$1287.50

Jeremy C. Olsen
 Name of Person Completing Report

Jeremy C. Olsen
 Signature

Project Manager
 Title

Stephen Sedler
 Municipal Secretary Signature



TASK/ACTIVITY REPORT

Center Township
 Municipality

Butler
 County

(Special Study for Entire Township)
 Proposed Planning Area (Attach Map)
 Date of Report: 6/26/07

Date Completed plan will be submitted to DEP 12-Mar-2007

Estimated Cost of Plan \$22,702.50

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

Sheet 2 of 2

TASK ACTIVITY NUMBER FROM APPENDIX I	PRINCIPAL		PROJECT ENG.		SR. ENG.		ENGINEER		PLANNER		DRAFTSMAN		CLERICAL		LEGAL		SUB TOTAL
	HR/ RATE	\$95	HR/ RATE	\$80	HR/ RATE		HR/ RATE	\$85	HR/ RATE	\$80	HR/ RATE	\$55	HR/ RATE	\$35	HR/ RATE	\$120	
	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	
71.21.a.3.iii (Future Growth)	5	\$475	3	\$240					4	\$320	13	\$715	1	\$35			\$1785
71.21.a.3.v (Planned Areas)	3	\$285	3	\$240					3.5	\$280	13	\$715	2	\$70			\$1590
Legal Notice			1	\$80													\$80
Comments & Responses			1.5	\$120													\$120
Meetings & Project Mgmt.	2.5	237.50	12	\$960							1.25	\$68.75					\$1266.25
Deliverables (Printing & Binding)			6.5	\$520							3.75	\$206.25	1	\$35			\$761.25
Final Revisions per BASA, DEP	11.5	\$1092.50	33	\$2640					2	\$160	16	\$880	1	\$35			\$4807.50
Legal Fees															23	\$2760	\$2760

Jeremy C. Olsen
 Name of Person Completing Report

Jeremy C. Olsen
 Signature

Project Manager
 Title

Stephanie Sellers
 Municipal Secretary Signature



Pennsylvania Department of Environmental Protection

121 North Mill Street
New Castle, PA 16101

March 1, 2007

724-656-3160

Fax: 724-656-3267

New Castle District Office

Stephanie Sellers
Center Township
419 Sunset Drive
Butler PA 16001

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

Dear Ms. Sellers:

The Department of Environmental Protection hereby approves the Revised Task Activity Report (TAR) submitted on your behalf by Olsen and Associates 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 Center 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 now \$19,710.00. 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: Olsen & Associates
BCPC
BASA
NWRO through Cyndi Selby
File





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

TASK/ACTIVITY REPORT

Center Township Municipality Butler County (Special Study for Entire Township) Proposed Planning Area (Attach Map)
 Date of Report: 2/8/07

Date Completed plan will be submitted to DEP 12-Mar-2007 Estimated Cost of Plan \$19,710.00

Column Headings May Be Changed To Suit The Needs of the Planning Effort Use Additional Sheets if Necessary Sheet 1 of 2

TASK ACTIVITY NUMBER FROM APPENDIX I	PRINCIPAL		PROJECT ENG.		SR. ENG.		ENGINEER		PLANNER		DRAFTSMAN		CLERICAL		LEGAL		SUB TOTAL
	HR/ RATE	\$95	HR/ RATE	\$80	HR/ RATE		HR/ RATE	\$85	HR/ RATE	\$80	HR/ RATE	\$55	HR/ RATE	\$35	HR/ RATE	\$120	
	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	
71.21.a.1.i (ID & Map Boundaries)			2	\$160					2	\$160	30	\$1650					\$1970
71.21.a.1.ii (ID & Map Physical Characteristics)			2	\$160					2	\$160	17	\$935					\$1255
71.21.a.1.iii (Map Soils and Geological Features)			2	\$160					2	\$160	14	\$770					\$1090
71.21.a.1.iv (Population)			2	\$160					4	\$320			7	\$245			\$725
71.21.a.1.v (ID wetlands)									1	\$80	5	\$275					\$355
71.21.a.2.i.A (Location of System Features)	6	\$570	2	\$160					2.5	\$200	17	\$935					\$1865
71.21.a.2.i.B (Desc. of Problems)	6	\$570	2	\$160			3	\$255									\$985
71.21.a.3.i (Existing Dev.)			2	\$160							20.5	\$1127.50					\$1287.50

Jeremy C. Olsen
 Name of Person Completing Report

Signature Project Manager
 Title

Municipal Secretary Signature



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

TASK/ACTIVITY REPORT

Center Township Municipality Butler County (Special Study for Entire Township) Proposed Planning Area (Attach Map)
 Date of Report: 2/8/07

Date Completed plan will be submitted to DEP 12-Mar-2007 Estimated Cost of Plan \$19,710.00

Column Headings May Be Changed To Suit The Needs of the Planning Effort Use Additional Sheets if Necessary Sheet 2 of 2

TASK ACTIVITY NUMBER FROM APPENDIX I	PRINCIPAL		PROJECT ENG.		SR. ENG.		ENGINEER		PLANNER		DRAFTSMAN		CLERICAL		LEGAL		SUB TOTAL
	HR/ RATE	\$95	HR/ RATE	\$80	HR/ RATE		HR/ RATE	\$85	HR/ RATE	\$80	HR/ RATE	\$55	HR/ RATE	\$35	HR/ RATE	\$120	
	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	
71.21.a.3.iii (Future Growth)	5	\$475	3	\$240					4	\$320	13	\$715	1	\$35			\$1785
71.21.a.3.v (Planned Areas)	3	\$285	3	\$240					3.5	\$280	13	\$715	2	\$70			\$1590
Legal Notice			1	\$80													\$80
Comments & Responses			1.5	\$120													\$120
Meetings & Project Mgmt.	2.5	\$237.50	12	\$960							1.25	\$68.75					\$1266.25
Deliverables (Printing & Binding)			6.5	\$520							3.75	\$206.25	1	\$35			\$761.25
Final Revisions per BASA, DEP	4	\$380	12	\$960							8	\$440	1	\$35			\$1815
Legal Fees															23	\$2760	\$2760

Jeremy C. Olsen
 Name of Person Completing Report

Signature Project Manager
 Title

Municipal Secretary Signature

Appendix E: EDU Analysis per Watershed

New Residential Units Projected in the Next 20 Years

Center Township's Transportation Impact Fee Program (prepared by Daniel D. Santoro, AICP in September 2005 in conjunction with an appointed Transportation Impact Fee Advisory Committee) contains useful data about where projected growth is estimated to occur in the next 20 years. Specifically, the Township is broken into small TAZ map numbers, and each TAZ map number is assigned a projected number of units to be built over the course of a 20 year period. A TAZ Map is included for reference in this Act 537 Official Plan Revision: SPECIAL SEWAGE STUDY in Part 3, Section 3: Development.

The report forecasts that in the next 5 years, 90 residential units are to be added to the township; 100 subsequent units are to be added in years 5-10; 110 subsequent units in years 10-15; and 120 units in years 15-20. Using these ratios of period growth to total growth (20.3% for years 0-5; 42.8% for years 0-10; 67.6% for years 0-15; and 100% for years 0-20), it was estimated that each TAZ map number would develop proportionately (although this was not specifically presented in the Transportation Impact Fee Program document). This table is presented below.

TAZ Map #	Units to be Developed in yrs. 0-5	Units to be Developed in yrs. 0-10	Units to be Developed in yrs. 0-15	Units to be Developed in yrs. 0-20
W05	50	106	167	246
W09	36	75	119	175
W11	80	169	267	394
W14	16	33	52	76
W20	42	88	138	204
W26	6	13	20	29
W30	26	54	84	124
W32	4	7	11	15
W35	5	11	17	24
N09	30	63	99	145
N14	25	52	82	120
N16	28	59	93	137
N18	23	48	75	110
E14	23	48	75	110
E26	8	16	26	37
E27	12	25	39	57
E44	3	6	9	13
E47	2	3	4	5

This information was entered into a GIS system (ESRI ArcGIS 9.1) and overlaid with watershed data. Next, each TAZ map number was assigned into a

watershed. Because some TAZ map numbers were split over multiple watersheds, the EDU calculations were made based on the area of that TAZ map number per acre in each watershed. The EDU counts per TAZ map per watershed will be presented at the end of this appendix, combined with non-residential projections.

New Non-Residential Units Projected in the Next 20 Years

Center Township’s Transportation Impact Fee Program was again relied upon to provide information about non-residential units projected to be built in the next 20 years. The report identified non-residential projected units per TAZ map, based upon “history and from specific knowledge of the community, interest received from developers and the projections for fairly significant residential growth” [*Center Township Land Use Assumption Report, page 11*].

EDU counts were derived using the PaDEP’s publication, “Domestic Wastewater Facilities Manual” and the PA Code, Chapter 73, Section 17 “Sewage Flows” (for onlot sewage systems) where appropriate.

The following table lists the estimated EDU projections per proposed development.

TAZ Map #	Proposed Development	Estimated EDU's
N01	75,000 sq. ft office space	19
	Day Care center	3
N02	10,000 sq. ft. office space	3
N08	Convenience store/gas station	2
	15,000 sq. ft. Retail	15
	Bank	2
N32	Convenience store/gas station	2
E08	4,000 sq. ft. restaurant	4
	6,000 sq. ft. restaurant	7
	40,000 sq. ft. retail space	40
E19	10,000 sq. ft. retail space	10
E17	70,000 sq. ft. industrial building	31
W17	Bank	2
W18	75,000 sq. ft office space	19
	Extended care facility	100
W19	60,000 sq. ft. Elementary School expansion	18

Again, this information was entered into a GIS system and overlaid with watershed data. Next, each TAZ map number was assigned into a watershed.

Because some TAZ map numbers were split over multiple watersheds, the EDU calculations were made based on the area of that TAZ map number per acre in each watershed.

Residential and Non-Residential Units Assigned to Watersheds

The table on the following page shows all residential and non-residential units, listed per TAZ Map number. Units in each watershed for each study period (0-5, 0-10, 0-15, and 0-20) are presented, along with notes for that specific TAZ Map number.

