

AMENDED APPENDIX A-22-B

CITY OF BUTLER ACT 537 PLAN



Pennsylvania Department of Environmental Protection

230 Chestnut Street
Meadville, PA 16335-3481

AUG 10 2007

RECEIVED

AUG 13 2007

BASA

814-332-6942

Fax: 814-332-6121

Northwest Regional Office

Mr. Robert Brehm, City Clerk
City of Butler
140 West North Street
Butler, PA 16001

Re: City of Butler Act 537 Sewage Facilities
Special Study
City of Butler, Butler County

Dear Mr. Brehm:

The Department of Environmental Protection hereby **approves** the document entitled "City of Butler Act 537 Sewage Facilities Special Study." The Special Study is dated February 2007 with revisions submitted in July 2007, and was prepared by Gateway Gray-Warnick on behalf of the City of Butler. The Special Study was prepared to assist the Butler Area Sewer Authority (BASA) estimate the future sewage needs of all the tributary municipalities. BASA has been tasked with preparation of a plan to eliminate wet weather overflows as well as assuring adequate capacity for future growth in surrounding communities.

The cost to prepare this special study was estimated at \$19,715.00 in the Task and Activity Report (TAR). The TAR was approved on June 27, 2007. Section 6 of the Pennsylvania Sewage Facilities Act provides for reimbursement to municipalities for the cost of preparing an Official Sewage Plan Update Revision, including Special Studies. This grant is limited to 50 percent of the eligible planning costs. With the approval of this Special Study the City of Butler may apply for the grant. Payment is subject to adequate state budget appropriations for the Act 537 Program. An application for this planning assistance is enclosed for your use.

If you should have any questions on this matter, please contact Cynthia Selby in this office at 814-332-6942.

Sincerely,

Ricardo F. Gilson
Regional Manager
Water Management

Enclosure

cc: Mr. Bryan W. Flaugh, P.E.
Mr. John Schon, P.E.
Mr. David Johnston
Ms. Tomisa Schneider
Mr. Michael Zimmerman/Ms. Cynthia Selby/file



**Amended Appendix A-22-b
BUTLER AREA SEWER AUTHORITY**

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

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ASSISTANT MANAGER

JAMES W. TOMAZICH, P.E.
AUTHORITY ENGINEER

CHESTER ENGINEERS
CONSULTING ENGINEERS

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

COPY

September 7, 2007

Mayor Margaret D. Stock
City of Butler
140 West North Street
Butler, PA 16001

Dear Mayor Stock:

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

On August 10, 2007, the Department of Environmental Protection (DEP) issued a letter to the City of Butler approving the "City of Butler Act 537 Sewage Facilities Special Study", dated February 2007 with revisions submitted in July 2007, which was prepared by Gateway Gray-Warnick on behalf of the City of Butler. The Authority received a copy of the Special Study dated February 2007, but we have not received the referenced revisions submitted to the DEP in July 2007.

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

Please submit a complete copy of the DEP-approved "City of Butler Act 537 Sewage Facilities Special Study", dated February 2007 with the revisions submitted to DEP in July 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: Compliance & Monitoring Manager, PA DEP Meadville
Robert Brehm, City Clerk
Bryan Flaugh, Gateway Gray-Warnick



Amended Appendix A-22-b GATEWAY

GRAY-WARNICK
On Call. On Time. On Target.

THE GATEWAY ENGINEERS, INC.

201 SOUTH MAIN STREET
SUITE 200
BUTLER, PA 16001

724 287 1055 PHONE
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www.gatewayengineers.com

LETTER OF TRANSMITTAL

September 13, 2007
C-38018

Butler Area Sewage Authority
100 Litman Road
Butler, PA 16001

RECEIVED

SEP 14 2007

BASA

ATTN: John Schon, P.E.

RE: City of Butler – Act 537 Special Study

Dear Mr. Schon:

As per your request, please find enclosed the following items:

COPIES	DESCRIPTION
1	Copy of Final Act 537 Special Study for the City of Butler

The enclosed documents are being transmitted for your use. Please feel free to contact our office if you have any questions or comments.

Sincerely,
THE GATEWAY ENGINEERS, INC.

for Bryan W. Flaugh, P.E.
Engineer

Cc: John Evans, City of Butler



Pennsylvania Department of Environmental Protection

230 Chestnut Street
Meadville, PA 16335-3481

AUG 10 2007

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BASA

814-332-6942

Fax: 814-332-6121

Northwest Regional Office

Mr. Robert Brehm, City Clerk
City of Butler
140 West North Street
Butler, PA 16001

Re: **City of Butler Act 537 Sewage Facilities
Special Study**
City of Butler, Butler County

Dear Mr. Brehm:

The Department of Environmental Protection hereby **approves** the document entitled "City of Butler Act 537 Sewage Facilities Special Study." The Special Study is dated February 2007 with revisions submitted in July 2007, and was prepared by Gateway Gray-Warnick on behalf of the City of Butler. The Special Study was prepared to assist the Butler Area Sewer Authority (BASA) estimate the future sewage needs of all the tributary municipalities. BASA has been tasked with preparation of a plan to eliminate wet weather overflows as well as assuring adequate capacity for future growth in surrounding communities.

The cost to prepare this special study was estimated at \$19,715.00 in the Task and Activity Report (TAR). The TAR was approved on June 27, 2007. Section 6 of the Pennsylvania Sewage Facilities Act provides for reimbursement to municipalities for the cost of preparing an Official Sewage Plan Update Revision, including Special Studies. This grant is limited to 50 percent of the eligible planning costs. With the approval of this Special Study the City of Butler may apply for the grant. Payment is subject to adequate state budget appropriations for the Act 537 Program. An application for this planning assistance is enclose for your use.

If you should have any questions on this matter, please contact Cynthia Selby in this office at 814-332-6942.

Sincerely,

Ricardo F. Gilson
Regional Manager
Water Management

Enclosure

- cc: Mr. Bryan W. Flaugh, P.E.
- Mr. John Schon, P.E.
- Mr. David Johnston
- Ms. Tomisa Schmeider
- Mr. Michael Zimmerman/Ms. Cynthia Selby/file



**CITY OF BUTLER
ACT 537 SEWAGE FACILITIES
SPECIAL STUDY**

FOR

THE BASA SERVICE AREA

SITUATE IN

**THE CITY OF BUTLER
BUTLER COUNTY, PA**

PROJECT # 38018

*FEBRUARY 15, 2007 ✓
REVISED: JUNE 18, 2007*

PREPARED BY:

**RECEIVED
SEP 14 2007
BASA**



GATEWAY

GRAY-WARNICK

On Call. On Time. On Target.

*201 SOUTH MAIN STREET, SUITE 200
BUTLER, PA 16001
PHONE: (724) 287-1055
FAX: (724) 287-1104*

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FIGURES

- FIGURE 1 – CITY OF BUTLER SANITARY SEWER SHED MAP
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Amended Appendix A-22-b

City of Butler
Act 537 Special Study

Revised June 18, 2007

CITY OF BUTLER ACT 537 SPECIAL STUDY

BACKGROUND INFORMATION

In 1974, the Water Pollution Control Agreement for Central Butler County was executed designating the Butler Area Sewer Authority (BASA) as the entity responsible for the maintenance and operation of the public sanitary sewer system in the City of Butler. The sanitary sewer system within the City of Butler is a separate system, meaning the sanitary sewers are not combined with the storm sewer system.

This Act 537 Special Study plan has been prepared at the request of the Pennsylvania Department of Environmental Protection (PA DEP) and in conformance with the Task Activity Report (TAR) submitted May 30, 2006 and approved by DEP on June 28, 2006 (Appendix A). As a result of sanitary overflows and overloading at the wastewater treatment plant (WWTP), the Butler Area Sewer Authority (BASA) entered into a Consent Order and Agreement (COA) with the PA DEP on February 20, 2001 in an effort to correct the existing deficiencies within their system by following a Corrective Action Plan (CAP). The primary elements of the approved CAP plan called for the systematic evaluation of the existing sewer system infrastructure, flow monitoring, infiltration and inflow (I & D) studies, elimination of extraneous water from the system through rehabilitation projects, private lateral investigation/ rehabilitation, etc. From the time of the execution of the first COA until the present date, it is the City's understanding that the BASA has followed the approved CAP and made progress in minimizing overflows and overloads. However, isolated overflows and overloads still persist which violates the February 20, 2001 COA.

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

This study provides BASA with quantitative planning information that can be used in the design of interceptor sewers, pump stations, treatment plant(s), expansions, etc. necessary to accommodate the flow of the City of Butler for the next 30 years.

PART 2 ADMINISTRATIVE COMPLETENESS CHECKLIST

- 2A The existing and proposed service areas encompassed within this study were easily delineated based upon the location of existing BASA facilities. This plan's study area can loosely be described as the area consisting solely of lands within the City of Butler tributary to the existing BASA facilities as shown on Figure 1 – City of Butler Sanitary Sewer Shed Map.

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II. PHYSICAL AND DEMOGRAPHIC ANALYSIS

- A. The City's BASA service area can be described as the area consisting solely of lands within the boundary of the City of Butler as shown on Figure 1. The City of Butler is located in the central portion of Butler County and is entirely surrounded by Butler Township. As of the 2000 Census, the City has a population of 15,121 people. The City has a total land area of approximately 1805 acres. Although the Butler County population has shown a steady increase since 1940, the City has seen a steady decline in population during the same time period.

The City has a zoning ordinance with the following classifications:

C-1	General Business
C-2	Central Business
M-1	Light Industrial
M-2	Heavy Industrial
R-0	Residential - Office
R-1	Low Density Residential
R-2	Medium Density Residential
R-3	High Density Residential

A zoning map of the study area is included as Figure 2 which also shows streets, roads, parcels and watercourses.

- B. The City of Butler lies in three major watersheds, the Sullivan Run in the northwest portion of the City, Coal Run in the southeast portion of the City and the majority of the City is located within the Connoquenessing Creek watershed. Coal Run and Sullivan Run Watersheds both drain to the Connoquenessing Creek Watershed. Essentially, all surface water in the City drains to the Connoquenessing Creek. Figure 1 Shows all physical characteristics including streams, lakes, and contours, as well as the sewer sheds and the BASA sewer lines and manholes.

III. EXISTING SEWAGE FACILITIES IN THE PLANNING AREA - IDENTIFYING THE EXISTING NEEDS

- A.1. The BASA owns, operates, and maintains the public sanitary sewer system within City limits. Much of the sewage from the surrounding municipalities enters and is conveyed through the City. The current WWTP has a design and permitted average daily flow capacity of 10.0 mgd and a rated maximum flow capacity of 25.0 mgd. The treatment facility has a permitted organic loading capacity of 12,750 lbs BOD₅/day. The WWTP discharges to the Connoquenessing Creek. The total BASA collection system is comprised of over 300 miles of collection and interceptor sewers ranging in size from 4-inches to 48-inches in diameter and 22 sewerage pumping stations.

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

There are three SSO's located within City limits. One is located at the Monroe Street pump station (Outfall No. 003). The other two SSO's are located along the Sullivan Run interceptor. They are the General Tire Overflow (Outfall No. 009) and the Ballpark Overflow (Outfall No. 010). The General Tire and Ballpark Overflows are the 2 most active SSO's in BASA's system and they include sewage from Butler Township and Center Township in addition to the City of Butler.

Five pump stations are physically located within the City of Butler as listed below along with their design capacity:

Pump Station Label (See Exhibit 1)	Design Capacity (GPD)
Diamond Street	57,600
Monroe*	2,592,000
Negley Street	241,920
Center Avenue	172,100
Ziegler Avenue	86,400

* SSO to Connoquenessing Creek

The Diamond Street Pump Station, Negley Pump Station, Center Avenue Pump Station, and Ziegler Pump Station have emergency overflow pipes to prevent property damage in the event of a pump station failure. However, none of these four SSO's has been active since 2001.

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

It is critical that any new sewers / facilities proposed to be installed are watertight to prevent infiltration and inflow into the system. Also, the residences to be connected into the system should be under strict inspection of building drains and building sewers to ensure that a watertight connection has been made and that all the illegal connections have been removed from the sewer line. Any increase in the average daily flow over 400 gallons per day per EDU would significantly impact the capacity of the BASA system.

- A.3 The underlying reason for the development of this report has been to project future growth such that the existing SSOs can be eliminated and facilities can be designed for the future. However, it should be mentioned that the existing BASA system (sewers, pump stations, and treatment plant) have adequate capacity to accommodate the normal average and peak, dry-weather sanitary sewage flows which they are subjected.

A preliminary study by BASA indicates that the existing interceptor and treatment facilities have sufficient capacity to handle the projected average and peak, dry-weather sanitary sewage flows from the existing service area through the year 2025, based on current zoning and historic growth rates. However, due to persistent I & I issues within

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the system, during wet weather periods, it is readily apparent that the existing system is not adequate to handle the deluge of flow during these times to eliminate the SSOs. In fact, if the present system were required to handle the flow during wet weather periods a treatment plant capable of treating 69.2 mgd (as presented in a BASA report) would be required, which is unrealistic. The more favorable, and feasible, alternative is to seek out the elimination of I & I within the system such that the WWTP is not treating rain water during wet weather events.

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

In summary, the existing BASA system is capable of collecting, conveying, and treating the average and peak, dry-weather sanitary sewage flows; however, during wet weather periods SSOs occur as a result of I & I into the system. The long term solutions for the BASA system should include rehabilitation of private laterals as well as the upgrade of existing public sewer system to handle some component of I & I due to the reality that all I & I will never be removed from the system.

IV. FUTURE GROWTH AND LAND DEVELOPMENT

- B.3. The population of the City of Butler has shown a steady decline since 1940. According to the census data, the City of Butler had 24,477 residents in 1940 and has approximately 15,121 residents as of the 2000 census (See Appendix D). For the most part, the property in the City is developed to full capacity. The only major increases in EDU's will come from redevelopment projects. Therefore, only a minimal increase in EDU's was estimated for some portions of the City along with the EDU estimates for the proposed future development projects. There is no anticipation that the City EDU's will reach the 1940 amount within the next 50 years.

Minimal growth estimates were based on the number of new EDU's applied for in the City over the last five years (2001-2005) according to BASA's records. The total number of EDU's applied for during that period was 295 with 259 of those coming from the new county jail project that is currently under construction. Because the jail is considered to be a large non-typical project, that number was subtracted from the total amount leaving 36 new EDU's in the City over the last five years. In order to estimate the minimal growth, a rate of EDU's per acre was derived for the City to be approximately 0.021 EDU/acre. During a meeting with the City Zoning Officer, John Evans, certain sewer sheds were delineated as either showing no growth at all or minimal growth. The future EDU's for the sewer sheds that were delineated as showing minimal growth were calculated by multiplying the sewer shed acreage by the 0.020 EDU/acre growth described above.