Amended Appendix A-22-b

TAZ Map #	Sewershed Name	Units in Sewershed				Notes:
		0-5 yr Forecast	0-10 yr Forecast	0-15 yr Forecast	0-20 yr Forecast	
W05	Crooked Run/Little Connoq. Creek	33	68	107	158	Crooked Run and Little Connoq. Creek Watersheds tie-in together at the Center Twp. / Butler Twp. Line. Sewer lines in this area of Butler Twp. Could be extended to reach these developments.
W09	Crooked Run/Little Connoq. Creek	28	59	93	137	Crooked Run and Little Connoq. Creek Watersheds tie-in together at the Center Twp. / Butler Twp. Line. Sewer lines in this area of Butler Twp. Could be extended to reach these developments.
W11	Crooked Run/Little Connoq. Creek	8	17	27	39	Crooked Run and Little Connoq. Creek Watersheds tie-in together at the Center Twp. / Butler Twp. Line. Sewer lines in this area of Butler Twp. Could be extended to reach these developments.
W14	Crooked Run/Little Connoq. Creek	3	6	9	13	Crooked Run and Little Connoq. Creek Watersheds tie-in together at the Center Twp. / Butler Twp. Line. Sewer lines in this area of Butler Twp. Could be extended to reach these developments.
W05	Crooked Run/Little Connoq. Creek	18	38	60	88	Crooked Run and Little Connoq. Creek Watersheds tie-in together at the Center Twp. / Butler Twp. Line. Sewer lines in this area of Butler Twp. Could be extended to reach these developments.
W26	Crooked Run/Little Connoq. Creek	6	13	20	29	Crooked Run and Little Connoq. Creek Watersheds tie-in together at the Center Twp. / Butler Twp. Line. Sewer lines in this area of Butler Twp. Could be extended to reach these developments.
W30	Crooked Run/Little Connoq. Creek	26	54	84	124	Crooked Run and Little Connoq. Creek Watersheds tie-in together at the Center Twp. / Butler Twp. Line. Sewer lines in this area of Butler Twp. Could be extended to reach these developments.
W32	Crooked Run/Little Connoq. Creek	4	7	11	15	Crooked Run and Little Connoq. Creek Watersheds tie-in together at the Center Twp. / Butler Twp. Line. Sewer lines in this area of Butler Twp. Could be extended to reach these developments.
W35	Crooked Run/Little Connoq. Creek	5	11	17	24	Could either tie in to possible Crooked Run/Little Connoquenessing Creek future extension, or pump station could be utilized to tie in to Sullivan Run Subsystem.
	TOTAL (not including on-lot)	131	273	428	627	

Amended Appendix A-22-b

E08	Monroe	7	13	21	30	
E14	Monroe	23	48	75	110	
E17	Monroe	7	14	21	31	
E19	Monroe	3	5	7	10	
E26	Monroe	8	16	26	37	
E27	Monroe	12	25	39	57	A portion of 1 parcel in this TAZ # is unserviceable (without a pump station) which is located in the Crooked Run watershed.
N02	Monroe	1	1	1	1	
N08	Monroe	1	2	3	3	
N16	Monroe	28	59	93	137	Pump Stations would be necessary to pump into the Monroe Subsystem from this TAZ Map number.
N18	Monroe	23	48	75	110	Pump Stations would be necessary to pump into the Monroe Subsystem from this TAZ Map number.
	TOTAL (not including on-lot)	113	231	361	526	
E44	Stony Run	3	6	9	13	Development would use on-lot sewage
E47	Stony Run	2	3	4	5	Development would use on-lot sewage
	TOTAL (not including on-lot)	0	0	0	0	BASA not expected to service this area.
E08	Sullivan Run	5	9	15	21	
N01	Sullivan Run	5	10	15	22	
N02	Sullivan Run	1	1	2	2	
N08	Sullivan Run	4	7	11	16	
N09	Sullivan Run	30	63	99	145	
N14	Sullivan Run	25	52	82	120	
W09	Sullivan Run	8	17	26	38	
W11	Sullivan Run	73	152	240	355	
W14	Sullivan Run	13	27	43	63	
W17	Sullivan Run	1	1	2	2	
W18	Sullivan Run	25	51	81	119	
W19	Sullivan Run	4	8	13	18	
W20	Sullivan Run	42	88	138	204	

	TOTAL (not including on-lot)	236	486	767	1125	
N32	Swamp Run	1	1	2	2	Development would use on-lot sewage
	TOTAL (not including on-lot)	0	0	0	0	BASA not expected to service this area.

20+ Year Growth Projections

For the 20+ year (ultimate buildout) growth projections, the areas of developable, currently unsewered areas were assumed as follows:

Monroe Subsystem

R1A Zone	962 acres @ 1 EDU per acre	=	962 EDU
R1 Zone	18 acres @ 1.6 EDU per acre	=	29 EDU
TOTAL =			991 EDU

Sullivan Run Subsystem

R1A	414.3 acres @ 1 EDU per acre ⁽¹⁾	=	414 EDU
R1	258 acres @ 1.6 EDU per acre ⁽²⁾	=	413 EDU
R2	50.2 acres @ 4 EDU per acre ⁽³⁾	=	201 EDU
C2	53 acres @ 6 EDU per acre	=	318 EDU
TOTAL =			1,346 EDU

Crooked Run/Little Connoquenessing Creek Subsystem

R1A	1,516 acres @ 1 EDU per acre ⁽⁴⁾	=	1,516 EDU
R1	531.8 acres @ 1.6 EDU per acre ⁽⁵⁾	=	851 EDU
C2	70.4 acres @ 6 EDU per acre	=	422 EDU
TOTAL =			2,789 EDU

- (1): Sullivan Run subsystem area zoned R1A actual current acreage is 514.3 acres. Assuming 414.3 acres due to future rezonings.
- (2): Sullivan Run subsystem area zoned R1 actual current acreage is 208 acres. Assuming 258 acres due to future rezonings.
- (3): Sullivan Run subsystem area zoned R2 actual current acreage is 0.19 acres. Assuming 50.2 acres due to future rezonings.
- (4): Crooked Run/Little Connoquenessing Creek Subsystem area zoned R1A actual current acreage is 2,016 acres. Assuming 1,516 acres due to future rezonings.
- (5): Crooked Run/Little Connoquenessing Creek Subsystem area zoned R1 actual current acreage is 31.8 acres. Assuming 531.8 acres due to future rezonings.

**Appendix F: Draft Act 537 Official
Plan Revision: SPECIAL SEWAGE
STUDY**



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Act 537 Official Plan Revision: **SPECIAL SEWAGE STUDY**

FOR

CENTER TOWNSHIP
Butler County, Pennsylvania

November, 2006

O&A PROJECT # 200604E

ENGINEERS • COMMUNITY PLANNERS • SURVEYORS • LANDSCAPE ARCHITECTS • GRANTS WRITERS / ADMINISTRATORS

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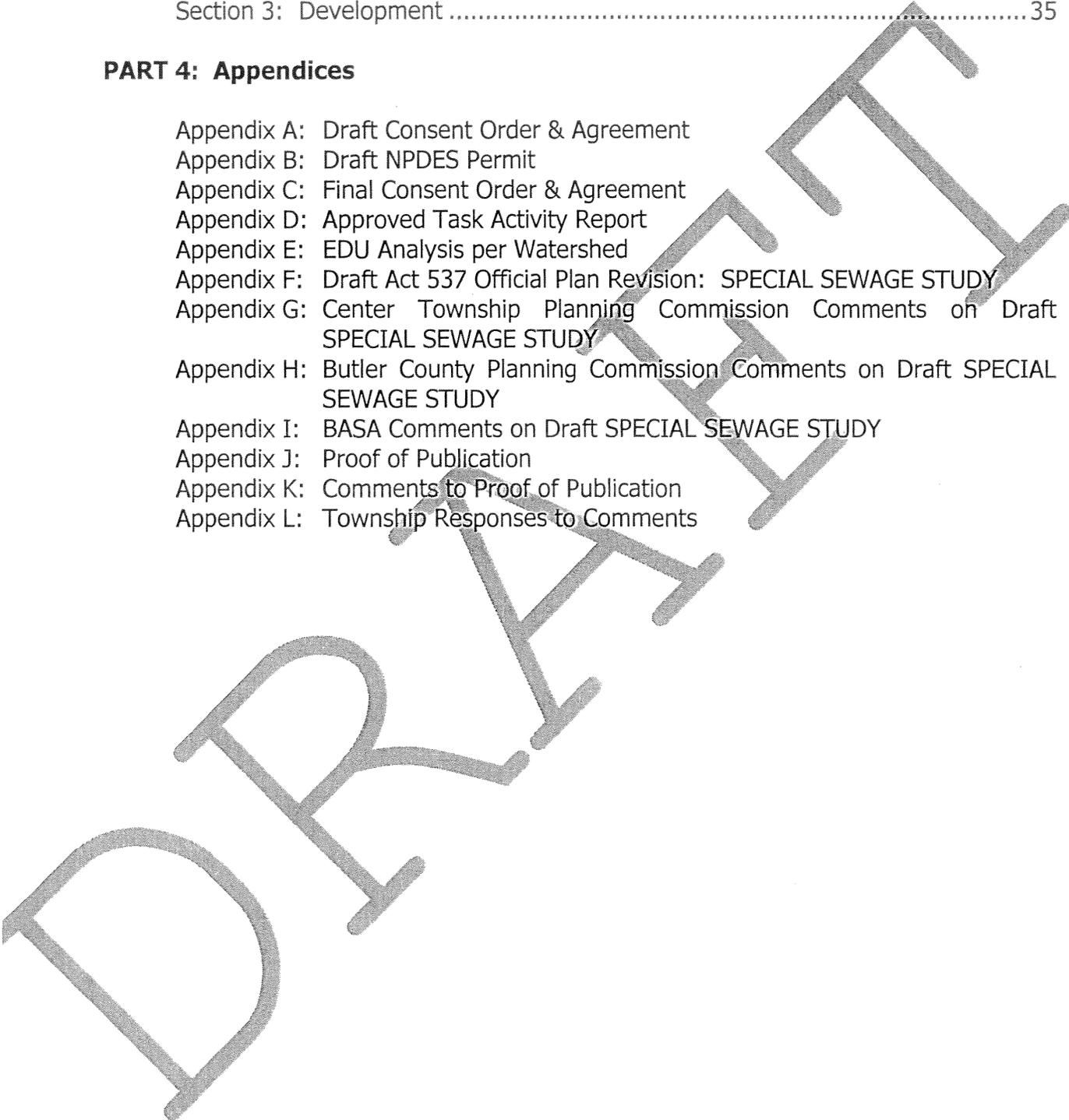
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PART 1: Background Information

On October 13, 2006, a Final Consent Order and Agreement was signed by the Butler Area Sewer Authority (BASA), the PA Department of Environmental Protection (PaDEP) and the municipal entities connected to BASA's Sewage Collection System, including Center Township [see Appendix B for Final Consent Order and Agreement]. This Act 537 Special Study has been prepared by Center Township to conform to the PaDEP's request to provide planning data to aid BASA in the possible design and/or possible rehabilitation of its sewerage system in Center Township.

PART 2: Administrative Completeness Checklist

Section 1: Plan Summary

A: Identification of Proposed Service Areas and Major Problems Evaluated in the Plan

The following map, [*"Future Development", from Center Twp. Comprehensive Plan, adopted 1998*] depicts Center Township's boundaries along with projected growth areas. These areas are likely to need sewerage service within the next 20+ years, and main-line extensions will be needed to reach areas expected to see growth within the next 5 years.

Currently, no major sewage capacity problems exist within the boundaries of Center Township. No documented overflows have occurred within the township borders, as verified by BASA. However, sewage permits have been limited by BASA over the past approximately five years as a result of overflows in Butler City and Butler Township from sewer lines which carry (in part) Center Township sewage. Major home builders have not developed lands in Center Township due to BASA's limiting of 5 sewer permits per developer per year. Due to economy of scale problems, national house building companies such as Maronda Homes, Ryan Homes, S&A, and Heartland Homes cannot economically develop residential plans with sewer permit limitations as currently existing. One of the reasons that the Center Township Planning Commission has recently recommended against rezoning properties along the Township's southern border is that an increase in housing density cannot be supported by the existing BASA sewer system.