Growth projections were calculated for 5, 10, and 30 year periods using the above mentioned minimal growth calculation and the estimates for the known future development projects that are projected to take place in the City. Appendix E shows a summary for each sewer shed and their anticipated EDU's. The following are future growth projections for each sewer shed:

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Butler Park

The Butler Park Sewer Shed is located in the northwest portion of the City and is mostly zoned R-1, with a small part of the southern portion being zoned R-2. There are some open areas in this sewer shed therefore it is projected to have a slight growth/redevelopment of 5 EDU's every five years.

Downtown

The Downtown sewer shed is located in the north central to central portion of the City. It is the largest of the sewer sheds at 448 acres and is zoned R-0, R-1, R-2, R-3 and C-2. This area shows the most increase in sewage flows over the first five years due to the construction of the new county jail at 259 EDU's and the proposed retail shops at 6 EDU's. Because it is such a large area, there is also a projection of a net 9 EDU increase per five years for growth/redevelopment. This adds a total of 266 EDU's above the current usage in the next five year period and 319 EDU's over a 30 year period.

Karns Crossing

The Karns Crossing sewer shed is located in the northeastern quadrant of the City. It is approximately 94 acres and is primarily zoned R-1 and R-2. A minor increase from growth/redevelopment is projected for this area with a net 2 EDU increase every five years.

Alameda

The Alameda sewer shed is located in the northwestern section of the City. It is approximately 108 acres in size and is zoned R-1. Because this area is developed to capacity, there is no net increase projected for the Alameda sewer shed.

Hansen

The Hansen sewer shed is located at the western portion of the City limits bordering Butler Township. It is approximately 240 acres and has a wide array of zoning districts including C-1, C-2, M-1, M-2 and R-2. This sewer shed also includes the General Tire Overflow Outfall No. 009 and the Ball Park Overflow Outfall No. 010. There are a few redevelopment projects that are projected to take place in this area within the next five years. The Pullman Business Park Expansion will require 35 EDU's, the Pullman Ballpark project will require 114 EDU's (previous estimates provided for 87.5 EDU's not including any restaurants, therefore an additional 3 gpd/person were accounted for totaling 114 EDU's) and a 30,000 sq. ft. office complex will require 8 EDU's. Along with a slight increase due to growth/redevelopment every five years, the projected net increase in EDU's for this area is 162 within a five year period to 187 over a thirty year period.

North Island

The North Island sewer shed is a small area located near the center of the City. It is approximately 17 acres in size and is primarily zoned R-2. This sewer shed includes a 57,600 gpd pump station (Diamond Street). Because this area is already developed to capacity, there is no net increase projected for the North Island area.

Monroe

The Monroe sewer shed is a 200 acre area located in the western central portion of the City of Butler. It contains an array of zoning districts including M-1, M-2, R-2 and C-1. There is a 2,592,000 gpd sewage lift station in this sewer shed that has been known to overflow into the Connoquenessing Creek during wet weather periods (Outfall No. 003). The Center City Development project will be located in this sewer shed. This development will

Amended Appendix A-22-b

include a hotel and conference center, parking garage, residential apartments and some commercial space. This development is in the preliminary stages so only building footprints and other basic information was available. EDU's have been estimated at 135. The estimates for this development can be found in Appendix F. Because this development is in preliminary stages, it is anticipated that construction will be completed in the 10 year time frame. In addition, the Main Street area is planned for revitalization. This will reinstate some of the EDU usage in this area. There are also two vacant properties along East Cunningham Street that are Zoned M-1 and are 2.07 acres and 1.1 acres in size respectively. Using an estimated building size and parking area in compliance with the City Zoning Ordinance, along with the DEP estimate of 35 gpd/employee for factories and plants, an estimate of 32 EDU's and 17 EDU's were calculated for these properties. These EDU's are projected at the 20 year and 30 year growth period. A slight increase in growth/redevelopment is also anticipated for this district at a rate of 4 EDU's every five years. This results in an EDU increase of 208 EDU's over a 30 year period.

South Island

The South Island sewer shed is located in the south central section of the City. It has an area of approximately 67 acres and is zoned M-1, R-2 and C-2. The South Island sewer shed contains a 241,000 gpd sewage lift station. The Butler County Redevelopment Authority has proposed a 20,000 sq. ft. community center in this area that is estimated to require 4 EDU's. A slight increase due to redevelopment is expected in this area at a rate of 2 EDU's every five years. There may also be some duplex homes that will be converted into single family homes that would offset any substantial growth. Also, there are two large properties near Brice St. and Negley Avenue that are zoned M-1. One property is 1.48 acres in size, while the other is 9.72 acres in size. Using an estimated building size and parking area in compliance with the City Zoning Ordinance, along with the DEP estimate of 35 gpd/employee for factories and plants, an estimate of 23 EDU's and 148 EDU's were calculated for these properties. These EDU's are projected at the 20 year and 30 year growth period. This results in an EDU increase of 187 EDU's over a 30 year period.

Center Avenue

The Center Avenue sewer shed is located near the center of the City and is the smallest sewer shed in the City at 9 acres. The area is zoned as C-2 and M-2. There is a 172,100 gpd sewage lift station in the Center Avenue sewer shed. There is some potential for redevelopment in this area; therefore a slight increase of 1 EDU every five years is anticipated.

Bredinville

The Bredinville sewer shed is 131 acres in size and is located at the southwestern portion of the City. It is zoned R-1, R-2, C-2 and M-2. There is some potential for redevelopment of industrial sites in this area; therefore a slight increase of 2 EDU's every five years is anticipated.

Brown Avenue

The Brown Avenue sewer shed is located in the southern section of the City. It is approximately 318.96 acres in size and is zoned R-1, R-2, R-3, and C-1. There is one vacant property approximately 1.63 acres in size and is zoned R-2. Using the density required by the City Zoning Ordinance, it is estimated that 9 residential properties could be built on this vacant ground. These 9 EDU's are projected over the 10, 20 and 30 year

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City of Butler
Act 537 Special Study

Revised June 18, 2007

growth periods. The rest of the area is developed to capacity and therefore no increase in growth/redevelopment is projected.

Zeigler Avenue

The Zeigler Avenue sewer shed is located in the southeastern corner of the City. It is only 11.16 acres in size and is zoned R-2 and M-1. This area is developed to capacity and therefore no net increase in growth/redevelopment is projected.

Please note that these sewer projections are based on an EDU equaling 400 gpd. These estimates are based on known projects that are either currently under construction or in the planning stages and a slight net increase of growth/redevelopment in certain sewer sheds.

Summary & Conclusions

As documented within this report, the existing BASA system suffers from excessive I & I during wet weather events which lead to SSOs. To "eliminate" future SSOs, further I & I reduction should be pursued as well as the design of structural improvements to accommodate some portion of the I & I due to the fact that its complete elimination is unrealistic. While designing the larger facilities, BASA must take into consideration the future growth/redevelopment within the City of Butler as presented within Appendix D. In general, approximately 32 new EDUs are anticipated per year largely based on the redevelopment projects that are currently anticipated. Although many of the system overflows and capacity problems occur in the City, much of the cause can be attributed to flows resulting from outside of the City of Butler.

APPENDIX A:
TASK ACTIVITY REPORT



Amended Appendix A-22-b

Pennsylvania Department of Environmental Protection

121 North Mill Street
New Castle, PA 16101
June 27, 2007

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

New Castle District Office

City of Butler
Robert Brehm
140 West North Street
Butler PA 16001

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

Dear Mr. Brehm:

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

This Special Study, along with those being prepared by the other municipalities that 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 \$19,715. 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: Joseph Gray/Gateway Engineers
Butler County Planning Commission
BASA
NWRO: Cynthia Selby/File/Sewage/General
Tomisa Schneider

RECEIVED
JUN 28 2007

BY: *rb*

TS:emr





GATEWAY

On Call. On Time. On Target.

201 SOUTH MAIN STREET
SUITE 200
BUTLER, PA 16001

724 287 1055 PHONE
724 287 1104 FAX

www.gatewayengineers.com

June 21, 2007
C-38018

Pennsylvania Department of Environmental Protection
(Attn: Tomisa Schneider)
121 North Mill Street
New Castle, PA 16101

VIA: Mayor, City of Butler

**RE: City of Butler Act 537 Special Study
Revised Task Activity Report**

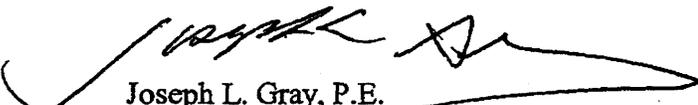
Dear Ms. Schneider:

As per our discussion at the meeting with Cindy Selby and yourself on May 30, 2007, enclosed is the revised Task Activity Report (TAR) for the City of Butler Act 537 Special Study for your review and approval. The original TAR was based on the fax from William Crawford of the PADEP dated April 20, 2006. Through the process of completing the report, additional work that had not been originally anticipated was completed. Some of these additional tasks included advertisement, comments and response from BASA review, meeting with DEP, etc.

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

Sincerely,

THE GATEWAY ENGINEERS, INC.



Joseph L. Gray, P.E.
City Engineer

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Amended Appendix A-22-b

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

TASK/ACTIVITY REPORT

City of Butler
 Municipality

Butler
 County

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

Date Completed plan will be submitted to DEP 120 Days from the Date of the CO&A

Estimated Cost of Plan \$19,715

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

Sheet 1 of 1

TASK ACTIVITY NUMBER FROM APPENDIX I	PRINCIPAL		PROJECT ENG.		SR. ENG.		ENGINEER		PLANNER		DRAFTSMAN		CLERICAL		LEGAL		SUB TOTAL
	HR/ RATE	\$100	HR/ RATE	\$73	HR/ RATE	\$83	HR/ RATE		HR/ RATE	\$73	HR/ RATE	\$41	HR/ RATE	\$41	HR/ RATE		
	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	
II.A	8	\$800	20	\$1,460	8	\$664			8	\$584	24	\$984	5	\$205			\$4,697
II.B	8	\$800	20	\$1,460	4	\$332			20	\$1,460	36	\$1,476	5	\$205			\$5,733
III.A.1	6	\$600	14	\$1,022	6	\$498			4	\$292	18	\$738	5	\$205			\$3,355
IV.B.3	9	\$900	16	\$1,168	4	\$332			2	\$146	4	\$164	5	\$205			\$2,915
IV.B.5	10	\$1,000	16	\$1,168	4	\$332			2	\$146	4	\$164	5	\$205			\$3,015
Total	41	\$4,100	86	\$6,278	26	\$2,168			36	\$2,628	86	\$3,526	25	\$1,025			\$19,715

Joseph L. Gray, P.E.
 Name of Person Completing Report

Signature

City Engineer
 Title

Municipal Secretary Signature

Amended Appendix A-22-b



Pennsylvania Department of Environmental Protection

~~121 North Mill Street~~

New Castle, PA 16101

June 28, 2006

724-656-3160

Fax: 724-656-3267

New Castle District Office

City of Butler
Robert Brehm
140 West North Street
Butler PA 16001

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

Dear Mr. Brehm:

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

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 \$15,198. Under Act 537, the Department is able to reimburse up to 50% of the municipality's eligible costs of preparing and submitting an Official Sewage Plan Update Revision or Special Study. Once the Special Study has been submitted, reviewed and approved by the Department, an application will be provided for you to request this planning grant.

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

Sincerely,

Tomisa Schneider
Sewage Planning Specialist
Water Management

cc: Gateway Engineers/Joseph Gray
Butler Co. Planning Commission
BASA
RO: W.Crawford
File

TS:emr

RECEIVED JUN 29 2006





GATEWAY

GRAY-WARNICK
On Call. On Time. On Target.

Amended Appendix A-22-b

THE GATEWAY ENGINEERS, INC.

201 SOUTH MAIN STREET
SUITE 200
BUTLER, PA 16001
724.287.1055 PHONE
724.287.1104 FAX

www.gatewayengineers.com

June 14, 2006
C-38018

Pennsylvania Department of Environmental Protection
230 Chestnut Street
Meadville, PA 16335-3481

Attn: William Crawford

RE: Act 537 Special Study
Task Activity Report

Dear Mr. Crawford:

Please find attached, the Task Activity Report (TAR) for the Act 537 Special Study of the BASA sewer system within the limits of the City of Butler. The TAR is based on the specific areas that were outlined in your fax dated April 20, 2006. Please note that as per the meeting held at the Butler Township Building on May 8, 2006, we are not required to analyze the existing capacity of the BASA system components. We have reviewed the standard DEP Act 537 Plan Content and Environmental Assessment Checklist, and have determined that the tasks requested by DEP fit best under the following items:

- Section II A – Physical and Demographic Analysis – Identification of planning areas, municipal boundaries, sewer authority service area boundaries
- Section II B – Physical and Demographic Analysis – Identification of physical characteristics (streams, lakes, impoundments, natural conveyance, channels, drainage basins in the planning area)
- Section III A(1) – Existing Sewage Facilities in the Planning Area – Location and size of existing sewer lines and facilities
- Section III A (3) – Existing Sewage Facilities in the Planning Area – A description of problems with existing facilities (Costs for task included with III.A.1 in TAR).
- Section IV B (3) – Future Growth and Land Development – Provide future growth areas with population and EDU projections.
- Section IV B (5) – Future Growth and Land Development – Provide sewage planning necessary for to provide adequate wastewater treatment for five, ten, twenty and thirty year future planning periods.



GATEWAY

On Call. On Time. On Target.

Amended Appendix A-22-b

May 30, 2006
Page 2 of 2
C-38018

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

Sincerely,

THE GATEWAY ENGINEERS, INC.

Joseph L. Gray, P.E.
City Engineer

Bryan W. Flaugh
Project Engineer

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Amended Appendix A-22-b

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

TASK/ACTIVITY REPORT

City of Butler
 Municipality

Butler
 County

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

Date Completed plan will be submitted to DEP 120 days from the date of the CO&A Estimated Cost of Plan \$15,198

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

TASK ACTIVITY NUMBER FROM APPENDIX I	PRINCIPAL		PROJECT ENG.		SR. ENG.		ENGINEER		PLANNER		DRAFTSMAN		CLERICAL		LEGAL		SUB TOTAL
	HR/ RATE	\$100	HR/ RATE	\$73	HR/ RATE	\$83	HR/ RATE		HR/ RATE	\$73	HR/ RATE	\$41	HR/ RATE	\$41	HR/ RATE		
	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	
II.A	8	\$800	12	\$876	8	\$664			8	\$584	24	\$984	4	\$164			\$4,072
II.B	8	\$800	12	\$876	4	\$332			20	\$1,460	36	\$1,476	4	\$164			\$5,108
III.A.1	4	\$400	6	\$438	6	\$498			4	\$292	16	\$656	2	\$82			\$2,366
IV.B.3	6	\$600	8	\$584	4	\$332			2	\$146	2	\$82	2	\$82			\$1,826
IV.B.5	6	\$600	8	\$584	4	\$332			2	\$146	2	\$82	2	\$82			\$1,826
Total	32	\$3,200	46	\$3,358	26	\$2,158			36	\$2,628	80	\$3,280	14	\$574			\$15,198

Joseph L. Gray, P.E.
 Name of Person Completing Report

Signature

City Engineer
 Title

Municipal Secretary Signature

Amended Appendix A-22-b

Analysis Design Approach:

The total 184.76-acre parcel will have a total of seven (7) detention ponds. Pond #1 will control the development within **Walnut Square**, Ponds 2-5 will control **Wilson's Ridge** stormwater with Pond #5 also controlling the townhomes within **Walnut Square**, and ponds 6-7 will control the **Hidden Acres** development. There is some minor overlapping of the projects and their relative watersheds.

This report will focus on pond #1 for the Walnut Square development.

The existing site consists of meadowlands, woods, and impervious roadway surface in class "B" and "C" hydrologic soil groups.

Detention pond #1 will be constructed on the commercial lot and will control the stormwater runoff from the commercial and quadraplex parcels and approximately 600 lf of the proposed Reibold Road re-alignment. The pond was analyzed by breaking up the pre-developed drainage area into post-development controlled and uncontrolled areas. Storm sewers, channels, and natural overland flow will direct the controlled runoff to pond #1. An inlet box with a two-stage orifice system will control the runoff within the pond. The orifices will be cut into a steel plate that will be placed over the "rough cut" hole in the inlet box. An emergency spillway was designed to handle the flow from a 100-year storm event assuming that all outlet structures are plugged. The 18" outlet pipe from the detention pond will release into a proposed storm sewer system along Reibold Road and discharge across SR 68 into an existing stream.

The proposed townhomes will be controlled with pond #5 in the Wilson's Ridge Plan. Please reference the Wilson's Ridge stormwater report dated November 18, 2004 for more information.

This report includes the storm sewer calculations for the Reibold Road improvements. These storm sewers have been sized using the 25-year storm. The proposed storm sewers will flow into an existing 18" tile pipe that becomes a 30" RCP prior to crossing SR 68. Calculations can be found in the appendix section of this report.

APPENDIX B:
HISTORICAL SSO DATA

Amended Appendix A-22-b

TABLE 6

**BUTLER AREA SEWER AUTHORITY
ESTIMATED 2005 AND PROJECTED 2007 PUMP STATION FLOWS**

PUMP STATION	YEAR BUILT	DESIGN CAPACITY		ESTIMATED AVERAGE 2005 DAILY FLOW (GPD)	ESTIMATED AVERAGE PERCENT UTILIZATION	PROJECTED AVERAGE 2007 DAILY FLOW (GPD)
		(GPM)	(GPD)			
Negley Avenue *	1977	420	241,920	108,600 *	44.9%	108,166
Center Avenue #	1963	300	172,800	77,600 #	44.9%	77,290
Diamond Street *	1975	100	57,600	19,100 *	33.2%	19,024
Zeigler Avenue *	1976	150	86,400	16,100 *	18.6%	16,036
Monroe Street *	1979-80	2,250 (2)	2,592,000	1,524,000 *	58.8%	1,517,904
Deshon *	1980	1,750 (2)	2,016,000	1,429,400 *	70.9%	1,423,682
Karns Crossing *	1979-80	1,800 (2)	2,073,600	635,800 *	30.7%	633,257
Garden Grove #	1972	320	184,320	75,600 #	41.0%	75,298
Township Line *	1999	90 (2)	86,400	41,900 *	48.5%	41,732
Northvue #	1979-80	280	161,280	7,340 #	4.6%	7,311
Fisher Heights *	1979-80	250	144,000	93,000 *#	64.6%	92,628
Brewster Road #	1979-80	600	345,600	190,000 #	55.0%	189,240
Brewster Booster #	1979-80	600	345,600	161,400 #	46.7%	160,754
Greenwood Drive *	1979-80	500	288,000	148,000 *#	51.4%	147,408
Benbrook Road #	1979-80	500	288,000	122,700 #	42.6%	122,209
Bryson Road *	1979-80	500	288,000	174,800 *	60.7%	174,101
Cupps Road *	1979-80	400 (1) 700 (2)	576,000	232,600 *	40.4%	231,670
Rock Lick *	1979-80	550 (1) 1,050 (2)	892,800	414,100 *	46.4%	412,444
Sugar Creek	2005	80	46,080	50 *	0.1%	50
September Drive **	1988	75	43,200	8,100 #	18.8%	8,068
Foxcroft **	2004	40	23,040	9,140 **	39.7%	9,103
Links ##	1991	30	2,450	1,400 ##	57.1%	1,750

* Based on actual flow metering data. *# Based on 2004 flow data & 2005 percent drop in operating hours.

Based on actual pump operating hours.

** Based on kilowatt hours due to lack of telemetering equipment.

Based on estimated flow from four existing service connections. (Only 5 possible future service connections)

Amended Appendix A-22-b

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

1999 MONTH	RAINFALL	GENERAL TIRE OVERFLOW OUTFALL NO. 009			BALL PARK OVERFLOW OUTFALL NO. 010			O'SHEA P. S. OVERFLOW OUTFALL NO. 015			MONROE ST. P. S. OVERFLOW OUTFALL NO. 008		
		DATE	DURATION (Hours)	VOLUME (Gallons)	DATE	DURATION (Hours)	VOLUME (Gallons)	DATE	DURATION (Hours)	VOLUME (Gallons)	DATE	DURATION (Hours)	VOLUME (Gallons)
JANUARY	0.74"	1/13/1999	4.00	108,493	1/13/1999	3.50	34,031						
JANUARY	1.73"	1/14-15/1999	4.25	108,443	1/14-15/1999	3.00	21,171						
JANUARY	0.88"	1/18-19/1999	26.75	3,357,547	1/18-19/1999	26.25	1,438,587	1/18/1999	12.50	810,107	1/18/1999	3.75	100,965
JANUARY	0.44"	1/22-24/1999	58.25	7,034,493	1/22-24/1999	57.50	3,112,859	1/22-24/1999	57.25	4,882,501			
FEBRUARY	1.14" in 6.0 hrs	2/28/1999	5.00	291,857	2/28/1999	4.25	127,971						
APRIL	2.73"	4/9-10/1999	15.75	937,791	4/9-10/1999	14.00	318,129	4/9/1999	1.50	28,504	4/9/1999	4.00	206,022
MAY	2.92" in 7.0 hrs	5/18-19/1999	3.00	192,403	5/18-19/1999	3.00	98,988						
JULY	1.75" in 2.0 hrs	7/2/1999	4.75	894,152	7/2/1999	4.50	301,520	7/2/1999	2.25	208,847	7/2/1999	1.00	19,660
JULY											07/09/1999*	1.00	56,158
NOVEMBER	2.87" in 16.5 hrs	11/2/1999	4.75	218,326	11/2/1999	4.75	108,382	11/2/1999	2.00	37,384			
DECEMBER	1.66" in 7.0 hrs	12/14/1999	5.50	209,900	12/14/1999	5.75	132,822	12/14/1999	2.75	222,552			
TOTAL		10 Events	132.00	13,353,404	10 Events	128.50	5,694,469	6 Events	78.25	6,189,897	4 Events	9.75	382,805
AVERAGE PER EVENT		---	13.20	1,335,340	---	12.85	569,447	---	13.04	1,031,649	---	2.44	95,701

* Caused by mechanical failure of pump control system.

Amended Appendix A-22-b

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

2000 MONTH	RAINFALL	GENERAL TIRE OVERFLOW OUTFALL NO. 002			BALL PARK OVERFLOW OUTFALL NO. 001			DESHON P.S. OVERFLOW OUTFALL NO. 015			MONROE ST. P.S. OVERFLOW OUTFALL NO. 003		
		DATE	DURATION (Hours)	VOLUME (Gallons)	DATE	DURATION (Hours)	VOLUME (Gallons)	DATE	DURATION (Hours)	VOLUME (Gallons)	DATE	DURATION (Hours)	VOLUME (Gallons)
JANUARY	1.60"	1/4/2000	1.00	2,900	1/4/2000	1.00	6,100	1/4/2000	1.50	38,200			
FEBRUARY	1.48"	2/14/2000	14.25	147,800	2/14/2000	15.50	403,300						
APRIL	2.64	4/3-4/2000	24.50	537,200	4/3-4/2000	25.50	1,211,000	4/3-4/2000	28.75	3,158,700	4/3-4/2000	12.25	158,300
APRIL	0.85-0.94"	4/8/2000	8.25	102,400	4/8/2000	8.75	273,300	4/8/2000	9.50	600,800			
MAY	1.19"	5/28/2000	2.25	123,400	5/28/2000	2.75	83,700	5/28/2000	1.25	8,374			
AUGUST	1.58-2.35	8/6/2000	4.50	183,300	8/6/2000	5.25	69,600	8/6-7/2000	2.00	41,460			
SEPT.	0.47-0.69	9/12/2000	0.25	6,100	9/12/2000	1.50	27,700	9/12/2000	0.75	20,700			
DECEMBER	1.78	12/16/2000	6.00	317,000	12/16/2000	6.45	287,000	12/16/2000	5.25	431,000			
TOTAL		8 Events	61.00	1,420,100	8 Events	66.70	2,361,700	7 Events	49.00	4,299,234	1 Event	12.25	158,300
AVERAGE PER EVENT		---	7.63	177,513	---	8.34	295,213	---	7.00	614,176	---	12.25	158,300

Amended Appendix A-22-b

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

2001 MONTH	RAINFALL	GENERAL TIRE OVERFLOW OUTFALL No. 009			BALL PARK OVERFLOW OUTFALL No. 010			DESHON P. S. OVERFLOW OUTFALL No. 013			MONROE ST. P. S. OVERFLOW OUTFALL No. 003		
		DATE	DURATION (Hours)	VOLUME (Gallons)	DATE	DURATION (Hours)	VOLUME (Gallons)	DATE	DURATION (Hours)	VOLUME (Gallons)	DATE	DURATION (Hours)	VOLUME (Gallons)
JANUARY								01/16/2001*	0.25	6,000	01/31/2001*	0.25	44,000
JANUARY	1.05"+ melt	1/30-31/2001	11.00	161,000	1/30-31/2001	12.30	154,000	1/31/2001	8.75	258,000			
FEBRUARY								02/10/2001*	3.25	305,000			
MARCH	0.4 - 0.8"							3/16/2001	1.75	29,000			
MARCH	1.32"	3/21/2001	10.25	291,000	3/21/2001	11.25	237,000	3/21/2001	10.50	261,000			
APRIL	2.0"+	4/7/2001	5.00	282,800	4/7/2001	5.50	214,100	4/7/2001	8.00	878,300			
APRIL	1.24 - 1.70"	4/15-16/2001	2.50	11,300	4/15-16/2001	3.50	48,000	4/15-16/2001	0.75	1,500			
JUNE	0.7"/30 Min.	6/30/2001	1.75	109,800	6/30/2001	2.00	83,500	6/30/2001	1.50	107,100			
JULY	0.7"/15 Min.	7/1/2001	2.25	119,900	7/1/2001	2.75	68,800						
JULY	0.5"/15 Min.	7/24/2001	1.00	23,800	7/24/2001	1.00	14,300						
OCTOBER	0.47 - 0.69"	10/23-24/2001	7.00	703,400	10/23-24/2001	8.25	472,200	10/23-24/2001	3.75	277,100	10/23-24/2001	3.00	100,800
NOVEMBER	0.61"/15 Min.	11/25/2001	0.75	5,000	11/25/2001	0.30	4,000						
DECEMBER	2.24 - 2.75"	12/17-18/2001	23.25	1,834,700	12/17-18/2001	24.25	1,878,700	12/17-18/2001	23.25	2,114,300	12/17-18/2001	8.00	67,900
TOTAL		10 Events	64.75	3,542,700	10 Events	71.10	3,174,600	10 Events	61.75	4,237,300	3 Events	11.25	212,700
AVERAGE PER EVENT		---	6.48	354,270	---	7.11	317,460	---	6.18	423,730	---	3.75	70,900

* Mechanical equipment problem.

Revised 03/26/2002

Amended Appendix A-22-b

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

2002 MONTH	RAINFALL	GENERAL FIRE OVERFLOW OUTFALL NO. 009			BALL PARK OVERFLOW OUTFALL NO. 010			DISHONOR'S OVERFLOW OUTFALL NO. 015			MONROE ST. P. S. OVERFLOW OUTFALL NO. 003		
		DATE	DURATION (Hours)	VOLUME (Gallons)	DATE	DURATION (Hours)	VOLUME (Gallons)	DATE	DURATION (Hours)	VOLUME (Gallons)	DATE	DURATION (Hours)	VOLUME (Gallons)
MARCH	1.05 - 1.24"	03/26-27/2002	15.25	1,306,700	03/26-27/2002	16.25	1,009,200	03/26-27/2002	16.00	1,305,300	3/26/2002	9.75	120,800
APRIL	1.94 - 3.01"	04/14-15/2002	7.25	504,800	04/14-15/2002	7.00	270,100	04/14-15/2002	6.50	412,500			
MAY	1.08 - 1.52" Per Hour	5/13/2002	STREAM INFLOW	(15,200)	5/13/2002	1.50	16,200	5/13/2002	1.00	18,300			
MAY	2.46 - 2.90"	05/13-14/2002	9.25	262,400	05/13-14/2002	10.25	191,400	05/13-14/2002	9.50	354,400			
MAY	1.43 - 1.64"	5/18/2002	7.50	107,200	5/18/2002	7.50	91,100	5/18/2002	6.75	108,900			
JUNE	1.56 - 2.45"	6/6/2002	12.50	1,085,500	6/6/2002	13.00	720,300	6/6/2002	10.00	588,700	6/6/2002	3.25	27,700
SEPTEMBER	2.59 - 3.26"	9/27/2002	2.75	109,600	9/27/2002	2.75	65,500						
OCTOBER	0.53 - 0.55" in 15 min.	10/3/2002	0.25	200									
DECEMBER	0.73 - 0.78" + Snowmelt	12/14/2002	8.75	140,100	12/14/2002	9.00	107,100						
TOTAL		8 Events	63.50	3,516,500	8 Events	67.25	2,470,900	6 Events	49.75	2,788,100	2 Events	13.00	148,500
AVERAGE PER EVENT		---	7.94	439,563	---	8.41	308,863	---	8.29	464,683	---	6.50	74,250