[PLACEHOLDER FOR MAP: FUTURE
GROWTH AREAS]

DRAFT

B: Identification of Alternatives Chosen to Solve Problems and Serve the Areas of Need Identified in the Plan

The alternatives considered accommodating growth in Center Township and the other tributary municipalities will only be known during the Final Act 537 Plan process. Alternatives will be selected by BASA during this process.

C: Estimated Cost of Implementing the Proposed Alternative

An estimated cost will be provided by BASA during its Final Act 537 Plan process. Once alternatives are decided upon, design and construction costs can be formulated by BASA.

D: Identification of Municipal Commitments to Implement the Plan

The final Consent Order and Agreement [see Appendix C] outlines any and all commitments required by Center Township and the other tributary municipalities.

E: Schedule of Implementation

- November 27, 2006: Draft of Act 537 Special Study submission to Township Planning Commission, Butler County Planning Commission, and BASA.
- January 26, 2007: Township Supervisors shall consider comments of Township Planning Commission, Butler County Planning Commission and BASA and revise the Act 537 Special Study as necessary.
- March 12, 2007: Final Act 537 Special Study shall be adopted by the townships by Resolution and the Resolution and Study shall be submitted to DEP by this date.
- April 11, 2007: BASA Task Activity Report Preparation.
- 180 Days after BASA TAR approval: BASA Official Plan Update Revision submitted to PaDEP.
- 180 Days after receiving DEP comments on Official Plan: BASA to submit final Update Revision to PaDEP.

BASA's final Update Revision will include timeframes for design and construction of proposed upgrades and improvements.

Section 2: Municipal Adoption

Center Township will adopt the Center Township Final Act 537 Official Plan Revision by March 12, 2007, in accordance with the outline presented in Part 2, Section 1.E.

Section 3: Planning Commission Comments

Three additional appendices will be added to the Center Township Final Act 537 Official Plan Revision, containing any and all comments received by the Center Township Planning Commission, the Butler County Planning Commission, and BASA (Appendix G, H, and I, respectively).

Section 4: Publication

Center Township will conduct a 30 day comment period, during which time the public may view and make comment on the Draft Act 537 Official Plan Revision. An additional appendix (Appendix J) will be added to the Center Township Final Act 537 Official Plan Revision containing the publication advertised for public comments.

Section 5: Comments and Responses

An additional appendix (Appendix K) will be added to the Center Township Final Act 537 Official Plan Revision, containing any and all public comments and any and all municipal responses to each comment in relation to the proposed plan.

PART 3: Official Plan**Section 1: Description and Analysis of Physical and Demographic Characteristics of the Planning Area****A: Planning Area Boundaries and Political Subdivision Boundaries**

Center Township, Butler County, PA is 24.4 square miles in area and situated north of Butler Township and the City of Butler (the City being located in the northeastern quadrant of Butler Township). Center Township is bordered to the north by Clay Township, to the east by Oakland Township, to the south by Butler Township, and to the west by Franklin Township. All of Center

Township is tributary to BASA's sewerage system which essentially flows toward the south into Butler Township. The map on page 6 [*"Zoning Districts", from Center Township's Zoning Ordinance*] shows planning area boundaries and political subdivision boundaries, along with zoning information for Center Township. The following zoning districts exist in Center Township:

- R-1A: Single Family Residential – Agriculture
- R-1: Single Family Residential
- R-2: Two Family Residential
- R-3: Multi Family Residential
- C-1: Retail & Service Commercial
- C-2: Highway Commercial
- M-1: Light Industrial
- M-2: Heavy Industrial

[PLACEHOLDER FOR MAP: ZONING DISTRICTS]

DRAFT

B: Physical Characteristics of the Planning Area

The map on Page 8 [*“Development Constraints”, created for this report*] depicts physical characteristics of Center Township, including tax parcels, road centerlines, networked streams, floodplains, wetland types, and percent slope. These characteristics denote physical constraints to development.

Generally, land developments cannot infringe on floodplains or wetlands. Also, the steeper the land, the less it is conducive to economically feasible development. It is generally accepted that lands with slopes below 15% are attractive to development, lands with slopes between 15% to 24% are marginally desirable. Lands with slopes above 25% are considered un-developable but these steep areas can provide land uses such as “open space” or “passive recreation areas” that make adjacent, flatter lands more attractive.

Therefore, physical characteristics that support most economically feasible development are found in the northwest, center, and southwestern areas of the Township.

[PLACEHOLDER FOR MAP:
DEVELOPMENT CONSTRAINTS]

DRAFT

C: Soils and Geological Features

The map on Page 10 [*"Hydric Soils", created for this report*] depicts USDA soil types (Hydric, partially hydric, and non hydric), along with Gravity sewer lines, force mains, manholes, and pump stations.

Hydric soils and partially hydric soils are generally those which present challenges for placement of on-lot sewage treatment systems. Except for flatter areas of higher elevation, most lands of Center Township exhibit marginally acceptable soils for on-lot sewage treatment.

Malfunctioning on-lot sewage systems in densely populated areas prompted the extension of public sewers into Center Township approximately 25 years ago (early 1980's).

More stringent attention to on-lot sewage permitting by the PaDEP and the Township as resulted in either (1) larger lots (with lower overall population density) in new areas of development using on-lot sewage treatment or (2) new lot plans employing public sanitary sewer extensions with lot densities following Zoning Ordinance mandates.

Based on Soils and Geologic Features it is expected that this growth trend will continue. The northern extents of the Township will exhibit lower population densities due to lot size requirements of on-lot sewage systems while central and southern areas of the Township will exhibit denser growth which public sewer extensions will support.

[PLACEHOLDER FOR MAP: HYDRIC SOILS]

DRAFT

D: Current and Historical Population Information

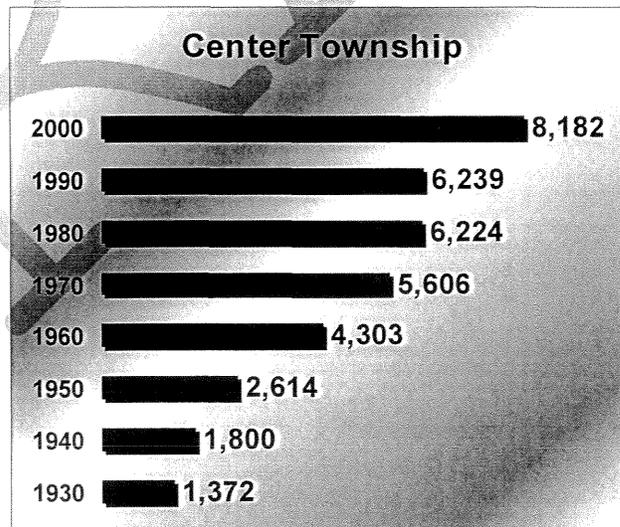
The Township's population has increased during each Census period beginning with a population of 1,372 persons in 1930 to a year 2000 population of approximately 8,182 persons. The current population is estimated at 13,122 persons.

Between 1990 and the year 2004, a total of 1,039 housing units were permitted, predominantly single family dwellings. There were 871 single family units and 168 multi-family units constructed. This equates to an annual average of about 69 new housing units annually or approximately 167 persons a year calling the Township home at a persons-per-household rate of 2.42 persons.

Population 1930-2000

	1930	1940	1950	1960	1970	1980	1990	2000
Center Township	1,372	1,800	2,614	4,303	5,606	6,224	6,239	8,182
Butler County	80,480	87,590	97,320	114,639	127,941	147,912	152,013	174,083

Source: Southwestern Pennsylvania Commission



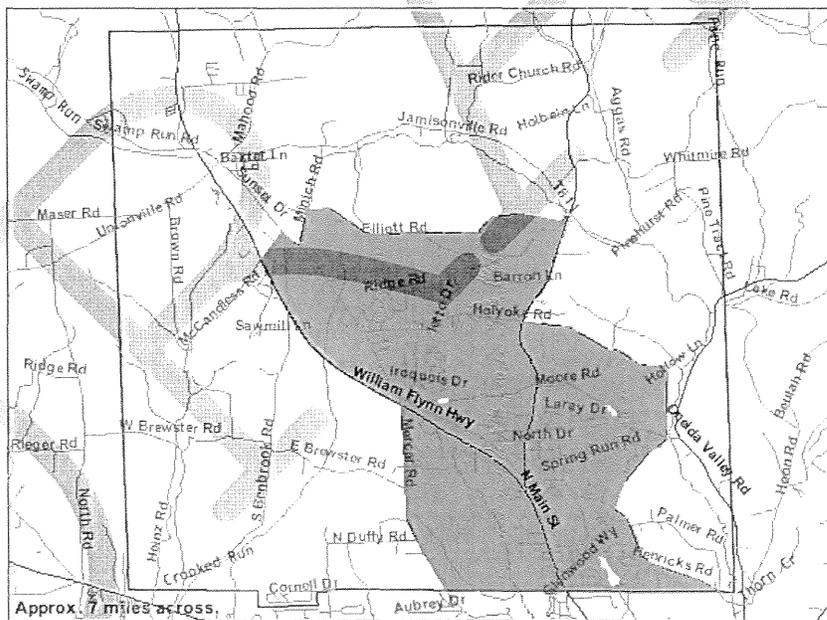
URBAN/RURAL AREA- 2000				
CENTER TOWNSHIP				
	Population		Housing Units	
	#	%	#	%
Urban	3,890	47.5%	1,740	50%
Rural	4,292	53.5%	1,742	50%
Total	8,182	100%	3,482	100%

MEDIAN AGE	
1990	2000
36.6	41.7

Source: Penn State Data Center, Municipal Demographic Profile

Population Density

2000



Data Classes

Persons/Sq Mile

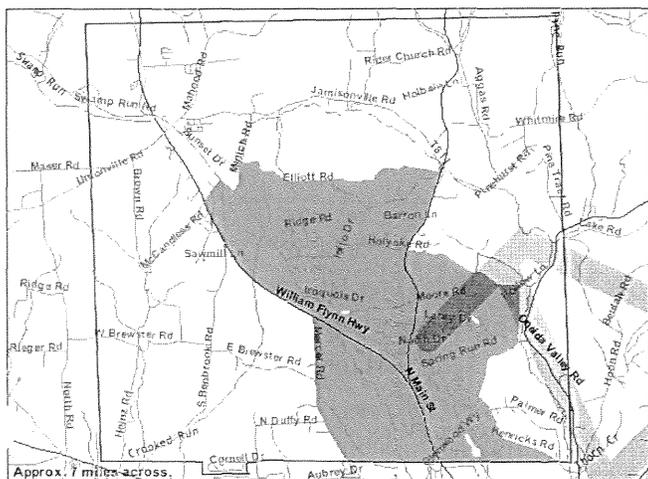
147 - 163
231 - 231
489 - 489
723 - 723
867 - 946