Amended Appendix A-22-b

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

2003 MONTH	RAINFALL	GENERAL TIRE OVERFLOW OUTFALL NO. 019			BY THE PARK OVERFLOW OUTFALL NO. 018			DESPONDING OVERFLOW OUTFALL NO. 015			MONROE STREET OVERFLOW OUTFALL NO. 018		
		DATE	DURATION (Hours)	VOLUME (Gallons)	DATE	DURATION (Hours)	VOLUME (Gallons)	DATE	DURATION (Hours)	VOLUME (Gallons)	DATE	DURATION (Hours)	VOLUME (Gallons)
JANUARY	1.21 - 1.60"	01/01-02/2003	14.75	1,464,900	01/01-02/2003	15.00	1,004,300	01/01-02/2003	14.25	1,533,100	01/01-02-2003	15.25	600,700
FEBRUARY	0.47 - 0.71" + Snowmelt	02/22-23-2003	8.00	122,600	02/22-23/2003	8.25	159,100						
MARCH	0.11 - 0.14" + Snowmelt							3/9/2003	2.50	53,100			
MARCH	0.55 - 0.67" + Snowmelt	3/13/2003	2.75	8,000	3/13/2003	3.50	27,800	3/13/2003	2.50	32,900			
MAY	Mechanical Failure 23,000 Gals												
JUNE	2.28 - 2.68"	06/12-13/2003	25.75	2,147,900	06/12-13/2003	26.75	1,903,500	06/12-13/2003	16.25	1,087,000	06/12-13/2003	19.50	1,206,400
JULY	1.51 - 2.41"	7/8/2003	2.50	41,800	7/8/2003	2.75	42,100						
JULY	0.88 - 1.36"	7/10/2003	4.25	97,900	7/10/2003	4.25	88,900	7/10/2003	2.50	48,600			
JULY	1.78 - 2.07"	07/21-22/2003	2.25	97,800	07/21-22/2003	2.25	68,700						
JULY	0.42 - 0.60" In 30 min.	7/22/2003	1.25	13,000	7/22/2003	1.25	19,100						
AUGUST	0.45 - 0.87" In 45 min.	8/7/2003 Stream Inflow	1.50	97,600	8/7/2003 Stream Inflow	1.50	41,400						
AUGUST	0.92 - 1.73"				8/27/2003	0.25	200						
AUGUST	1.88 - 3.13" 8/29-30/03	8/30/2003	6.50	282,700	8/30/2003	6.75	331,500	8/30/2003	3.25	152,400	8/30/2003	0.50	2,200
SEPTEMBER	1.15 - 1.62"	9/1/2003	0.50	1,000									
SEPTEMBER	0.41 - 1.00" In 60 min.	9/3/2003	2.50	42,100	9/3/2003	3.00	61,500						
SEPTEMBER	1.14 - 1.36" In 6 hours	9/19/2003	3.00	31,500	9/19/2003	3.00	60,300	9/19/2003	1.75	34,200			
OCTOBER	0.78 - 0.93" In 60 min.	10/14/2003	1.25	6,900	10/14/2003	2.25	35,000	10/14/2003	2.75	131,900			
NOVEMBER	2.39 - 2.62" In 16 hours.	11/19-20/2003	16.75	814,100	11/19-20/2003	17.25	1,577,800	11/19-20/2003	17.25	1,887,300	11/19-20/2003	12.75	550,700
DECEMBER	1.39 - 1.4" + Snowmelt	12/10-11/2003	17.00	588,300	12/10-11/2003	18.00	1,200,900	12/10-11/2003	16.25	1,155,900	12/10-11/2003	9.25	268,400
TOTAL		16 Events	76.75	4,447,700	16 Events	80.75	3,843,400	10 Events	45.75	3,073,200	5 Events	35.25	1,809,300
AVERAGE PER EVENT		---	4.80	296,513	---	5.05	240,213	---	4.58	307,320	---	7.05	361,860

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

2004 MONTH	RAINFALL	GENERAL TIRE OVERFLOW OUTFALL NO. 009			BALL PARK OVERFLOW OUTFALL NO. 010			DISHON P. S. OVERFLOW OUTFALL NO. 015			MONROE ST. P. S. OVERFLOW OUTFALL NO. 003		
		DATE	DURATION (HOURS)	VOLUME (GALLONS)	DATE	DURATION (HOURS)	VOLUME (GALLONS)	DATE	DURATION (HOURS)	VOLUME (GALLONS)	DATE	DURATION (HOURS)	VOLUME (GALLONS)
JANUARY	1.79 - 2.35" + Snowmelt	01/04-05/2004	36.25	1,349,000	01/04-05/2004	37.25	2,991,000	01/04-06/2004	40.50	4,284,600	01/04-05/2004	14.00	1,333,000
FEBRUARY	1.61 - 2.22"	02/06-07/2004	25.00	1,102,400	02/06-07/2004	25.50	1,876,800	02/06-07/2004	25.25	2,509,200	2/6/2004	17.50	520,300
FEBRUARY	0.32 - 0.47"	02/21/2004	0.25	200	02/21/2004	1.25	8,300	02/21/2004	7.50	27,100			
MARCH	1.07 - 1.37" in 8 hours	03/20-21/2004	16.50	695,800	03/20-21/2004	17.25	1,372,200	03/20-21/2004	23.25	2,259,200	03/20-21/2004	11.75	211,700
APRIL	1.00 - 1.29"	04/01/2004	2.00	7,100	04/01/2004	2.25	33,700	04/01/2004	5.25	177,100			
APRIL	0.75 - 1.10" in 5 hours	04/12/2004	0.50	800	04/12/2004	0.75	6,200						
APRIL	0.82 - 1.29" in 9 hours	04/13-14/2004	12.25	477,000	04/13-14/2004	12.75	906,600	04/13-14/2004	11.25	920,400			
APRIL	0.43 - 1.22" in 30 mins.	04/25-26/2004	2.75	101,000	04/25-26/2004	3.50	174,100	04/25-26/2004	2.00	152,500			
MAY	0.60 - 0.83" in 2.75 hours				05/21/2004	1.25	786,300	05/21/2004	0.50	5,700			
MAY	0.52 - 1.06" in 3 hours	05/22/2004	9.50	295,500	05/22/2004	11.00	786,300	05/22/2004	15.25	1,444,800			
JUNE	1.61 - 1.73" in 3 hours	06/14/2004	5.25	317,600	06/14/2004	5.50	403,700	06/14/2004	4.75	263,200			
JUNE	1.57 - 1.84" in 3 hours	06/15/2004	13.25	1,024,500	06/15/2004	14.25	1,395,600	06/15/2004	23.00	1,732,800			
JULY	2.74 - 3.30" in 9 hours	07/26/2004	10.50	794,700	07/26/2004	10.75	1,090,700	07/26/2004	8.25	497,900			
AUGUST	1.50 - 1.88"	08/19/2004	0.75	8,300	08/19/2004	1.00	15,700						
AUGUST	3.24 - 3.77"	08/20-21/2004	26.50	2,200,700	08/20-21/2004	27.25	2,949,300	08/20-21/2004	20.50	1,924,300	08/20-21/2004	12.00	1,025,900
SEPTEMBER	4.92 - 6.56" "Francis"	09/08-10/2004	34.50	2,883,000	09/08-10/2004	40.00	5,214,800	09/08-10/2004	32.00	5,036,100	09/08-10/2004	35.50	1,415,400
SEPTEMBER	5.70 - 7.44" "Ivan"	09/17-19/2004	47.25	2,658,500	09/17-19/2004	49.25	5,274,000	09/17-19/2004	38.25	5,997,900	09/17-19/2004	?	Flooded
OCTOBER	1.16 - 1.57"	10/18-19/2004	2.50	68,700	10/18-19/2004	2.75	97,200						
DECEMBER	1.01 - 1.32"	12/01/2004	8.25	238,800	12/01/2004	9.00	360,300	12/01/2004	4.75	178,300			
TOTAL		18 Events	253.75	14,223,600	19 Events	272.50	25,742,800	16 Events	262.25	27,411,100	5 Events	90.75	4,506,300
AVERAGE PER EVENT		---	14.10	790,200	---	14.34	1,354,884	---	16.39	1,713,194	---	18.15	901,260

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

2005 MONTH	RAINFALL	GENERAL TIRE OVERFLOW OUTFALL NO. 002			EAGLE PARK OVERFLOW OUTFALL NO. 003			BESHONIE'S OVERFLOW OUTFALL NO. 005			MONROE ST. S.S. OVERFLOW OUTFALL NO. 009		
		DATE	DURATION (Hours)	VOLUME (gallons)	DATE	DURATION (Hours)	VOLUME (gallons)	DATE	DURATION (Hours)	VOLUME (gallons)	DATE	DURATION (Hours)	VOLUME (Gallons)
JANUARY	1.45 - 1.65"	01/03-04/2005	10.00	905,700	01/03-04/2005	10.75	436,800	01/03-04/2005	9.75	389,300	01/06-07/2005	19.75	1,477,500
JANUARY	2.06 - 2.73"	01/05-07/2005	50.25	2,994,400	01/05-07/2005	53.25	4,913,400	01/05-07/2005	55.00	7,374,100			
JANUARY	0.32 - 0.47"						01/08/2005	7.50	216,100				
JANUARY	0.89 - 1.18"	01/11/2005	7.00	163,500	01/11/2005	8.00	349,900	01/11-12/2005	9.75	515,800			
JANUARY	0.61 - 0.73"	01/12/2005	17.25	658,600	01/12/2005	18.50	1,117,700	01/12-13/2005	21.25	1,881,800			
JANUARY	0.71 - 0.77"	01/14/2005	6.00	53,500	01/14/2005	8.50	198,900	01/14/2005	11.25	431,700			
FEBRUARY	0.29 - 0.35" + Snowmelt	02/09/2005	2.00	64,700	02/09/2005	2.75	43,500	02/09/2005	3.25	105,400			
FEBRUARY	1.01 - 1.30" in 14 hours	02/14-15/2005	10.50	689,900	02/14-15/2005	11.25	643,100	02/14-15/2005	10.25	682,800			
MARCH	0.45" in 1.5 hr	03/07-08/2005	3.75	277,800	03/07-08/2005	4.25	134,800	03/07/2005	1.75	35,300			
APRIL	1.60 - 2.10"	04/02-03/2005	38.75	707,400	04/02-03/2005	39.75	2,044,300	04/02-03/2005	17.75	646,900			
APRIL	0.86 - 0.92" in 1 hour				04/23/2005	1.00	32,600						
AUGUST	2.34 - 2.96" in 2 hours	08/30-31/2005	4.25	184,600	08/30-31/2005	4.75	181,700	08/31/2005	0.75	38,100			
SEPT.	1.51" in 6.5 hr				09/26/2005	0.50	1,700						
NOVEMBER	0.67 - 0.95" in 4 hours	11/15/2005	1.00	5,000	11/15/2005	2.00	18,000						
NOVEMBER	1.32 - 1.50" in 6 hours	11/29/2005	6.50	173,900	11/29/2005	7.00	463,200	11/29/2005	4.75	299,700			
TOTAL		12 Events	157.25	6,879,000	14 Events	172.25	10,577,600	12 Events	153.00	12,617,000	1 Events	19.75	1,477,500
AVERAGE PER EVENT		--	13.10	573,250	--	12.30	755,543	--	12.75	1,051,417	--	19.75	1,477,500

↑
OVER
FLOW

APPENDIX C:
2001 CONSENT ORDER AND AGREEMENT

ORIGINAL

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of:

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

CONSENT ORDER AND AGREEMENT

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

Findings

The Department has found and determined the following:

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

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

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

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

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

WQM Permits

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

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

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

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

NPDES Permits

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

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

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

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

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

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

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

Hydraulic Loading and Sanitary Sewer Overflows

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

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

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

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

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

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

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

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

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

Order

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

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

2. *Findings.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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b. Overflows

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

TOTAL VOLUME DISCHARGED IN GALLONS PER CALENDAR MONTH FROM SANITARY SEWER OVERFLOWS	FROM DATE OF SIGNING CONSENT ORDER AND AGREEMENT THROUGH TERMINATION OF THE CONSENT ORDER AND AGREEMENT
---	---

< 25,000	\$100
25,000 to 500,000	\$500
500,001 to 1,000,000	\$1,000
1,000,001 to 2,000,000	\$1,500
> 2,000,001	\$2,000

2) Request for Exemption of payment:

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

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

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

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

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

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

Amended Appendix A-22-b

7. *New Connections.*

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

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

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

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

8. *Additional Remedies.*

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

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

Amended Appendix A-22-b

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

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

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

11. *Transfer of Site.*

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

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

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

Amended Appendix A-22-b

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

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

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

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

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

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

Amended Appendix A-22-b

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

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

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

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

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

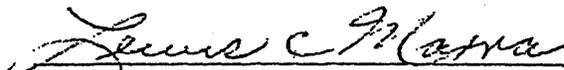
IN WITNESS WHEREOF, the Parties hereto have caused this Consent Order and Agreement to be executed by their duly authorized representatives. The undersigned representative of the Authority certifies under penalty of law, as provided by 18 Pa.C.S. §4904, that he is authorized to execute this Consent Order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

Amended Appendix A-22-b

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

**FOR THE BUTLER AREA
SEWER AUTHORITY:**

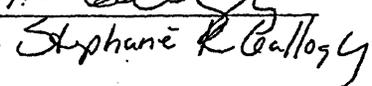

John M. Heim
Chairman


Lewis C. Marra
Secretary

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


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


Fricia L. Gizienski
Assistant Counsel



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

Amended Appendix A-22-b

Exhibit A

BUTLER AREA SEWER AUTHORITY OVERFLOW DATA SUMMARY

<u>OVERFLOW EVENTS</u>		<u>OVERFLOW VOLUME</u>		<u>COMMENTS</u>	
<u>YEAR</u>	<u>DATE</u>	<u>GALLONS</u>	<u>LOCATION</u>		
1996	January 18-19	unknown	manholes and SSOs	snow melt/rain	
1997	May 26	unknown	003, 009, 010, Deshon Pump Station, Zeigler Ave Pump Station, Benbrook Pump Station, Cupps Road Pump Station, Garden Grove Pump Station, Rock Lick Pump Station, Township Line Pump Station	rain	
1998	January 7-9	unknown 2,900,000 - 5,200,00	Deshon PS 009 010	rain	
	April 14	unknown 87,700 191,100 430,800	Deshon PS 009 010	rain	
	April 19-20	536,900 714,200 1,326,500	Deshon PS 009 010	rain	
	April 26-27	709,400 1,183,500 2,029,600	Deshon PS 009 010	rain	
	July 8	336,500 161,300	009 010	rain	
	August 16	106,900	009	rain	
	August 25	282,600 102,900	009 010	rain	
	October 8	1,095,100 461,700	009 010	rain	
	December 21-22	218,500 453,700 916,700	Deshon PS 010 009	rain rain	
	1999	January 13	108,492 34,031	009 010	rain
		January 14-15	108,442 21,170	009 010	rain
		January 18	810,107 100,965	Deshon PS 003	rain
		January 18-19	3,357,547 1,438,587	009 010	rain

Amended Appendix A-22-b

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

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

Butler Area Sewer Authority

Butler, PA, February 13, 2001

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

That:

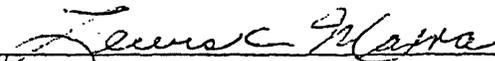
1. The attached agreement is hereby approved and adopted as and for a binding and effective agreement of the Butler Area Sewer Authority in accord with its terms; and
2. Appropriate Authority Officials are hereby authorized and directed to execute the attached agreement in the manner required by law.