Features

- Major Road
- Street
- Stream/Waterbody
- Stream/Waterbody

Housing and Households

Housing Density 2000



Data Classes

- Total Units
- 1389 - 1389
- 2093 - 2093

Features

- Major Road
- Street
- Stream/Waterbody
- Stream/Waterbody

Center Township – 2000

Housing Occupancy

Total Housing Units	3,482	100.0%
Occupied Housing Units	3,333	95.7%
Vacant Housing Units	149	4.3%
Seasonal, recreational or occasional use	14	0.4%

Housing Tenure

Total Occupied Housing Units	3,333	100.0%
Owner-Occupied Housing Units	2,635	79.1%
Renter-Occupied Housing Units	698	20.9%

Vacancy Rate

Homeowner vacancy	1.0%
Rental vacancy	7.9%

Average Household Size

Owner-occupied household size	2.42
Renter-occupied household size	2.93

Occupants Per Room

Occupied Housing Units	3,333	100.0%
1.00 or less	3,292	98.8%
1.01 to 1.50	26	0.8%
1.51 or more	15	0.5%

House Heating Fuel

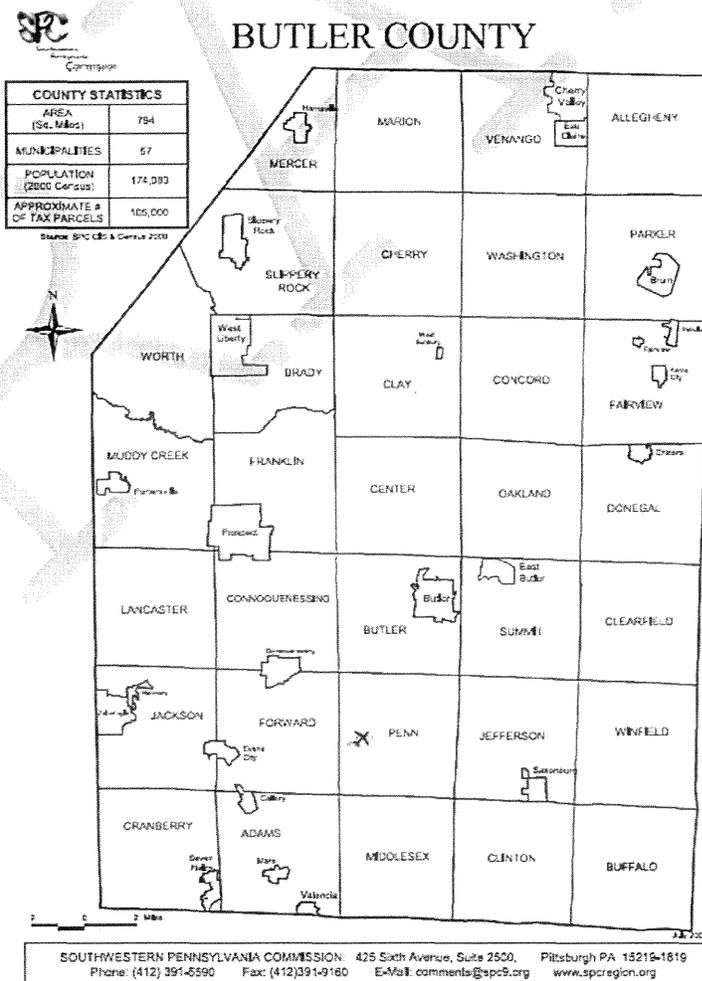
Utility gas	2,177	65.3%
Bottled, tank or LP gas	177	5.3%
Electricity	473	14.2%
Fuel oil, kerosene, etc.	460	13.8%
Coal or coke	7	0.2%
Wood	26	0.8%
Solar energy	0	0%
Other fuel	13	0.4%

Geographic area	Population	Housing units	Area in square miles			Density per square mile of land area	
			Total area	Water area	Land area	Population	Housing units
Butler County	174,083	69,868	794.79	6.26	788.53	220.8	88.6
Center Township	8,182	3,482	24.48	0.04	24.45	334.7	142.4

Geographic Comparison Table Center Township and Surrounding Municipalities 2000 Census

Geographic area	Population	Housing units	Area in square miles			Density per square mile of land area	
			Total area	Water area	Land area	Population	Housing units
Butler County	174,083	69,868	794.79	6.26	788.53	220.8	88.6
Center Township	8,182	3,482	24.48	0.04	24.45	334.7	142.4
Clay Township	2,628	1,036	25.16	0.00	25.16	104.5	41.2
Oakland Township	3,074	1,168	23.23	0.30	22.93	134.1	50.9
Butler Township	17,185	7,500	21.62	0.12	21.50	799.2	348.8
Franklin Township	2,292	912	22.40	1.62	20.77	110.3	43.9

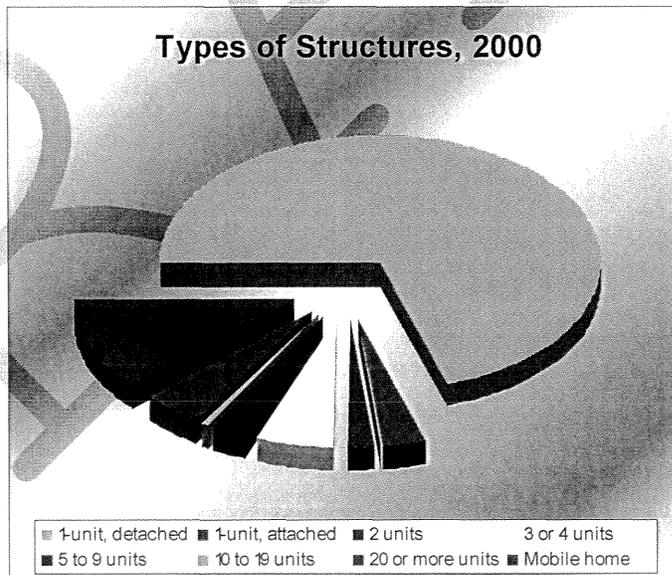
Source: GCT-1, U.S. Census Bureau



Types of Structures Center Township, 2000

	1990	2000
1-unit, detached	1,813	2,437 (70.0%)
1-unit, attached	24	118 (3.4%)
2 units	168	62 (1.8%)
3 or 4 units		195 (5.6%)
5 to 9 units	39	93 (2.7%)
10 to 19 units	12	18 (0.5%)
20 or more units		154 (4.4%)
Mobile home	380	405 (11.6%)

Source: U.S. Census Bureau, Table DP1, 1990 and 2000.



New, Privately Owned Construction Authorized by Building Permits

Center Township, 1990-2004

Year	Single-Family		Multi-Family			Total		Months Reported	Summary 1990-2004
	Units	Value	Bldgs	Units	Value	Bldgs	Units		
1990	40	\$3,967,900	0	0	\$0	42	42	\$3,967,900	Units: Single family: 871 Multi-family: 168 Total: 1,039 % Single family: 83.8% Value of Total Units: \$99,110,797
1991	55	\$5,687,250	7	37	\$961,600	62	92	\$6,648,850	
1992	55	\$5,680,394	0	0	\$0	55	55	\$5,680,394	
1993	50	\$5,437,390	3	11	\$495,000	53	61	\$5,932,390	
1994	138	\$7,501,212	6	52	\$1,129,800	144	190	\$8,631,012	
1995	49	\$4,415,475	1	3	\$150,000	50	52	\$4,565,475	
1996	32	\$2,675,300	1	49	\$1,900,000	33	81	\$4,575,300	
1997	46	\$5,579,750	0	0	\$0	46	46	\$5,579,750	
1998	70	\$7,420,203	0	0	\$0	70	70	\$7,420,203	
1999	49	\$6,080,012	0	0	\$0	49	49	\$6,080,012	
2000	36	\$4,182,353	0	0	\$0	36	36	\$4,182,353	
2001	52	\$7,635,833	0	0	\$0	52	52	\$7,635,833	
2002	59	\$7,302,060	0	0	\$0	59	59	\$7,302,060	
2003	74	\$11,374,692	0	0	\$0	74	74	\$11,374,692	12
2004	64	\$9,241,373	4	16	\$293,200	68	80	\$9,534,573	12

Source: Southwestern Pennsylvania Commission, November 30, 2005; Column "Months Reported", first time available in 2003, contains the number of months for which the data was collected.

Section 2: Evaluation of Existing Municipal and Nonmunicipal, Individual and Community Sewage Facilities in the Planning Area

A: Treatment Plants, Main Intercepting Lines, Pump Stations and Force Mains

The maps on pages 18 through 34 show BASA's Sanitary Sewer System in 16 grids. The maps depict gravity mains (along with pipe sizes), force mains, manholes, pump stations, road centerlines, tax parcels, streams, USDA soil types, 100 ft. contours and 20 ft. contours.

There are no treatment plants within the boundaries of Center Township. A private sewage treatment plant was proposed as part of a rezoning request on property owned by Adamosky but this project has been stopped due to zoning approval litigation by adjoining property owners.

There are four pump stations located in Center Township. Fisher Heights Pump Station is shown on grid A2 (Page 20), Brewster Road Pump Station and the Brewster Booster Pump Station are on grid B4 (Page 26), and Northview Pump Station is on grid C2 (Page 28).

Design capacities of the pump stations are listed below:

Pump Station	Install Date	Design Capacity (gpm)	Design Capacity (GPD)	2005 Estimated Daily GPD	% Utilization	2007 Estimated Daily GPD
Northview	1979/1980	280	161,280	7,340	4.6%	7,311
Fisher Heights	1979/1980	250	144,000	93,000	64.6%	92,628
Brewster Road	1979/1980	600	345,600	195,000	55%	189,240
Brewster Booster	1979/1980	600	456,600	161,400	46.7%	160,754

[PLACEHOLDER FOR MAPS: LOCATION
GRID and SANITARY SEWER SYSTEM
GRID A1 THRU D4]

(pages 18-34)

DRAFT

B: Description of Problems with the Existing Facilities

No known problems exist with any area of the sewer system contained within the boundaries of Center Township. The system is currently able to handle normal and peak flow occurring in the area. It is BASA’s responsibility to analyze capacities of the existing interceptors, pump stations, and force mains. This data is not included with Center Township’s Act 537 Official Plan Revision.

Section 3: Development

Center Township is a township in transition with both internal and external development pressures driving growth. Their recently adopted comprehensive plan identifies two growth areas, one in the northcentral portion of the Township and one in the southcentral portion of the Township. Sanitary sewers are available along the perimeter of both identified areas. Additional commercial and manufacturing development is expected to occur within the State Route 8 corridor and along the eastern boundary of the Township in the southeastern quadrant.

A peak population of about 14,234 persons is projected to occur in the year 2020. This may be a conservative estimate based on the rate of residential growth documented.

Further projections for both commercial and residential development were provided in a land use assumption report prepared by Daniel D. Santoro AICP and HRG in 2006, which preceded the adoption of transportation impact fees. Table 5 from that report is reproduced here and establishes a series of chronologic projections in five (or six) year increments.

Table 5 Residential Growth Projection - 21 years		
YEARS	UNITS PER YEAR	TOTAL
2005-2009	90 units	450
2010-2014	100 units	500
2015-2019	110 units	550
2020-2025*	120 units	720
Total		2,220
* six years		

These projections will need to be monitored as each range exceeds the average number of housing units permitted in the previous 15 year period for which a trend analysis was prepared. Further geographic analysis was provided through the creation of Traffic Analysis Zones (TAZ) which identify estimated numbers of new housing units at smaller scaled areas. Table 6 from the same report is reproduced here and a digital map identifying these zones is attached.

TAZ MAP #	PROJECTED NUMBER OF UNITS
W05	246
W09	175
W11	394
W14	76
W20	204
W26	29
W30	124
W32	15
W35*	24
N09	145
N14	120
N16	137
N18	110
E14	110
E26	37
E27	57
E44	13
E47	5
Existing development	157
Total	2,178
* Misidentified in the original Land Use Assumption Report.	

Nonresidential development in Center Township is projected in Table 7 which is also reproduced here. These projections appear to be conservative and will also need to be monitored, as an average annual rate of development has not been provided.

TAZ MAP #	PROJECTED NUMBER OF UNITS
N01	75,000 sq ft office space Day Care Center
NO2	10,000 sq ft office space
NO8	Convenience store/gas station 15,000 sq ft retail Bank
N32	Convenience store/gas station
E08	2 restaurants 1 @ 4,000 sq ft 1 @ 6,000 sq ft 40,000 sq ft retail space
E19	10,000 sq ft retail space
E17	70,000 sq ft industrial building
W17	Bank
W18	75,000 sq ft office space Extended care facility
W19	60,000 sq ft Elementary school expansion

The same digital map should be used to reference the specific locations of development within Center Township.

With about 21% of the total housing units occupied by renters, and with a 2.93 persons per household number for rental occupied housing units, utility services to multi-family developments could experience capacity concerns as the Township develops. The predominant statistic of 79% owner occupied units, however, indicates a preference for low density single family development. That trend has been verified through permit records.

Population Projection

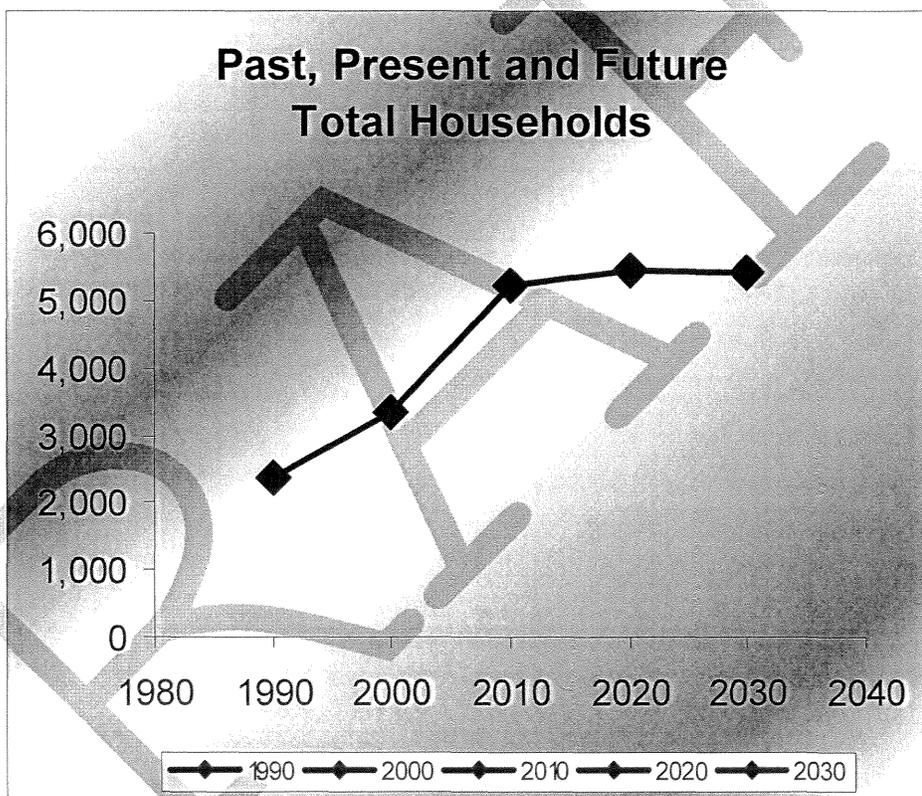
2010 to 2030

	2010	2020	2030
Center Township	13,688	14,234	14,191
Butler County	96,535	100,907	101,358
<i>Source: Southwestern Pennsylvania Commission</i>			

**Total Households
1990-2000
2010-2030 Projected**

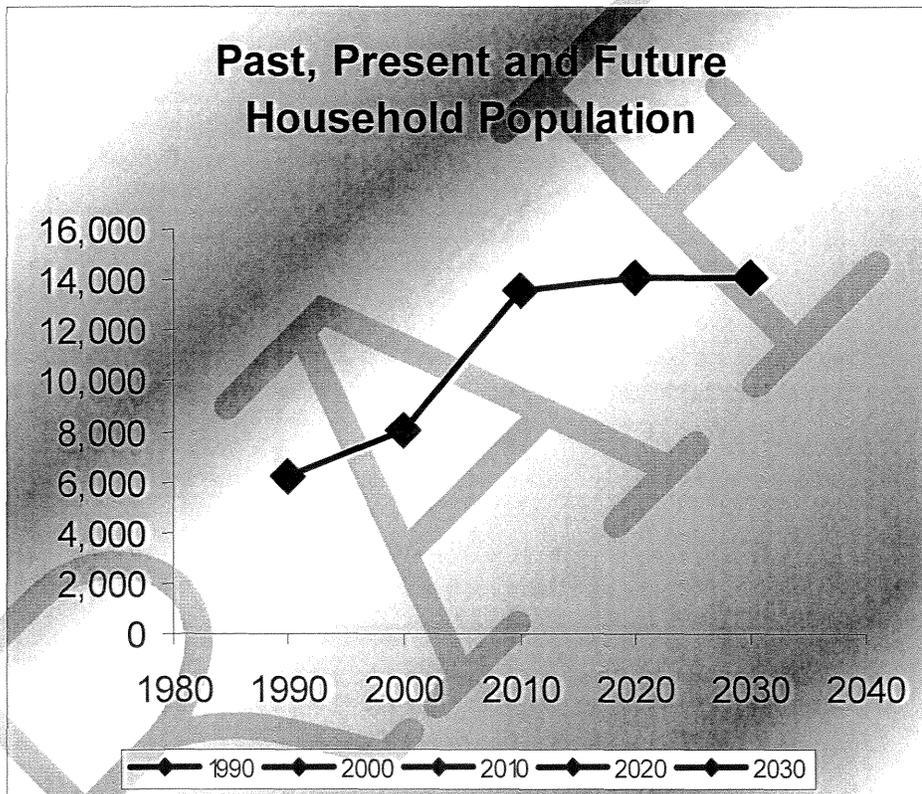
1990	2000	2010	2020	2030
2,371	3,333	5,209	5,433	5,423

Source: Penn State Data Center, 1190; U.S. Census Bureau, DP-1, 2000; Southwestern Pennsylvania Commission, projections.

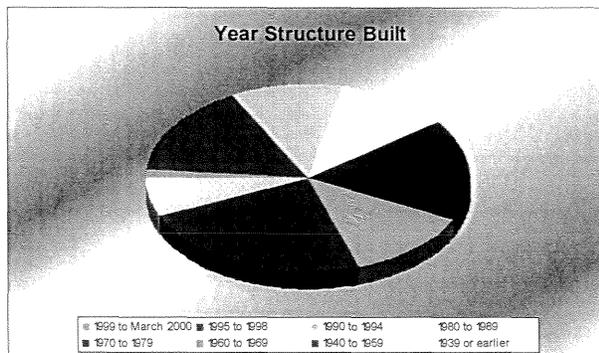


Household Population 1990-2000 2010-2030 Projected

1990	2000	2010	2020	2030
6,239	8,071	13,590	14,136	14,093
Source: Penn State Data Center, 1190; U.S. Census Bureau, DP-1, 2000; Southwestern Pennsylvania Commission, projections.				



YEAR STRUCTURE BUILT		
	#	%
1999 to March 2000	46	1.3
1995 to 1998	554	15.9
1990 to 1994	383	11.0
1980 to 1989	401	11.5
1970 to 1979	619	17.8
1960 to 1969	432	12.4
1940 to 1959	812	23.3
1939 or earlier	235	6.7



The following maps on pages 42-47 [*"Future Development"* (from Center Twp's Comprehensive Plan, adopted 1998), *"Zoning Districts"* (from Center Twp's Zoning Ordinance) *"Topography"* (from USGS map), *"Small Watersheds"* (created for this report), *"Traffic Analysis Zones"* (from Center Township's Transportation Impact Fee Program, adopted 2005) and *"Traffic Analysis Zones with EDU Projections"* (created for this report)] provide a GIS analysis of Center Township, enabling the formation of an estimation about the future sewage needs of Center Township based on projected growth.

In formulating EDU estimations per sewershed, Center Township's watersheds were mapped on page 45 [*"Small Watersheds"*]. Center Township's four pump stations alter the course of flow into slightly different sewersheds, as can be seen from this same digital map. Center Township's sewerage system can be presently divided into 3 main sewersheds serviceable by BASA's system which drain into Butler Township's system. These are:

1. The Monroe subsystem, located near the southeastern border of Center Township,
2. The Sullivan Run Subsystem, located near the southcentral border of Center Township, and
3. The Crooked Run/Little Connoquenessing Creek sewershed, located near the southwestern border of Center Township.

There is presently no service by BASA to the Crooked Run/Little Connoquenessing Creek sewershed. These sewersheds combine near the Center Township and Butler Township border and if service is to be provided to this area, BASA could extend its existing lines in northwestern Butler Township farther northward to service these customers.

Any development occurring in the Pine Run, Muddy Creek and Swamp Run watersheds in the next 20 years is not expected to be serviceable by BASA.

Development in the southern part of the Stony Run watershed is expected in the next 5 to 20 years and could be serviced by BASA with the addition of a pump station, draining into the Monroe Substation. For the EDU calculations presented later in this report, approximately 247 EDU's are estimated to be added in this southern part of the Stony Run watershed in the next 20 years. In formulating projections for the Monroe Subsystem, it was assumed

that this pump station will be added (to Stony Run) and these EDU's have therefore been added into the Monroe Subsystem projections.

The map on page 46 [*"Traffic Analysis Zones" (from Center Twp's Transportation Impact Fee Program, adopted 2005)*] shows the Township broken into its three TAZ zones and TAZ numbers, as Center Township has delineated in its Transportation Impact Fee Program.

The map on page 47 [*"Traffic Analysis Zones with EDU Projections" (created for this report)*] shows data from Table 6 and Table 7 (pages 36 and 37, respectively, of this report) converted into EDU's (Equivalent Dwelling Units) and placed in the appropriate TAZ number. Also shown on the map are the sewersheds in Center Township. From these two datasets, EDU counts per sewershed were computed. The complete EDU calculations and projections for residential and non-residential development can be found in Appendix E.

The following table summarizes the projections that can be made about each sewershed in 5, 10, 15, and 20 year periods for both residential and non-residential development.