Consent Order and Agreement

Butler Area Sewer Authority/Commonwealth of PA, DEP

CERTIFICATION

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


Secretary) Lewis C. Marra

FEBRUARY 13, 2001

Date Signed

APPENDIX D:
CITY OF BUTLER POPULATION DATA

Amended Appendix A-22-b



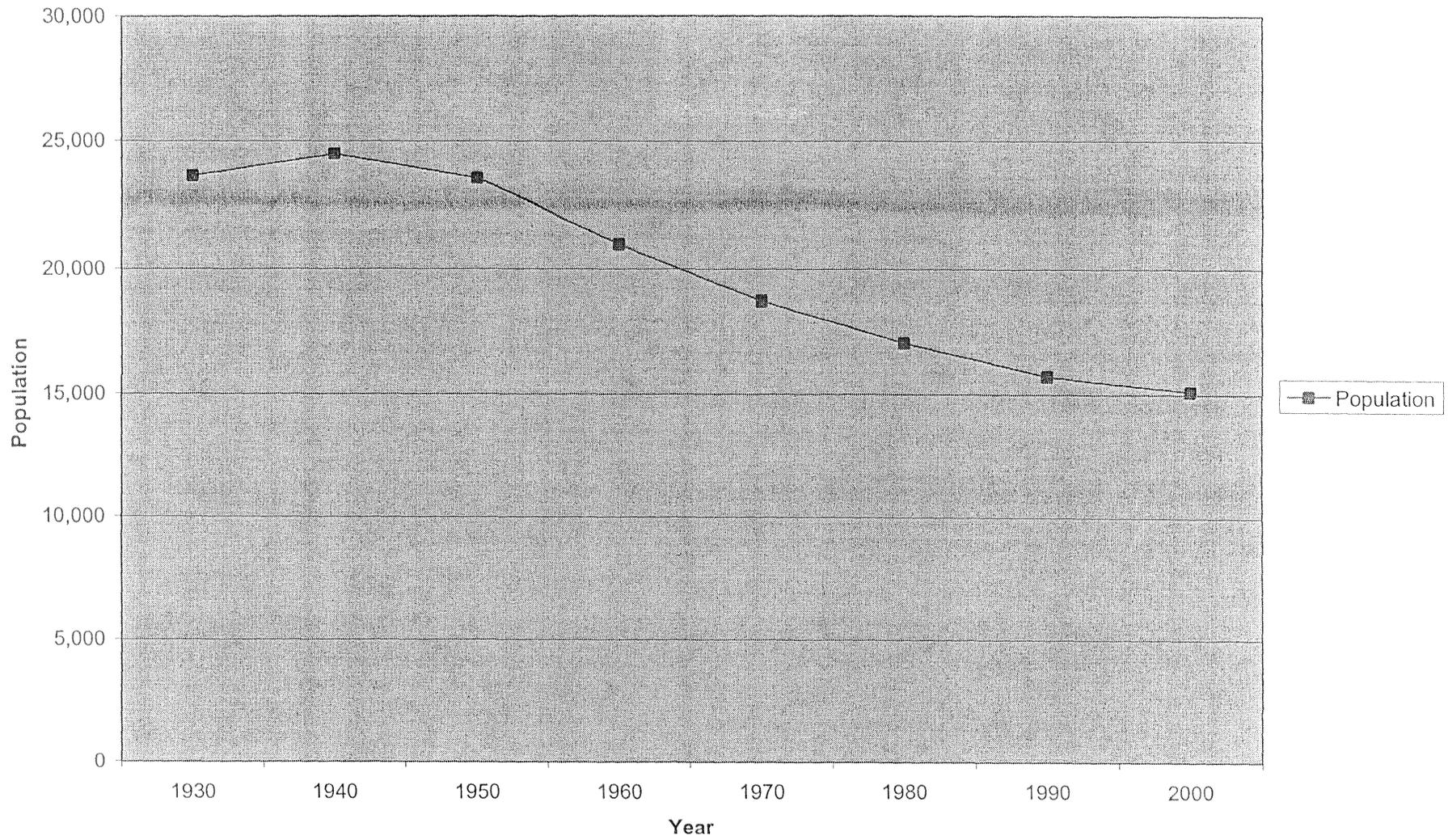
SOUTHWESTERN PENNSYLVANIA COMMISSION

Total Population by Municipality in Butler County, 1930-2000

Municipality	1930	1940	1950	1960	1970	1980	1990	2000
COUNTY TOTAL	80,480	87,590	97,320	114,639	127,941	147,912	152,013	174,083
Adams Township	1,351	1,688	1,827	2,746	3,352	3,816	3,911	6,774
Allegheny Township	557	390	536	399	466	565	504	555
Brady Township	566	522	605	675	598	684	834	1,452
Bruin Borough	622	663	717	706	673	722	646	534
Buffalo Township	1,718	2,184	2,595	4,480	5,595	6,371	6,317	6,827
Butler City	23,568	24,477	23,482	20,975	18,691	17,026	15,714	15,121
Butler Township	8,641	9,248	12,069	15,219	17,422	18,651	17,625	17,185
Callery Borough	330	354	407	419	416	415	420	444
Center Township	1,372	1,800	2,614	4,303	5,606	6,224	6,239	8,182
Cherry Township	840	768	687	661	643	778	814	1,053
Cherry Valley Borough	80	97	94	82	73	91	96	72
Chicora Borough	1,052	987	1,172	1,156	1,166	1,192	1,058	1,021
Clay Township	1,528	1,525	1,558	1,588	1,612	2,102	2,360	2,628
Clearfield Township	850	935	1,016	1,311	1,445	2,308	2,635	2,705
Clinton Township	1,056	1,341	1,523	1,829	2,072	2,432	2,556	2,779
Concord Township	826	839	855	925	1,071	1,367	1,336	1,493
Connoquenessing Borough	406	441	441	513	553	539	507	564
Connoquenessing Township	832	967	1,035	1,420	1,880	2,840	3,093	3,653
Cranberry Township	789	959	1,054	3,596	4,873	11,066	14,816	23,625
Donegal Township	1,004	1,077	970	1,046	1,189	1,540	1,563	1,722
East Butler Borough	521	559	758	1,007	919	799	725	679
Eau Claire Borough	302	349	403	374	428	420	371	355
Evans City Borough	1,561	1,604	1,637	1,825	2,144	2,299	2,054	2,009
Fairview Borough	215	214	259	218	235	226	224	220
Fairview Township	1,394	1,614	1,520	1,785	1,771	1,934	2,009	2,061
Forward Township	949	1,071	1,302	1,915	2,070	2,146	2,339	2,687
Franklin Township	798	916	960	1,294	1,700	2,254	2,156	2,292
Harmony Borough	786	846	912	1,142	1,207	1,334	1,054	937
Harrisville Borough	583	626	780	896	944	1,033	862	883
Jackson Township	1,785	1,847	1,294	1,705	2,444	2,441	3,078	3,645
Jefferson Township	1,387	1,733	2,160	2,821	2,903	3,777	4,812	5,690
Kams City Borough	432	453	508	404	379	354	226	244
Lancaster Township	665	754	915	1,113	1,430	2,300	2,268	2,511
Marion Township	1,117	1,315	1,356	1,180	1,035	1,204	1,113	1,330
Mars Borough	1,302	1,318	1,385	1,522	1,488	1,803	1,713	1,746
Mercer Township	779	845	845	848	924	1,103	1,110	1,183
Middlesex Township	931	1,147	1,843	3,551	4,520	5,480	5,578	5,586
Muddy Creek Township	716	841	1,087	1,286	1,148	1,832	2,139	2,267
Oakland Township	1,081	1,432	1,789	2,168	2,548	2,767	2,820	3,074
Parker Township	495	616	668	603	650	614	601	700
Penn Township	1,497	1,762	1,941	3,284	4,032	5,219	5,080	5,210
Petrolia Borough	469	559	571	527	432	472	292	218
Portersville Borough	185	276	294	344	292	320	307	268
Prospect Borough	455	574	726	903	973	1,016	1,122	1,234
Saxonburg Borough	452	524	602	876	1,191	1,336	1,345	1,629
Seven Fields Borough							556	1,986
Slippery Rock Borough	1,165	1,269	2,294	2,563	4,949	3,047	3,008	3,068

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City of Butler Population (1930-2000)



APPENDIX E:
FUTURE GROWTH/REDEVELOPMENT PROJECTIONS

Amended Appendix A-22-b

**City of Butler
Population Growth Projections
For
Tributary to BASA**

Sewer Shed	Total Acres	Pump Sta GPD	Growth (EDU's)					Total	Notes
			5-year	10 year	20 Year	30 Year			
Butler Park	209.23		5	5	10	10	30	Slight Increase	
Downtown	447.63		274	9	18	18	319	New Jail 259 (EDU's), Retail Shops(15,000 sq ft)(6 EDU's)	
Karns Crossing	94.04	2,073,600	2	2	4	4	12	Minor Increase	
Alameda	108.37		0	0	0	0	0	No Increase	
Hansen	240.29		162	5	10	10	187	Pullman Sq. Exp. (35 EDU's), Ball Park (114 EDU's), 30,000sq ft Office bldg (8 EDU's)	
North Island	17.21	57,600	0	0	0	0	0	No Increase	
Monroe	199.61	2,592,000	4	139	40	25	208	Center City development (135 EDU's), Two M-1 Properties along E. Cunningham (49 Community Center (4 EDU's), Duplex to single family may offset growth, two M-2 Properties near Brice St.(171 EDU's)	
South Island	73.23	241,920	6	2	152	27	187		
Center Avenue	17.75	172,100	1	1	2	2	6	Some potential for redevelopment	
Bredinville	67.11		2	2	4	4	12	Slight Increase	
Brown Avenue	318.96		0	3	3	3	9	Former Playground zoned R-2 along Ziegler and Short (11 EDU's)	
Ziegler Avenue	11.16	86,400	0	0	0	0	0	No Net Increase	
Totals	1804.59		456	168	243	103	970		

Amended Appendix A-22-b

City of Butler
Act 537 Special Study

February 15, 2007

APPENDIX F:

CENTER CITY DEVELOPMENT EDU ESTIMATES

Amended Appendix A-22-b



GATEWAY

GRAY-WARNICK

On Call. On Time. On Target.

THE GATEWAY ENGINEERS, INC.

201 SOUTH MAIN STREET
SUITE 200
BUTLER, PA 16001

724 287 1055 PHONE
724 287 1104 FAX

www.gatewayengineers.com

Center City Development EDU Estimates

Data provided by the Butler County Redevelopment Authority

Foot Print (sq ft)	Use	Comments	Site
14,580	Hotel	4 floors, 71 units	Old Woolworths
28,884	Garage/Convention Center	2 floors parking, 2 floors convention center	Parking Lot behind Woolworths
20,000	Residential/Commercial	1 st floor commercial 2 nd floor residential	Spagnola

Hotel:

$$71 \text{ Units} \times 100 \text{ gpd/unit} = 7100 \text{ gpd} \div (400 \text{ gpd/EDU})^1 = 18 \text{ EDU's}$$

Convention Center

$$28,884 \text{ sq. ft} \times 2 \text{ floors} = 57,768 \text{ sq ft}$$

$$57,768 \text{ sq ft} \div (15 \text{ people/sq ft})^2 = 3851 \text{ people}$$

$$3851 \text{ people} \times (10 \text{ gpd/person})^1 = 38,510 \text{ gpd} \div 400 \text{ gpd/EDU} = 97 \text{ EDU's}$$

Commercial

Assume 5 businesses @ 4,000 sq ft with 2 restrooms each

$$10 \text{ restrooms} \times (400 \text{ gpd/restroom})^1 = 4,000 \text{ gpd} \div 400 \text{ gpd/EDU} = 10 \text{ EDU's}$$

Residential

Assume 10-- 2,000 sq ft apartments at 400 gpd = 10 EDU's

Hotel	18
Convention Center	97
Commercial	10
Residential	10
Total	135 EDU's

Notes:

1. From PACODE Title 25 Chapter 73
2. From Architectural and Graphic Standards Pg 23 Occupant Loadings

APPENDIX G:

2006 CONSENT ORDER AND AGREEMENT

Amended Appendix A-22-b

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").

Amended Appendix A-22-b

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.

Amended Appendix A-22-b

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.

Amended Appendix A-22-b

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

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

Violations

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

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

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

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

Amended Appendix A-22-b

- 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

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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

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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

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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

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§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.

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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.

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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.