Sewershed	Projection (in years)	Projected Growth (in EDU's*)
Monroe Subsystem	0-5	113
	0-10	231
	0-15	361
	0-20	526
Sullivan Run Subsystem	0-5	231
	0-10	476
	0-15	752
	0-20	1103
Crooked Run/Little Connoquenessing Creek Subsystem	0-5	131
	0-10	273
	0-15	428
	0-20	627

**An EDU is equated to 400 gpd, as defined in the PaDEP's Final Consent Order and Agreement.*

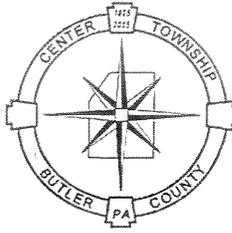
[PLACEHOLDER FOR MAPS:
Future Development
Zoning Districts
Topography
Small Watersheds
TAZ
TAZ w/ EDU Projections]

(pages 42-47)

(End of Report.)

**Appendix G: Center Township
Planning Commission Comments
on Draft SPECIAL SEWAGE STUDY**

Board of Supervisors:
 Ronald Flatt, Chairman
 Andrew Erie, Vice Chairman
 Brian Hortert, Supervisor
 Edward Latuska, Supervisor
 Thomas Schiebel, Supervisor



Michael Gallagher, Solicitor
 Olsen & Associates, Engineer
 Stephanie Sellers, Secretary
 Anthony Amendolea, Treasurer
 Mark Lauer, Public Works Director
 Richard Round, BCO/Zoning Officer

PLANNING COMMISSION
 Regular Meeting Minutes
 November 15, 2006
 6:30 p.m.

CALL TO ORDER: The Regular Meeting of the Center Township Planning Commission was called to order at 6:35 p.m. by Chairman Ken Frenchak at the Center Township Municipal Building, 419 Sunset Drive, Butler, Penna.

ROLL CALL: Present were Chairman Ken Frenchak; Vice Chairman Bob Sloan; Members Bob Paroli, John Keffalas and Jeff Olen; Engineer Ron Olsen and Township Secretary Stephanie Sellers.

PUBLIC TO BE HEARD: Pastor Steve Fisher and Bill Moser spoke to the members of the Commission about the proper steps to be taken for an addition at the New Testament Baptist Church located at North Duffy Road. Additional school room space is needed. They were advised to submit the proper paper work and come back to next months Planning Commission meeting with a land development.

MINUTES: A motion by Frenchak to approve the October 25, 2006 meeting minutes was seconded by Olen. The motion carried unanimously.

OLD BUSINESS: Jeff Olen made a motion to hold a special meeting on November 29th, 2006, 6:30 p.m. at the Municipal Building regarding ordinance changes. Bob Paroli seconded the motion. The motion carried unanimously.

The Board of Supervisors have formally submitted a draft for a change in the cell tower ordinances. Jeff Olen made a motion against the proposed Cell Tower Ordinance. John Keffalas seconded the motion. The vote was 4 to 1 with Bob Sloan voting for the ordinance change because he feels it will do a better job of limiting the number of cell towers in the area, and will aid in problem dead areas in case of an emergency.

NEW BUSINESS: Paul Slowik, AIA of 8980 Perry Hwy, along with Mike Santa Lucia, presented an application for conditional use to occupy 142 Clearview Circle as Medical Offices. Jeff Olen made a motion to recommend to the Board of Supervisors approval of the conditional use. Chairman Ken Frenchak seconded the motion. All were in favor.

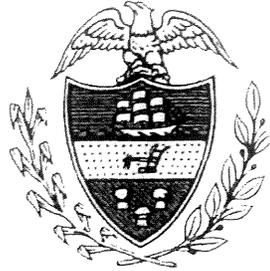
**Appendix H: Butler County
Planning Commission Comments
on Draft SPECIAL SEWAGE STUDY**

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

December 5, 2006

Center Township
419 Sunset Drive
Butler, Pa 16001

Dear Center Township Supervisors,

The Butler County Planning Commission would like to thank you for preparing the Act 537 Special Study Plan for Center Township. Our office has reviewed the draft plan. We commend Center 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,

Doniele J. Andrus
Associate Planner

Cc/Olsen

Appendix I: BASA Comments on Draft SPECIAL SEWAGE STUDY

BUTLER AREA SEWER AUTHORITY

100 LITMAN ROAD • BUTLER, PA 16001-3256

(724) 282-1978 • FAX(724) 282-7656

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

January 2, 2007

CERTIFIED MAIL, RETURN RECEIPT
7005-1160-0002-1852-2969

Dr. Ronald Flatt
Chairman of the Board of Supervisors
Center Township
419 Sunset Drive
Butler, PA 16001

Dear Dr. Flatt:

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

The Butler Area Sewer Authority (BASA) has reviewed the draft Official Plan Revision Special Study for Center Township, dated November 2006, prepared by Olsen & Associates, L.L.C. The Authority received this draft report on November 21, 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:

SPECIFIC COMMENTS:

Page 1 - Part 2, Section 1(A), First Paragraph (These areas are likely to need sewage service....):

BASA agrees that main line sewer extensions, and in some cases sewage pumping stations, would be required to extend sewer service to 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 1 - Part 2, Section 1(A), Second Paragraph (Major homebuilders have not developed....):

The 2001 CO&A imposed by the Pennsylvania Department of Environmental Protection (DEP) required new sewer connection permit restrictions limit growth and promote existing fill-in development. To the best of our knowledge, no developer has been negatively impacted by BASA's Sewer Connection Permit Allocation Policy, which has limited developers to five (5) sewer permits per development per year since 2001. In fact, the average and total number of new residential sewer

Connection permits issued since the 2001 CO&A has exceeded the average and total number of new residential sewer permits issued in the four year period before 2001 CO&A, based on the Township's data on Page 16 of the Study.

Immediately prior to the 2001 CO&A, BASA has record of only two new residential developments in Center Township (Willow Run and Timberidge). Since the 2001 CO&A, three new residential developments have been initiated (Shady Lane, Stratford Heights and Cherrywood Springs). On several occasions, permits purchased based upon developer speculation had to either be extended or revoked because there was no demand to purchase a new home in these developments. While it may appear that BASA's connection permit limits have limited new development, many other outside market factors and economic trends have significantly limited recent residential developments and new home construction.

Page 1 – Part 2, Item A, Second Paragraph (Due to economy of scale problems, national....):

With the exception of the Adamosky property, which is located in an unsewered area of the Township and has been held up by re-zoning issues and lawsuits unrelated to BASA, BASA has no knowledge of any major home builders (Maronda Homes, Ryan Homes, etc.) attempting to build any large-scale residential development within the BASA service area.

Page 2 and Page 42– Future Development Map:

These maps appear to be the same map. This map is excellent in identifying the existing BASA sewer lines, existing tax parcels and shaded regions for short-term, mid-term and long-term growth. The draft Special Study clearly 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. 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.

Page 2 and Page 42 – Future Development Map:

These maps and the text of the Study (e.g., Page 7) appear to be somewhat inconsistent. Interest in developing the Adamosky Parcels along Benbrook Road has been well publicized in the press in the past couple of years. In addition, the re-zoning issue cited in the last paragraph of Page 1 also appears to reference this property. However, these parcels are not shaded as reflecting short, mid or even long-term growth. If the Township has more updated information regarding the status of any proposed use or zoning classification of this land, the narrative of the Study, the Future Development Map (Pages 2 and 42), and projected growth will need to be clarified and revised.

The Little Connoquenessing Creek watershed south of Unionville Road and west of Benbrook Road drains south towards BASA's Greenwood Drive Pump Station in Butler Township. Butler Township is projecting significant growth in this area, which would necessitate sewer extensions and possibly expansion of the existing pump stations serving this area. Any projected growth in this portion of Center Township could have an impact on the sizing of required sewer extensions to serve the northwest area of Butler Township. While the Center Township Study concludes that this Little

Connoquenessing Creek watershed area is outside of the 20+-year growth period, many of these parcels appear to have similar or even fewer development constraints (plotted on Page 8) than nearby projected development areas. The last sentence on Page 7 also states that the southwestern area of the Township has "physical characteristics that support most economically feasible development." Please review and verify this conclusion and, if possible, assess the potential development of this area within the next 40 years (the normal design life of sewer extensions).

Page 3 – Part E, Schedule of Implementation:

The April 11, 2007 date is incorrect and inconsistent 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.

Pages 4 and 5 – Part 3, Section 1(A), (All of Center Township is tributary to BASA's sewage system...):

The Muddy Creek and Swamp Run watershed areas of Center Township that are delineated in the Study do NOT flow by gravity to any BASA collector sewer, interceptor sewer, or pump station.

Pages 7 and 8 – Physical Characteristics and Development Constraints:

The narrative and map are excellent in explaining and illustrating what physical characteristics constrain development potential. Wetlands, steep slopes, floodplains, and other development constraints are plotted on Page 8. Center Township has also noted areas of known deep/surface mining and high quality (HQ) watersheds, which could also be considered a development constraint. It is suggested that the narrative discuss, if possible, how these factors may affect the land development potential.

Page 17 – Section 2(A): Treatment Plants, Lines....Second Paragraph:

BASA believes that there may be other private or non-municipal sewage treatment plant(s), community treatment systems, and possibly single-family sewage treatment facilities (SFSTF's) in the Township. Specifically, there must be private sewage facilities to serve the mobile home parks along Dairy Lane, Jan Drive, Baxter Lane and possibly Beacon Lane. If there are any such private sewage systems within the Study Area, BASA feels that they should be identified on the Study Area map, differentiated from BASA sewage facilities, and discussed in the narrative. This task is required by 71.21 (a)(2)(i)(A) and (i)(B) of the Chapter 71 Regulations, which William Crawford, PA DEP, provided to the municipalities as guidelines for the special studies. These facilities should be identified because Center Township is ultimately responsible for the private facilities in the municipality under the Pennsylvania Sewage Facilities Act.

Page 17 – Pump Station Chart Data:

BASA provided Chapter 94 pump station data (Table 6) to each municipality on April 26, 2006. The correct design capacity for Brewster Booster Pump Station should be 345,600 GPD, not 456,600 GPD as indicated in the chart. The correct 2005 Daily Flow from Brewster Road Pump Station as 190,000 GPD, not 195,000 GPD as indicated in the chart.

Page 35 – Section 2(B): Description of Problems with the Existing Facilities:

If applicable, discuss any known problems with other private or non-municipal sewage treatment facilities in the Township [see previous comment for Page 17, Section 2(A)].

Page 35 – Section 3, Development, First Paragraph:

The text cites two growth areas, one in the North Central and one in the South Central portion of the Township. These growth areas should be defined more specifically in the text and on applicable maps. Are these areas bounded by existing roads to help better define them? For example, is the South Central Growth Area the Mercer Road Corridor?

Page 35 – Section 3, Development, Second Paragraph (This may be a conservative estimate...):

Please clarify if this is conservatively high or conservatively low growth estimate. Is the growth estimate consistent with projections from other, widely published (and accepted) population projections such as Southwest Pennsylvania Commission (SPC)?