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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

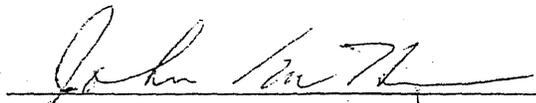
the Tributary Municipalities have fully-complied with Paragraph 3, of this Consent Order and Agreement; **OR**

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

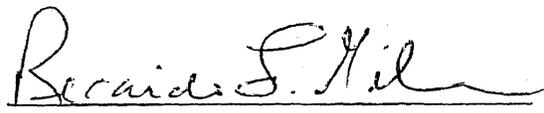
b. BASA's and the Tributary Municipalities' compliance with this Consent Order and Agreement shall be determined by the Department and in any subsequent litigation regarding a determination by the Department that BASA and/or a Tributary Municipality has failed to comply with the terms and conditions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

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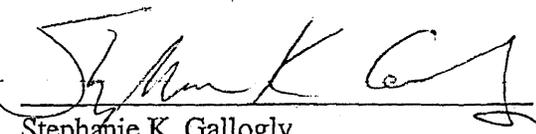
FOR THE BUTLER AREA SEWER
AUTHORITY:


Name
Chairman

FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:


Ricardo F. Gilson
Regional Manager
Water Management
Northwest Region


Name
Attorney


Stephanie K. Gallogly
Assistant Counsel

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Amended Appendix A-22-b

FOR THE CITY OF BUTLER:

Margaret W. Stock

Name
Mayor

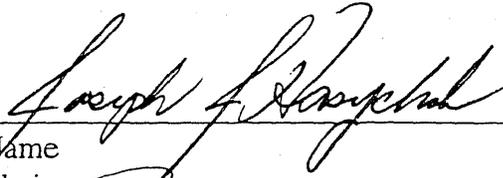
James P. Coulter

Name
Solicitor

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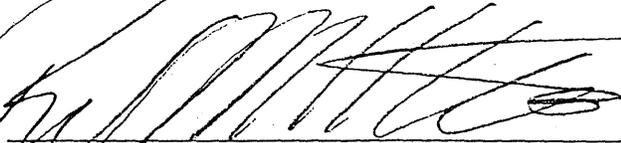
FOR BUTLER TOWNSHIP:



Name
Chairman



Name
Secretary

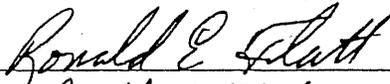


Name
Solicitor

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FOR CENTER TOWNSHIP:

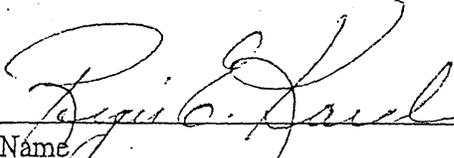

Name *Ronald E. Flatt*
Chairman


Name
Solicitor

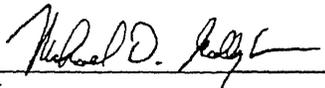
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FOR SUMMIT TOWNSHIP:



Name
Chairman



Name
Solicitor

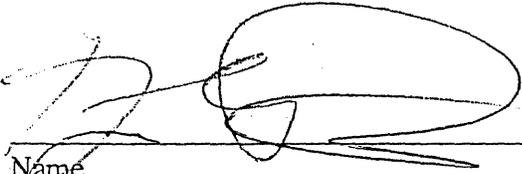
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Amended Appendix A-22-b

FOR THE BOROUGH OF EAST
BUTLER:



Name
Mayor

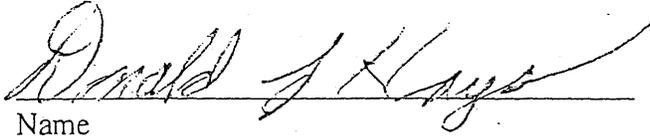


Name
Solicitor

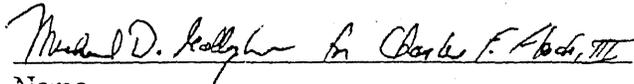
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Amended Appendix A-22-b

FOR OAKLAND TOWNSHIP:



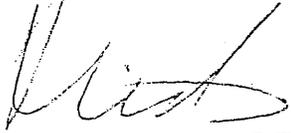
Name
Chairman



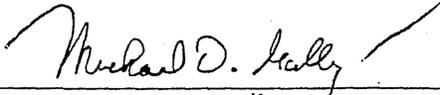
Name
Solicitor

Amended Appendix A-22-b

FOR CONNOQUENESSING
TOWNSHIP:



Name Steven H. Niote
Chairman



Name Michael D. Gallagher
Solicitor

Amended Appendix A-22-b

800-PM-WSWM0012 Rev. 4/2005
Permit



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

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

NPDES PERMIT NO: PA0026697

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

Butler Area Sewer Authority

100 Littman Road

Butler, PA 16001-3256

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

THIS PERMIT SHALL BECOME EFFECTIVE ON

THIS PERMIT SHALL EXPIRE AT MIDNIGHT ON

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

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

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

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

DATE PERMIT ISSUED _____

ISSUED BY _____

Ricardo F. Gilson

DATE PERMIT AMENDMENT ISSUED _____

TITLE: Water Management Program Manager
Northwest Regional Office

Amended Appendix A-22-b

PART A EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

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

which receives wastewater from treated domestic sewage and industrial wastewater

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

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

Amended Appendix A-22-b

Permit No. PA0026697

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

Amended Appendix A-22-b

Permit No. PA0026697

RTA - 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.

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):

Amended Appendix A-22-b

3800-PM-WSWM0012 Rev. 4/2005
Permit

Permit No. PA0026697

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.

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II. DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

III. SELF-MONITORING, REPORTING AND RECORDKEEPING

A. Representative Sampling

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

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

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3. Recording of Results

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

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

4. Test Procedures

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

5. Quality/Assurance/Control

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

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

B. Reporting of Monitoring Results

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

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

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

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

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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.

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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.

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- 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).

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I. 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

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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.

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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:

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- 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.

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

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

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

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

3. Effluent Chlorine Optimization and Minimization

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

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

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

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

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

A. General Requirements

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

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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 permittee 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

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

E. Chemical Analysis

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

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

F. Chronic Toxicity Test Report Elements

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

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

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00-PM-WSWM0012 Rev. 4/2005
Permit

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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

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Permit

Permit No. PA0026697

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.

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Permit

Permit No. PA0026697

5. Whole Effluent Toxicity Testing

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

6. Requirements Applicable to Stormwater Outfalls

A. Prohibition of Non-stormwater Discharges

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

B. Spills

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

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

D. Preparedness, Prevention and Contingency Plans

1. Development of Plan

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

2. Non-stormwater Discharges

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

Amended Appendix A-22-b

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.

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Permit

Permit No. PA0026697

Sanitary Sewer Overflows

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

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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.

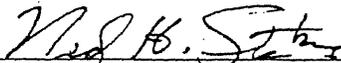
BE IT RESOLVED by the Board of the Butler Area Sewer Authority that:

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

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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.

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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.

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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.

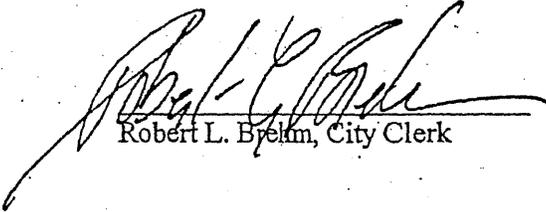
- ENCLOSURES

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. Brynm, City Clerk


Margaret D. Stock, Mayor

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

Amended Appendix A-22-b

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

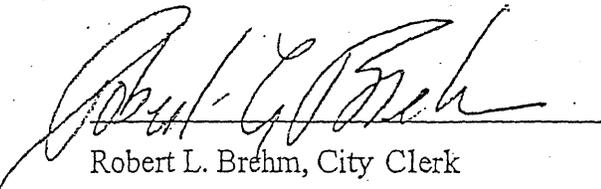
WHEREAS, the County of Butler has designated the Butler Township-City Joint Municipal Transit Authority as the municipality responsible for the providing of transportation services within the geographic boundaries of the County of Butler; and

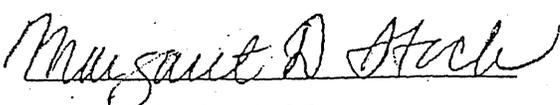
WHEREAS, it is believed that the current name of the Authority is too restrictive and fails to acknowledge the scope of services currently provided and which may be provided in the future.

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

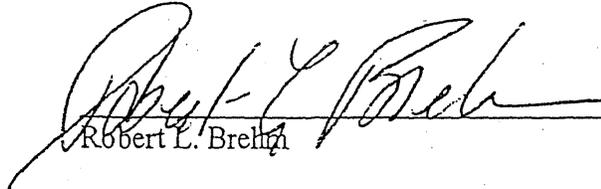

Margaret D. Stock, Mayor

SEAL

Amended Appendix A-22-b

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)

Amended Appendix A-22-b

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.

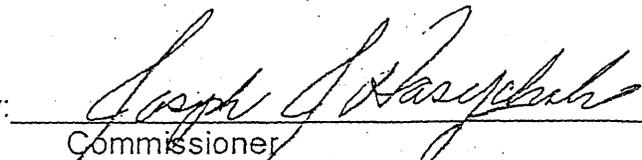
The Consent Order and Agreement shall be executed by the President of the Board, Joseph J. Hasychak, and attested to by the Secretary of Butler Township, Donna Donaldson.

Resolved this 2nd day of October, 2006.

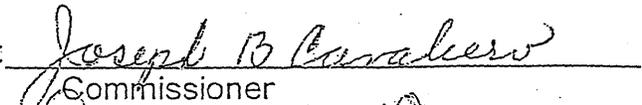
ATTESTED:

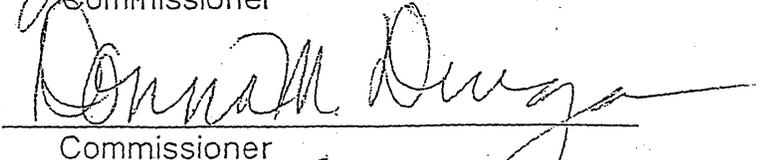
THE TOWNSHIP OF BUTLER

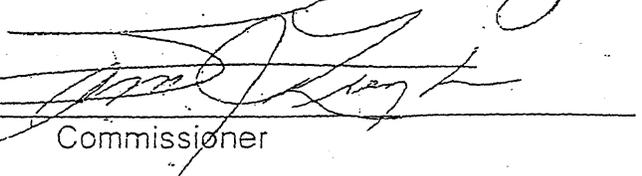

Secretary

by: 
Commissioner

by: 
Commissioner

by: 
Commissioner

by: 
Commissioner

by: 
Commissioner

Amended Appendix A-22-b

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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

Amended Appendix A-22-b

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

SO RESOLVED this 11th day of October, 2006.

ATTEST:

CENTER TOWNSHIP
BOARD OF SUPERVISORS

Stephanie Sellers
Township Secretary

BY: Ronald E. Platt
Chairman

BY: Andrew Eric
Vice Chairman

BY: Lucretia
Supervisor

BY: Edward Latuska
Supervisor

BY: Don
Supervisor

(TOWNSHIP SEAL)

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

Municipal Address:

419 Sunset Drive
Butler, PA 16001

Telephone No.: (724) 282-7805

Seal of Governing Body

Amended Appendix A-22-b

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SUMMIT TOWNSHIP BOARD OF SUPERVISORS

RESOLUTION 2006 - 241

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

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

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

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

BE IT RESOLVED, THEREFORE, as follows:

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

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

Amended Appendix A-22-b

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

SO RESOLVED this 20th day of September, 2006.

ATTEST:

SUMMIT TOWNSHIP
BOARD OF SUPERVISORS

Rodney E Scott
Township Secretary

BY: [Signature]
Chairman

BY: Rodney E Scott
Vice Chairman

(TOWNSHIP SEAL)

BY: [Signature]
Supervisor

I, Rodney E Scott, Secretary, Summit Township Board of Supervisors, hereby certify that the foregoing is a true copy of the Township Resolution # 241, adopted, September 20, 2006.

Municipal Address:

Seal of Governing Body

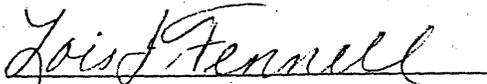
502 Bonniebrook Road
Butler, PA 16002

Telephone No.: (724) 285-1168

ATTESTATION

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

Attested to this 6th day of October, 2006


Lois Fennell
East Butler Borough Secretary.

RESOLUTION

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

Amended Appendix A-22-b

MDG/dlg Z:\Clients\OaklandTwp\Resolution (BASA) 09.21.06.doc

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**

Amended Appendix A-22-b

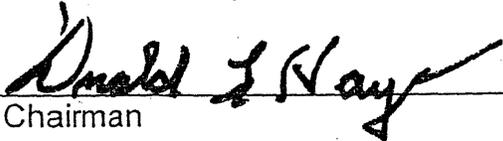
2. The Chairman of the Board of Supervisors and the Township Solicitor are authorized and directed to sign the aforesaid Agreement and provide DEP with the signature page and a certified copy of this Resolution.

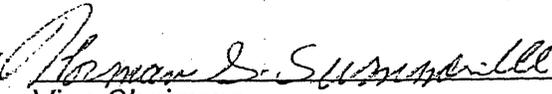
SO RESOLVED this 3rd day of October, 2006.

ATTEST:

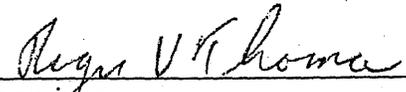
OAKLAND TOWNSHIP
BOARD OF SUPERVISORS


Township Secretary

BY: 
Chairman

BY: 
Vice Chairman

(TOWNSHIP SEAL)

BY: 
Supervisor

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

Municipal Address:

565 Chicora Road
Butler, PA 16001

Telephone No.: (724) 287-8067

Seal of Governing Body

Amended Appendix A-22-b

Z:\Clients\ConnoqTwpl\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**

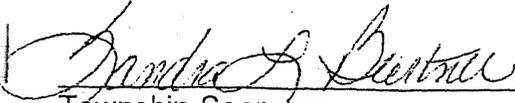
Amended Appendix A-22-b

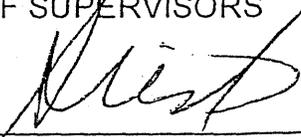
2. The Chairman of the Board of Supervisors and the Township Solicitor are authorized and directed to sign the aforesaid Agreement and provide DEP with the signature page and a certified copy of this Resolution.

SO RESOLVED this 4th day of October, 2006.

ATTEST:

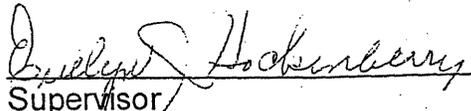
CONNOQUENESSING TOWNSHIP
BOARD OF SUPERVISORS

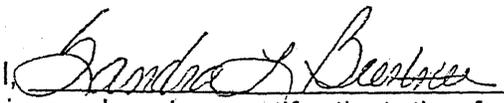

Township Secretary

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:

Seal of Governing Body

102 Township Road
Renfrew, PA 16053

Telephone No.: (724) 789-7186

APPENDIX H:
SCHEDULE OF IMPLEMENTATION

Amended Appendix A-22-b

Act 537 Special Study Milestones

Task	Number of Days from CO&A	Due Date
Signing of Consent Order	NA	October 13, 2006
Submit Draft Copies to BCPC, BASA, Municipal PC	45	November 26, 2006
Receive Comments from BCPC, BASA, Municipal PC	105	January 25, 2007
Send Final Plan to DEP	150	March 12, 2007

Please note:

1. All municipalities must adopt the proposed plan by resolution before submittal to DEP.
2. All municipalities must advertise a public notice for a 30 day public comment period.

APPENDIX I:
AGENCY COMMENTS AND RESPONSES



CITY OF BUTLER
PLANNING AND ZONING COMMISSION
140 West North Street
Butler, PA 16001
Phone: 724-285-4124, Ext. 213
FAX: 724-285-3564

February 21, 2007

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

**RE: City of Butler
Act 537 Special Study**

Dear Mayor and Council,

The City of Butler Planning and Zoning Commission has reviewed the draft of the Act 537 Special Study. The Planning and Zoning Commission agrees with the proposed estimates for the City, and wholeheartedly supports the contents of the proposed Act 537 Special Study.

Sincerely,

Jack Cingolani
Planning and Zoning Commission Chairman

cc: John E. Evans, Zoning Officer
Robert L. Brehm, City Clerk
Bryan W. Flaugh, Gateway Engineers
Joseph L. Gray, Gateway Engineers
File

Amended Appendix A-22-b
Butler County Board of Commissioners
Planning Commission

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

Commissioners

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



Director of Planning

David P. Johnston

December 5, 2006

Robert Brehm, City Clerk
City of Butler
140 West North Street
Butler, PA 16001

Dear City of Butler Council and Mayor,

The Butler County Planning Commission would like to thank you for preparing the Act 537 Special Study Plan for the City of Butler. Our office has reviewed the draft plan. We commend City of Butler 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/Gateway

Amended Appendix A-22-b
BUTLER AREA SEWER AUTHORITY

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

JOHN M. HEIM
CHAIRMAN

WILLIAM M. HULTON JR.
VICE CHAIRMAN

NED H. STOKES, P. E.
SECRETARY

MARGARET N. IARRAPINO
TREASURER

GEORGE E. SHOCKEY
ASSISTANT SECRETARY
AND TREASURER

M. JOHN SCHON, P.E.
MANAGER

PHILIP A. BRUNN, III
ASSISTANT MANAGER

JAMES W. TOMAZICH, P.E.
AUTHORITY ENGINEER

ATS-CHESTER ENGINEERS
CONSULTING ENGINEER

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

COPY

January 2, 2007

CERTIFIED MAIL, RETURN RECEIPT
7005-1160-0002-1852-3010

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

Dear Mayor:

**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 the City of Butler, dated November 15, 2006, prepared by Gateway, Gray-Warnick. The Authority received this draft report on November 27, 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 City's consideration:

SPECIFIC COMMENTS:

Page 3 - Section III, Item A.1, Second Paragraph:

In addition to the three (3) SSOs cited, there are four (4) other structural SSOs located within the City of Butler (Refer to Paragraph P of the October 13, 2006 CO&A). The Center Avenue Pump Station (Center Avenue Sewershed), the Diamond Street Pump Station (North Island Sewershed), the Negley Pump Station (South Island Sewershed), and the Ziegler Pump Station (Ziegler Sewershed) all have emergency overflow pipes to prevent property damage in the event of a pump station failure. However, none of these four SSOs has been active since 2001.

Page 3 - Section III, Item A.3, First Paragraph:

The last sentence states that the existing BASA system has adequate capacity to accommodate the normal (average) sanitary sewer flows. The BASA system has adequate capacity to accommodate the normal average and peak, dry-weather sanitary sewage flows. No dry-weather SSOs have occurred that have been attributed to insufficient system capacity.

Page 3 - Section III, Item A.3, Second Paragraph:

For the reasons cited above, the first sentence of this paragraph should be clarified as follows: A preliminary study by BASA indicates that the existing interceptor and treatment facilities have

sufficient capacity to handle the projected average and peak, dry-weather sanitary sewage flows from the existing service area through the year 2025, based on current zoning and historic growth rates.

Page 4 – Section III, Item A.3, Second Paragraph:

1. Sentence 1 - For the reasons cited above, the first sentence of this paragraph should be clarified as follows: “In summary, the existing BASA system is capable of collecting, conveying, and treating the average and peak, dry-weather sanitary sewage flows...”
2. Sentence 2 - BASA strongly concurs with these recommendations regarding the control of infiltration and inflow (I & I) from new sewers and customers. It is important that all the municipalities recognize this fact. It is also important that municipalities recognize the importance of preventing potential I & I problems when reviewing and approving land development and subdivision plans and conducting UCC inspections. Municipalities must also recognize and acknowledge the effects and implications that the removal of I & I from the sanitary sewers will have on municipal storm sewer systems and the municipality’s responsibility for storm water management planning. If municipalities do not cooperate with BASA or make any effort to control potential I & I from new development, it will ultimately cost the municipalities and your taxpayers when storm sewers systems must be constructed or enlarged to handle the I & I that will have to be removed in the future.

Page 5 – Downtown:

1. General Tire overflow is physically located in the Hansen Sewershed as it is located west of Sullivan Run. Figure 1 correctly depicts the overflow in the Hansen Sewershed. The text, however, incorrectly identifies it in the Downtown Sewershed.
2. The 251 EDU increase cited for the new prison may or may not be an increase depending upon the ultimate demolition, renovation, and/or replacement of the old prison facility. To our knowledge, Butler County has not yet determined the fate of the old prison. Therefore, BASA has treated the new prison as a 251 EDU increase at this time, and the old prison EDUs would remain with the old prison as potential replacement EDUs. If the City or County has more updated information regarding the fate of the old prison, this section and Appendix E would need to be clarified and revised.

Page 5 – Hansen:

Pullman Park is listed as a 114 EDU increase. However, the Sewage Facilities Planning Modules supplied to BASA to date have requested only 35,000 gpd or 87.5 EDU’s for the new baseball facility. Are the additional estimated EDUs for the development of surrounding property around the ballpark facility? Please note that the peak flows are more critical in evaluating the capacity of the required sewer extensions and available sewers, than the estimated 35,000 gpd average daily sewage flow from this ballpark facility. BASA is still waiting for an estimate of the peak sewage flows from the ballpark developer and their consultants.

Page 5 – North Island:

The Ball Park overflow is physically located in the Hansen Sewershed, west of Sullivan Run. Figure 1 correctly identifies it in the Hansen Sewershed, but the text incorrectly places it in the North Island Sewershed.

Figure 1 – Sanitary Sewershed Map

1. The map does not accurately reflect BASA-sewered areas. The Center Avenue Pump Station and force main discharge are shown incorrectly. The force main runs due south across the Connoquenessing Creek and discharges directly into BASA’s main

interceptor along the southern edge of the Creek, not to Cliff Street as shown. In addition, the pump station is actually 400 feet south of where it is currently illustrated, on the parcel north of the creek that is shaded brown for the Brown Avenue Sewershed.

2. This map is excellent in illustrating the topography, tax parcel lines, and existing BASA-sewered areas. 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.
3. BASA recommends that any known unsewered areas of the City should be identified on the map and discussed in the narrative. BASA is aware of at least two, unsewered structures along the north side of Kittanning Street, just west of the railroad overpass (Parcel 25-35). In addition, the Shiloh Baptist Church along Hayes Avenue (Parcel 24-191) is not connected to the BASA sewer system.
4. It is recommended, but not required, that known storm sewers be plotted on the same map to help identify and assess potential I & I problem areas.

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.

Surrounding Municipalities:

It should be acknowledged that nearly all of the sewage flow in the BASA district passes through the sewers within the City of Butler, and then flows into Butler Township where the sewage treatment plant is located. Future sewage facilities needs for these other municipalities may significantly impact the existing sewer system in the City of Butler.

Schedule of Implementation:

For the benefit of the City of Butler residents, the City may wish to include a Schedule of Implementation as an appendix to this report. Refer to the 2006 CO&A for mandated milestones.

Population Projections:

Surrounding municipalities have been basing population projections upon analysis of the various planning tools and resources, including, but not limited to, comprehensive plans, current zoning, and Southwestern Pennsylvania Commission (SPC) Cycle 7 Forecasts. However, each municipality should still assess the applicability of any such projections to their specific municipality because different methodologies may yield different results.

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

The City of Butler 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.

January 2, 2007

Mayor
Butler City

BASA will wait for an appropriate number of copies of the DEP-approved Special Study from Butler City. 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
Butler Township, Chairman of the Board of Supervisors
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
David Johnston, Butler County Planning Commission
Mr. Bryan Flaugh, Gateway, Gray-Warnick

Amended Appendix A-22-b



GATEWAY

On Call. On Time. On Target.

THE GATEWAY ENGINEERS, INC.

201 SOUTH MAIN STREET
SUITE 200
BUTLER, PA 16001

724 287 1055 PHONE
724 287 1104 FAX

www.gatewayengineers.com

March 7, 2007
C-38018

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

RE: BASA Review Comments on Draft
Official Plan Revision Special Study

Dear Mayor Stock:

The following addresses the comments in the January 2, 2007 letter from the Butler Area Sewer Authority:

SPECIFIC COMENTS:

Page 3 – Section III, Item A.1, Second Paragraph:

In addition to the three (3) SSOs cited, there are four (4) other structural SSOs located within the City of Butler (Refer to Paragraph P of the October 13, 2006 CO&A). The Center Avenue Pump Station (Center Avenue Sewershed), The Diamond Street Pump Station (North Island Sewershed), the Negley Pump Station (South Island Sewershed), and the Ziegler Pump Station (Ziegler Sewershed) all have emergency overflow pipes to prevent property damage in the event of a pump station failure. However, none of these four SSOs has been active since 2001.

Response: This item has been addressed on Page 3, Section III, Item A.1, Fourth Paragraph.

Page 3- Section III, Item A.3, First Paragraph:

The last sentence states that the existing BASA system has adequate capacity to accommodate the normal (average) sanitary sewer flows. The BASA system has adequate capacity to accommodate the normal average and peak, dry-weather sanitary sewage flows. No dry-weather SSOs have occurred that have been attributed to insufficient system capacity.

Response: This item has been addressed on Page 3, Section III, Item A.3, First Paragraph.

Page 3 – Section III, Item A.3, Second Paragraph:

Four the reasons cited above, the first sentence of this paragraph should be clarified as follows:

Amended Appendix A-22-b

March 7, 2007

Page 2 of 5

C-38018

A preliminary study by BASA indicates that the existing interceptor and treatment facilities have sufficient capacity to handle the projected average and peak, dry-weather sanitary sewage flows the existing service are through the year 2025, based on current zoning and historic growth rates.

Response: This item has been addressed on Page 3, Section III, Item A.3, Second Paragraph.

Page 4 – Section III, Item A.3, Second Paragraph:

1. Sentence 1 – For the reasons cited above, the first sentence of this paragraph should be clarified as follows: “In summary, the existing BASA system is capable of collecting, conveying, and treating the average and peak, dry-weather sanitary sewage flows”

Response: This item has been addressed on Page 4, Section III, Item A.3, Second Paragraph.

2. Sentence 2 – BASA strongly concurs with these recommendations regarding the control of infiltration and inflow (I & I) new sewers and customers. It is important that all the municipalities recognize this fact. It is also important that municipalities recognize the importance of preventing potential I & I problems when reviewing and approving land development and subdivision plans and conducting UCC inspections. Municipalities must also recognize and acknowledge the effects and implications that the removal of I&I 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 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.

Response: Item Acknowledged.

Page 5 – Downtown:

1. General Tire overflow is physically located in the Hansen Sewershed as it is located west of Sullivan Run. Figure 1 correctly depicts the overflow in the Hansen Sewershed. The text, however, incorrectly identifies it in the Downtown Sewershed.

Response: This item has been addressed on Page 5 under the Hanson subparagraph.

2. The 251 EDU increase cited for the new prison may or may to be an increase

Amended Appendix A-22-b

March 7, 2007

Page 3 of 5

C-38018

depending upon the ultimate demolition, renovation, and/or replacement of the old prison as potential replacement EDUs. If the City or County has updated information regarding the fate of the old prison, the section and Appendix E would need to be clarified and revised.

Response: According to Dave Johnston, Butler County Planning Commission Director, no final decision has been made regarding the old prison; therefore no changes have been made.

Page 5 – Hansen:

Pullman Park is listed as a 114 EDU increase. However, the Sewage Facilities Planning Modules supplied to BASA to date have requested only 35,000 gpd or 87.5 EDU's for the new baseball facility. Are the Additional estimated EDUs for the development of surrounding property around the ballpark facility? Please note that the peak flows are more critical in evaluating the daily sewage flow this ballpark facility. BASA is still waiting for an estimate of the peak sewage flow the ballpark developer and their consultants.

Response: The proposed EDU's for Pullman Park baseball facility were originally estimated using 3500 people at 10 gpd/person (restroom only) which equals 87.5 EDU's. An additional flow of 3 gpd/person to account for food preparation and consumption was assumed. Therefore 3500 people at 13 gpd/person equals 114 EDU's.

Page 5 – North Island:

The Ball Park overflow is physically located in the Hansen Sewershed, west of Sullivan Run. Figure 1 correctly identifies it in the Hansen Sewershed, but the text incorrectly places it in the North Island Sewershed.

Response: This item has been addressed on page 5 under the Hansen Sewershed subparagraph.

Figure 1 – Sanitary Sewershed Map

1. The map does not accurately reflect BASA-sewered areas. The Center Avenue Pump Station and force main discharge is shown incorrectly. The force main runs due south across the Connoquenessing Creek and discharges directly into BASA's main interceptor along the southern edge of the Creek, not to Cliff Street as shown. In addition, the pump station is actually 400 feet south of where it is currently illustrated, on the parcel north of the creek that is shaded brown for the Brown Avenue Sewershed.

Response: This item has been addressed on the Sanitary Sewershed Map – Figure 1.

Amended Appendix A-22-b

March 7, 2007
Page 4 of 5
C-38018

2. This map is excellent in illustrating the topography, tax parcel lines, and existing BASA-sewered areas. 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.

Response: Item Acknowledged.

3. BASA recommends that any known unsewered areas of the City should be identified on the map and discussed in the narrative. BASA is aware of at least two unsewered structures along the north side of Kittanning Street, just west of the railroad overpass (Parcel 25-35). In addition, the Shiloh Baptist Church along Hays Avenue (Parcel 24-191) is not connected to the BASA sewer system.

Response: This item has been addressed on the Sanitary Sewershed Map – Figure 1.

4. It is recommended, but not required, that known storm sewers be plotted on the same map to help identify and assess potential I & I problems areas..

Response: The City of Butler storm sewer mapping has not been completed at this time.

GENERAL COMMENTS:

Final Act 537 Plan Expectations:

The preliminary design of the alternatives, the recommended alternative to be implemented and the physical and monetary effect 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.

Response: Comment acknowledged.

Surrounding Municipalities:

It should be acknowledged that nearly all of the sewage flow in the BASA district passes through the sewers within the City of Butler, and then flows into Butler Township where the sewage treatment plant is located. Future sewage facilities needs for these other municipalities may significantly impact the existing sewer system in the City of Butler.

Response: Comment acknowledged.