Page 40 – Fourth Paragraph (Any development occurring in the Pine Run...):

BASA concurs that any development within the Pine Run, Muddy Creek, and Swamp Run watersheds should NOT expect to be served by BASA's sewage facilities. BASA suggests that these watersheds should be crosshatched (similar to the mineral extract areas) or otherwise designated as such on the Future Development Map (Pages 2 and 42) or any other applicable map. Otherwise, the shaded growth areas, such as those indicated in the Muddy Creek Watershed, may be confused with the future growth areas that will be considered by BASA.

GENERAL COMMENTS:

Final Act 537 Plan Expectations:

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. 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.

Use of Digital G.I.S. Mapping furnished by BASA:

Center Township and its consultant are to be commended for utilizing the digital G.I.S. information that BASA provided to each municipality on May 17, 2006. Many of the maps that illustrate tax parcels, topography, zoning, etc. also illustrate the existing sanitary sewer system. This is extremely useful while reading the text and reviewing its corresponding map.

Population Projections:

Population projections appear to be based upon analysis of a Township-prepared "Comprehensive Plan" from 1998, a "Transportation Impact Fee" study, and upon current zoning. These techniques appear logical for predicting future projections even though they differ from Southwestern Pennsylvania Commission (SPC) Cycle 7 Forecasts and techniques used by other service area municipalities. However, each municipality should still assess the applicability of any such projections to their specific municipality because different methodologies may yield different results.

It could be useful to include a comparison chart of the population predictions of different sources considered and an accompanying narrative discussing these projections and the reasons why the source was selected. For example, a chart could compare 2010 population projections from the SPC, the Center Township Traffic Analysis Zones with EDU Projections, the Center Township Comprehensive Plan-1998, and the Dan Santoro Land Use Assumption Report or others.

Municipal Responsibilities for Storm Water Management:

It is important that municipalities recognize the importance of preventing potential Infiltration and Inflow (I & I) problems when reviewing and approving future land development and subdivision plans and conducting UCC inspections. Municipalities must 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 constructed or enlarged to handle the I & I that will have to be removed in the future.

BASA will wait for an appropriate number of copies of the DEP-approved Special Study from Center Township. 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
Butler 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
Mr. Jeremy Olsen, Olsen & Associates, L.L.C.

Appendix J: Proof of Publication

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
11th 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

Copy of Notice

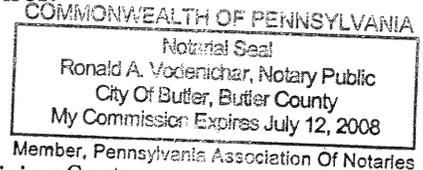
PUBLIC NOTICE
SPECIAL SEWAGE STUDY
In accordance with the PaDEP's Consent Order and Agreement of October 13, 2006, Center Township will make its Special Sewage Study, a preliminary step in the revision of the Butler Area Sewer Authority's Act 537 plan, available for public comment. The document, as initially prepared, with appended comments from the Butler County Planning Commission and the Butler Area Sewer Authority will be available for public viewing and (written) comments for a 30-day period at the Center Township Municipal Building, located at 419 Sunset Drive, Butler, PA 16001. The 30-day (written) comment period will be held from January 12, 2007 to February 10, 2007, Monday through Friday, 8 AM to 4 PM. The Special Sewage Study may be subject to further revision as a result of the comments and BASA and PaDEP.

Sworn to and subscribed before me this 11th
Day of January 2007

[Signature]

Notary Public

My Commission Expires:



Statement of Advertising Costs

Olsen & Associates LLC
126 South Main Street
Butler, PA 16001

TO BUTLER EAGLE, Dr.
For publishing the notice or publication attached
Hereto on the above stated dates \$56.00
Probating same \$2.00
Total \$58.00

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.

Appendix K: Comments to Proof of Publication

Amended Appendix A-22-b



an
Exclusive Residential
Golf Course
Community

Post-it* Fax Note	7671	Date	2/7/07	# of pages	1
To	JEREMY	From	ANTHONY		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #		Fax #			

December 21, 2006

Center Township Board Supervisors
Municipal Building
419 Sunset Drive
Butler, PA. 16001

Dear Sirs;

During the Center Township Board of Supervisors meeting on December 13, 2006, Ron Olsen, the Center Township Engineer, presented a Growth Research Survey/Estimate for future Center Township expansion. It seems that the Research Document recommends that the most appropriate area of expansion in Center Township should be in the southern portion of the township. The 1999 Center Township Comprehensive Plan mirrors the recent survey.

The sanitation lines in northern Butler Township seems to be inadequate to accommodate potential growth in Center Township to the north.

A possible solution would be a "Holding Tank" near the Butler/Center Township line. My family owns a 10 acre parcel along Route 422 and adjoins the western portion of Aubrey's Dubbs Dred Golf Course. The parcel is the lowest elevation in the area and extremely close to the BASA sanitation line that travels along Sullivan Run into Alameda Park. The Holding Tank and adequate sanitation line size should alleviate problems that currently exist with the northern extremities of the BASA system. This in turn should be beneficial to any expansion in Center Township.

I believe the aforementioned solution could be beneficial to the residents and townships in this region.

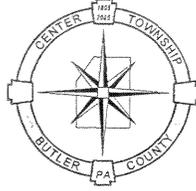
Please contact me at 724-282-7390 (work) or 724-822-1838 (cell).

Sincerely,

George Aubrey
George Aubrey

Appendix L: Township Responses to Comments

Board of Supervisors:
Ronald Flatt, Chairman
Andrew Erie, Vice Chairman
Brian Hortert, Supervisor
Edward Latuska, Supervisor
Thomas Schiebel, Supervisor



Michael Gallagher, Solicitor
Olsen & Associates, Engineer
Stephanie Sellers, Secretary
Anthony Amendolea, Treasurer
Mark Lauer, Public Works Director
Richard Round, BCO/Zoning Officer

February 12, 2007

George Aubrey
340 North Main Street
Butler, PA 16001

REF: SPECIAL SEWAGE STUDY

Dear Mr. Aubrey:

Center Township would like to thank you for submitting your comments regarding the Township's Special Sewage Study. Your comments will be added to the Special Sewage Study report, as required by the PaDEP. Center Township and its Engineer will recommend to the Butler Area Sewer Authority that they consider your solution when preparing the final Act 537 Plan Update.

Sincerely,


RONALD E. FLATT
Chairman

AA/jco

Appendix M: DEP Comments on Final SPECIAL SEWAGE STUDY



Pennsylvania Department of Environmental Protection

121 North Mill Street
New Castle, PA 16101

May 11, 2007

724-656-3160

Fax: 724-656-3267

New Castle District Office

Center Township Supervisors
419 Sunset Drive
Butler, PA 16001

Re: Official Plan Revision Special Study

Gentlemen:

The Department of Environmental Protection has completed a review of Center Township's Official Plan revision Special Study. The Special Study was required to be completed by all municipalities tributary to the Butler Area Sewer Authority (BASA). This Special Study will be utilized by BASA in completing an Official Plan Update Revision on behalf of all of the tributary municipalities. The following items need to be addressed:

1. The plan presents extensive information regarding the projected population growth and potentially developable areas. However, there is no evaluation of the potential to sewer existing homes. Many of the necessary sewer extensions to reach the projected growth areas will traverse already developed, but unsewered areas. The approximate number and locations of potential Butler Area Sewer Authority (BASA) customers existing in Center Township should be discussed. Enclosed is a map identifying five areas that may need to be evaluated.
2. The projected growth information presented in Appendix E: EDU Analysis per Watershed does not wholly correspond to the future development maps on pages three and forty-seven taken from the township's Comprehensive Plan. There are several areas identified in the Appendix as growth areas with EDU projections (W05, W14, W30, W32, W35, N09) that are not plotted on the future development maps. It may be a good idea to create a map similar to the "Future Development" map provided with the EDU projection data. This type of map would clearly show the areas with expected growth.
3. The extensive population growth information provided appears to be somewhat conflicting. Discuss and evaluate discrepancies between the growth projections of the Comprehensive Plan, the Southwestern Pennsylvania Commission and those of the Traffic Analysis Zones with EDU's.

Department representatives will be available at the Butler Township building on Wednesday May 30th to meet with you or your consultant to discuss any additional information that is required in this letter. We will be meeting with each municipality separately and ask that you contact us to schedule an appointment time between 8:30 am and 3:00 pm. We recommend that you hold any questions and bring them with you to the meeting. Please contact the reviewer of your special study at the above listed number. This meeting is not mandatory, however, it would be beneficial to each municipality to help expedite any necessary revisions and reduce any potential delays.



() Center Township Supervisors

-2-

May 11, 2007

Please contact me if you have any questions on this matter.

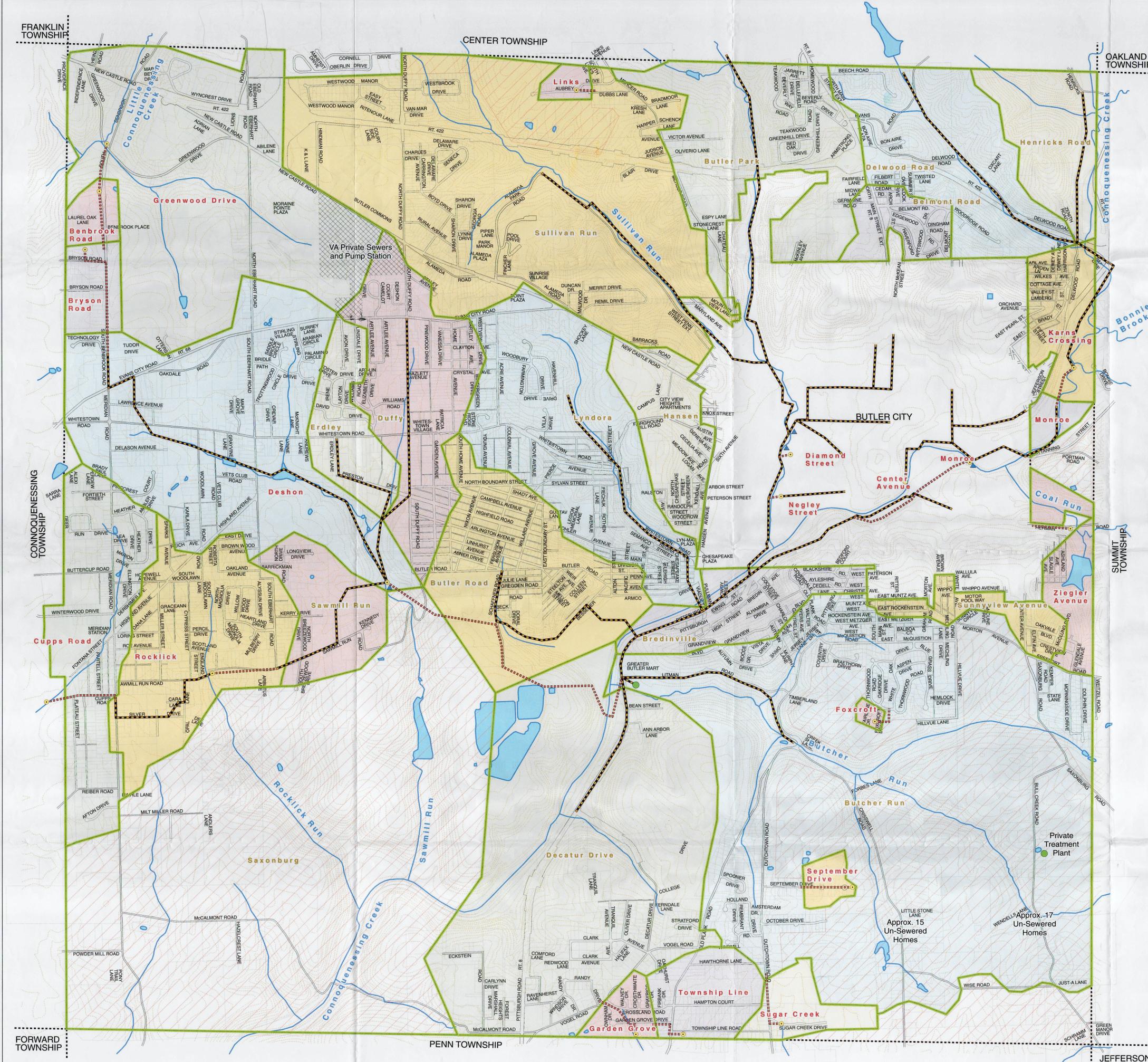
Sincerely,



Tomisa Schneider
Sewage Planning Specialist
Water Management

cc: BASA
BCPC
Olsen and Associates/Jeremy Olsen
Gilson/Zimmerman/Selby/Hall/File

TS:dmp



Watershed Summary

WATERSHED	TOTAL ACRES	TRIBUTARY	PUMP STA. GPD	5 YEAR GROWTH	10 YEAR GROWTH	20 YEAR GROWTH	20+ YEAR GROWTH
Belmont Road	99.3	City of Butler		1	1	1	0
Benbrook Road	46.8	Bryson Road	288,000	2	2	2	0
Bredinville	192.3	Treatment Plant		1	1	1	0
Bryson Road	78.3	Deshon	288,000	2	2	2	0
Butcher Run	2178.9	Treatment Plant		105	105	210	2070
Butler Park	483.3	City of Butler		1	10	20	20
Butler Road	481.7	Bredinville		2	10	40	0
Cupps Road	386	Rocklick	576,000	5	5	5	0
Decatur Drive	1206.1	Treatment Plant		20	40	60	0
Delwood Road	399	Karns Crossing		0	10	15	35
Deshon	884.2	Treatment Plant	2,016,000	90	25	20	5
Duffy	387.1	Deshon		20	20	2	0
Erdley	156	Deshon		1	1	1	0
Foxcroft	8.6	Butcher Run	23,040	0	0	0	0
Garden Grove	50.4	Decatur Drive	184,320	1	1	1	0
Greenwood Drive	943.3	Benbrook Road	288,000	2	12	32	0
Hansen	180.6	City of Butler		5	5	5	0
Henricks Road	209.1	Karns Crossing		5	5	5	20
Karns Crossing	142.1	Monroe	2,073,600	58	5	5	0
Lyndora	24.6	Sullivan Run	2,450	0	0	5	0
Monroe	591.8	Bredinville		5	5	5	0
Rocklick	33.3	City of Butler	2,592,000	1	1	1	0
Rocklick Run	443.4	Sawmill Run	892,800	5	5	5	0
Sawmill Run	185.7	Deshon		2	2	2	0
September Drive	33.1	Butcher Run	43,200	0	0	0	0
Sugar Creek	89.5	Butcher Run	46,080	0	0	0	0
Sullivan Run	1343.6	City of Butler		84	65	46	433
Sunnyview Avenue	89.5	City of Butler		5	5	5	20
Township Line	135.5	Garden Grove	86,400	1	1	1	0
Ziegler Avenue	121.4	City of Butler	86,400	0	0	0	0
Saxonburg	2080.7			100	573	405	811

- Legend**
- Sewer Structures**
 - Pump Station
 - Sanitary Sewer Overflow
 - Treatment Plant
 - Sewer Lines**
 - Interceptor
 - Force Main
 - Sewersheds
 - Not Sewered
 - Butler Township Line
 - Named BASA Watershed** (Red)
 - Butler Township Watershed** (Brown)

Butler Township Act 537 Special Study Watershed Map



Scale: 1" = 900'
 Date: October 9, 2006
 Revised: February 2007
 Job Number: C-25452-0001

FRANKLIN TOWNSHIP

CENTER TOWNSHIP

OAKLAND TOWNSHIP



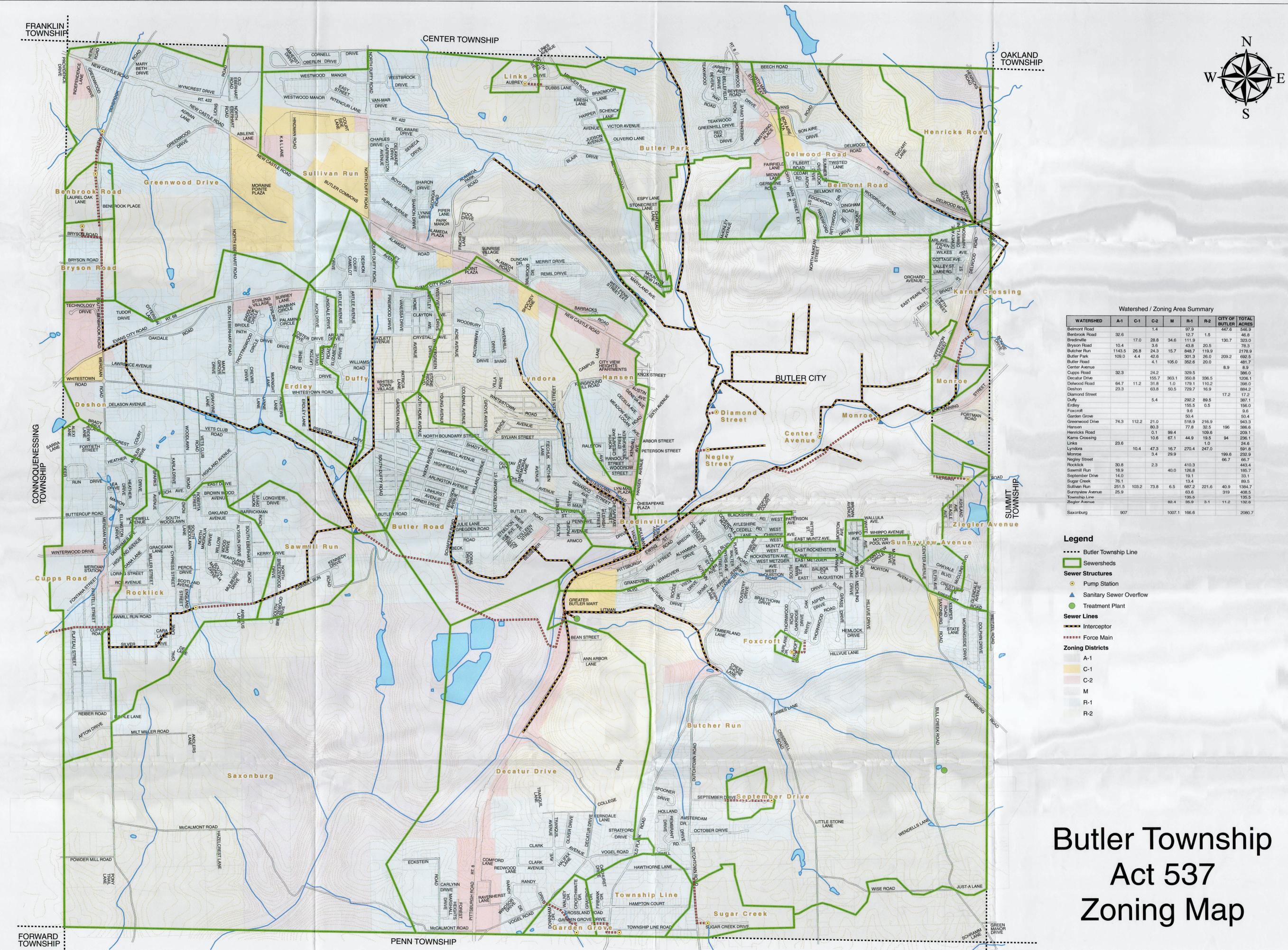
CONNOQUENESS TOWNSHIP

SUMMIT TOWNSHIP

FORWARD TOWNSHIP

PENN TOWNSHIP

JEFFERSON TOWNSHIP



Watershed / Zoning Area Summary

WATERSHED	A-1	C-1	C-2	M	R-1	R-2	CITY OF BUTLER	TOTAL ACRES
Belmont Road			1.4		57.9		447.6	546.9
Benbrook Road	32.6				12.7	1.5		46.8
Bredenville		17.0	28.8	34.6	111.9		130.7	323.0
Bryson Road	10.4		3.6		43.8	20.5		78.3
Butcher Run	1148.5	26.8	24.3	15.7	848.7	118.9		2174.9
Butler Park	109.0	4.4	42.6		301.3	26.0	209.2	692.5
Butler Road			4.1	105.0	352.6	20.0		481.7
Center Avenue	32.3		24.2	329.5			8.9	396.0
Cupps Road			155.7	363.1	350.8	336.5		1206.1
Decatur Drive	64.7	11.2	31.8	1.0	179.1	110.2		366.0
Delwood Road			63.8	50.5	729.7	16.9		864.2
Deshon							17.2	17.2
Duffy			5.4		292.2	89.5		387.1
Erdley					155.5	0.5		156.0
Foxcroft							9.6	9.6
Garden Grove					50.4			50.4
Greenwood Drive	74.3	112.2	21.0		518.9	216.9		943.3
Hansen			80.3		77.8	32.5	196	386.6
Henricks Road			0.1	99.4		109.6		209.1
Karns Crossing			10.6	67.1	44.9	19.5	94	236.1
Links	23.6		47.3	16.7	270.4	247.0		591.8
Lyndora		10.4					199.6	232.9
Monroe			3.4	29.9			66.7	100.0
Negley Street					410.3			410.3
Rocklick	30.8							30.8
Sawmill Run	16.9		2.3		40.0	126.8		185.7
September Drive	14.0					19.1		33.1
Sugar Creek			76.1			13.4		89.5
Sullivan Run	251.5	103.2	73.8	6.5	687.2	221.6	40.9	1384.7
Sunnyview Avenue							319	408.5
Township Line	25.9						136.5	162.4
Ziegler Avenue						3.1	11.2	14.3
Saxonburg	907			1007.1	166.6			2080.7

Legend

- Butler Township Line
- Sewer Sheds
- Sewer Structures
 - Pump Station
 - Sanitary Sewer Overflow
 - Treatment Plant
- Sewer Lines
 - Interceptor
 - Force Main
- Zoning Districts
 - A-1
 - C-1
 - C-2
 - M
 - R-1
 - R-2

Butler Township Act 537 Zoning Map