Amended Appendix A-22-b

March 7, 2007
Page 5 of 5
C-38018

Schedule of Implementation:

For the benefit of the City of Butler residents, the City may wish to include a Schedule of Implementation as an appendix to this report. Refer to the 2006 CO&A for mandated milestones.

Response: A schedule of implementation has been added in Appendix H.

Population Projections:

Surrounding municipalities have been basing population projections upon analysis of the various planning tools and resources, including, but not limited to, comprehensive plans, current zoning, and Southwestern Pennsylvania Commission (SPC) Cycle 7 Forecasts. However, each municipality should still assess the applicability of any such projections to their specific municipality because different methodologies may yield different results.

Response: Comment acknowledged

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

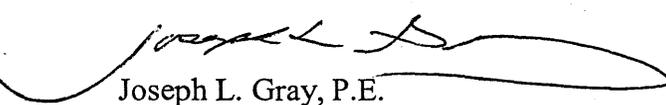
The City of Butler and its consultant are to be commended for utilizing the digital G.I.S. information that BASA provided to each municipality on May 17, 2006.

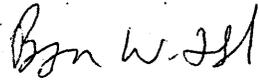
Response: Comment acknowledged

Should you have any questions, please contact our office.

Sincerely,

THE GATEWAY ENGINEERS, INC.


Joseph L. Gray, P.E.
City Engineer


Bryan W. Flaugh
Project Engineer

cc: Butler Area Sewer Authority

R:\Projects\38000\38018 Act 537\DOCS\Response Ltr 02-06-07.doc

Amended Appendix A-22-b



Pennsylvania Department of Environmental Protection

230 Chestnut Street
Meadville, PA 16335-3481
May 11, 2007

Northwest Regional Office

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

City of Butler
Mr. Robert L. Brehm
City Clerk
140 West North Street
Butler, PA 16001

Gentlemen:

The Department of Environmental Protection has reviewed the document entitled "City of Butler Act 537 Sewage Facilities Special Study for the BASA Service Area" submitted on your behalf by Gateway, Gray-Warnick. This Special Study as submitted will require additional information to enable the Department to complete their review. The following items must be addressed with any resubmission:

1. The study outlines a population decline since 1940 in the city. It also mentions the only major EDU increase will come from redevelopment projects. Although projecting the city will not surpass the amount of historic EDUs in 1940, even in 50 years, gives rise to a concern that may not surface in any of the studies. These properties are marketed as having an existing connection, an approved EDU thresh hold, and not "counted" in the connections allotted to BASA in the CO & A. Although this will not add a "new" connection, this "new" replacement flow will be exacerbating the existing wet weather problems BASA is experiencing on this date. The impact of these additional EDUs with respect to existing wet weather conditions should be addressed. An estimate of available EDUs, under these vacant pre-planned, existing connection conditions, would be useful to BASA to plan for capacity in their collection, conveyance and treatment facilities.
2. There is mention of un-sewered areas within the City. Specifically, the 2 structures on the north side of Kittanning Street and the Shiloh Baptist Church an Hayes Avenue. It was not clear what provisions will be made to connect theses or any other un-sewered customers within BASA service areas?
3. Housekeeping: Section IV, Future Growth and Land Development:
 - * Hansen Sewer Shed discusses the Pullman Ballpark flow estimates. It appears that the park is estimated at both 114 and 144 EDUs. Please clarify the correct flow of the project.





GATEWAY

On Call. On Time. On Target.

THE GATEWAY ENGINEERS, INC.
201 SOUTH MAIN STREET
SUITE 200
BUTLER, PA 16001

724 287 1055 PHONE
724 287 1104 FAX

www.gatewayengineers.com

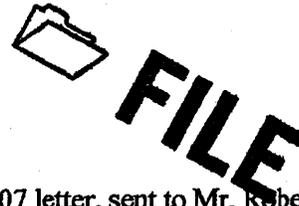
June 29, 2007
C-38018

Cynthia A. Selby
Water Quality Supervisor
Pennsylvania Department of Environmental Protection
230 Chestnut Street
Meadville, PA 16335-3481

RE: City of Butler Act 537 Sewage Facilities Special Study

Dear Ms. Selby:

The following responses address the comments in your May 11, 2007 letter, sent to Mr. Robert L. Brehm, City Clerk, City of Butler.



1. The study outlines a population decline since 1940 in the city. It also mentions the only major EDU increase will come from redevelopment projects. Although projecting the city will not surpass the amount of historic EDUs in 1940, even in 50 years, gives rise to a concern that may not surface in any of the studies. These properties are marketed as having an existing connection and approved EDU threshold, and not "counted" in the connections allotted to BASA in the CO & A. Although this will not add a "new" connection, this "new" replacement flow will be exacerbating the existing wet weather problems BASA is experiencing on this date. The impact of these additional EDUs with respect to existing wet weather conditions should be addressed. An estimate of available EDUs, under these vacant pre-planned, existing connection conditions, would be useful to BASA to plan for capacity in their collection, conveyance and treatment facilities.

RESPONSE: There have been changes to the City's Zoning Ordinance since 1940 that place a minimum lot size for residential properties. If certain homes are demolished today, they may not be able to be rebuilt due to the zoning changes. Some of these lots are used for driveways, sheds, etc. for adjoining properties. Also, some larger vacant industrial and residential properties were reviewed. Additional EDUs for these properties in the Monroe, South Island, and Brown Avenue Sewer Sheds have been accounted for and explained on pages 5 through 7 in the report and in Appendix E.

2. There is mention of unsewered areas within the City, specifically, the two structures on the north side of Kittanning Street and the Shiloh Baptist Church on Hayes Avenue. It was not clear what provisions will be made to connect these or any other unsewered customers within BASA service areas.

RESPONSE: As unsewered properties are found, provisions will be made to have the properties connected to the existing BASA system. The City shall give notice to the property owners and BASA will be contacted to follow up with the correction.

3. **Housekeeping: Section IV, Future Growth and Land Development:**

- Hansen Sewer Shed addressed the Pullman Ballpark flow estimates. It appears that the park is estimated at both 114 and 144 EDUs. Please clarify the correct flow of the project.

RESPONSE: This item has been addressed on page 5 of the report. The correct estimated flow is 114 EDUs.

- Monroe Sewer Shed proposes a redevelopment project for the 10 year growth period with estimates of 135 EDUs as described in Appendix F. Appendix E estimates 142 EDUs for the 10-year period. The narrative in Section IV identifies a slight increase in growth, but does not give an estimate of EDUs as found in the other sewer sheds. From the chart found in Appendix E, 4 EDUs seem to be the projection. If this is the case, this information should be presented in the same format as the remaining sewer sheds. Also, the 10-year projection seems to have 3 additional EDUs beyond the proposed redevelopment (135) and growth (4) estimates without explanation.

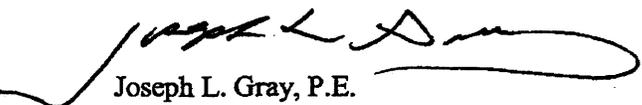
RESPONSE: This item has been addressed on page 6 of the report. Appendix E has also been revised to reflect 135 EDUs for the Center City Development.

- County Jail Flow is estimated at 259 EDUs on p. 4 and 251 EDUs on p. 5.

RESPONSE: This item has been addressed on page 5 of the report. The jail flow is estimated to be 259 EDUs. The same has also been revised in Appendix E.

Should you have any questions regarding the above information, please contact our office.

Sincerely,
THE GATEWAY ENGINEERS, INC.



Joseph L. Gray, P.E.
City Engineer

JLG:rmk

c: John Evans – City of Butler
Robert L. Brehm – City of Butler

APPENDIX J:

PUBLIC NOTIFICATION

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

14th Day of January A.D. 2007

Affiant further deposes that the Ad Taker is duly authorized by the EAGLE PRINTING COMPANY, a corporation, publisher of said BUTLER EAGLE, a newspaper of general circulation, to verify the foregoing statement under oath, and Affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statements as to time, place and character of publication are true.

Lisa Patricelli

Butler Eagle

Sworn to and subscribed before me this 14th

Day of January 2007

Notary Public

My Commission Expires:

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Ronald A. Vodenichar, Notary Public

City Of Butler, Butler County

My Commission Expires July 12, 2008

Member, Pennsylvania Association Of Notaries

Statement of Advertising Costs

City of Butler

140 West North Street

Butler, PA 16001

TO BUTLER EAGLE, Dr.

For publishing the notice or publication attached
Hereto on the above stated dates \$68.25

Probating same \$2.00

Total \$70.25

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.

Cop PUBLIC NOTICE
City of Butler, Act 537, Special Study
Notice is hereby given that the City of Butler will receive comments on the proposed Act 537, Special Study for the City of Butler planning area in conjunction with the Butler Area Sewer Authority (BASA) Consent Order and Agreement with the PADEP. The Special Study includes the sewerage planning as well as present system and proposed system for the City of Butler. BASA is required to complete a comprehensive study to identify and remove from the sanitary sewer system from various locations throughout the City. A part of the City of Butler Act 537 Special Study, along with comments from BASA and the Butler County Planning Commission, can be reviewed at the City of Butler Building, located at 140 West North Street, Butler, PA 16001 between the hours of 8:30 AM and 4:00 PM, Monday-Friday. Written comments will be received for 30 days from the date of this notice at the address listed above.

APPENDIX K:
RESOLUTION FOR PLAN ADOPTION

Amended Appendix A-22-b

RESOLUTION 2007-02-22-B

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

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

WHEREAS, Gateway/Gray Warnick Engineering has prepared an Act 537 Special Study which provides for sewage facilities in a portion of The City of Butler; and

WHEREAS, adoption of the Special Study as a revision to the City's Official Plan is mandated under the Consent Order and Agreement dated October 13, 2006; and

WHEREAS, The City of Butler finds that the Act 537 Special Study described above conforms to applicable zoning, subdivision, other municipal ordinances and plans and to a comprehensive program of pollution control and water quality management;

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

I, Robert L. Brehm, City Clerk of the City of Butler, hereby certify that the foregoing is a true copy of the City's Resolution No. 2007-02-22-B, adopted February 22, 2007.

ATTEST:

CITY OF BUTLER


City Clerk

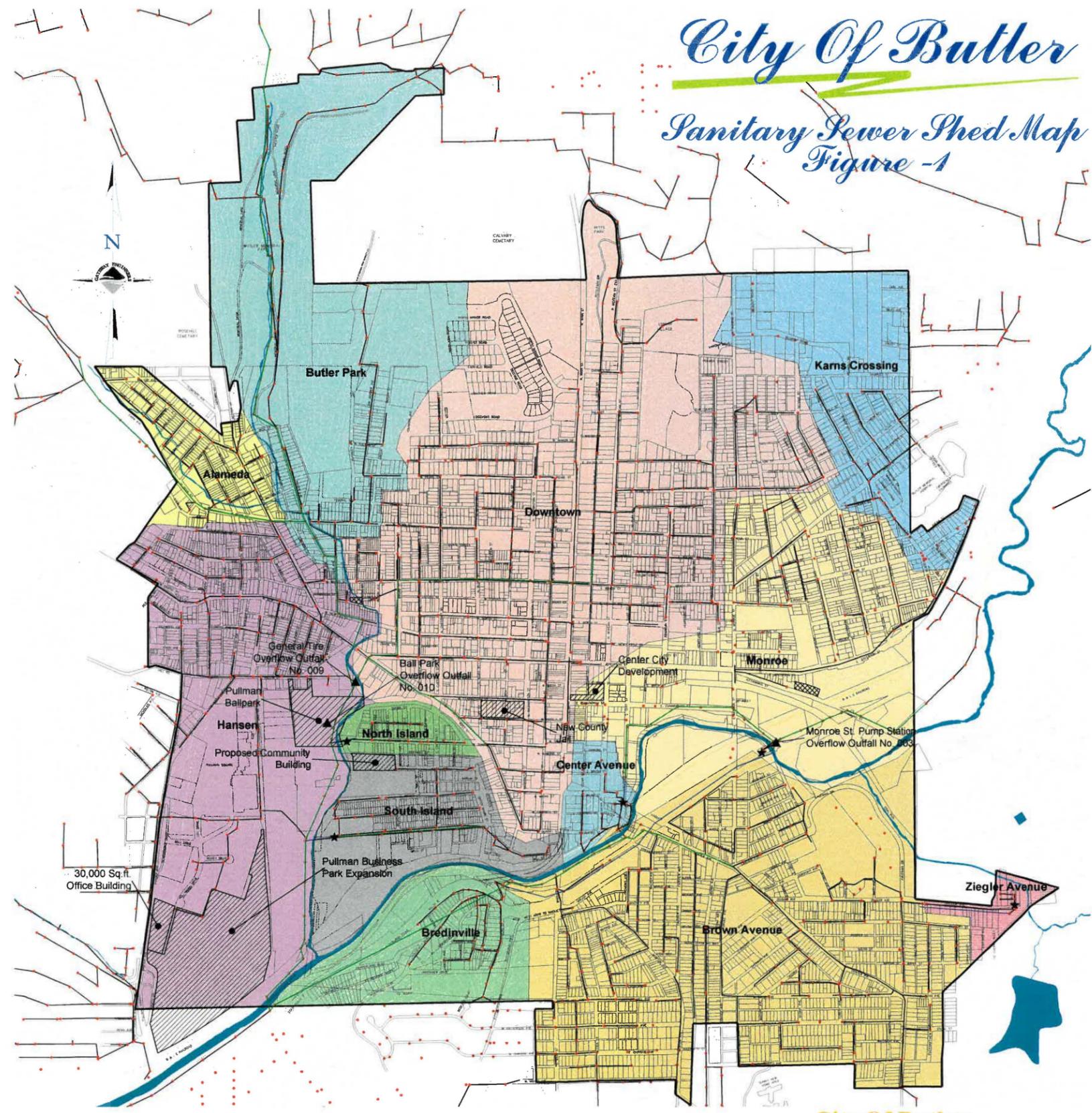
By: 
Mayor

SEAL

FIGURE 1:
CITY OF BUTLER SANITARY SEWER SHED MAP

City Of Butler

Sanitary Sewer Shed Map Figure -1



- Legend**
- City Boundary
 - Contour Lines
 - Streams
 - Lakes
 - Rail Road
 - Sanitary Sewers
 - Sewer Interceptor
 - Sewer Force Main
 - Manhole
 - ★ Pump Station
 - ▲ Overflow
 - ▨ Future Development Project
 - ▩ Non-Sewered Area

- Sewer Sheds**
- Alameda
 - Bredinville
 - Brown Avenue
 - Butler Park
 - Center Avenue
 - Downtown
 - Hansen
 - Karns Crossing
 - Monroe
 - North Island
 - South Island
 - Ziegler Avenue

City Of Butler
Butler County, Pennsylvania

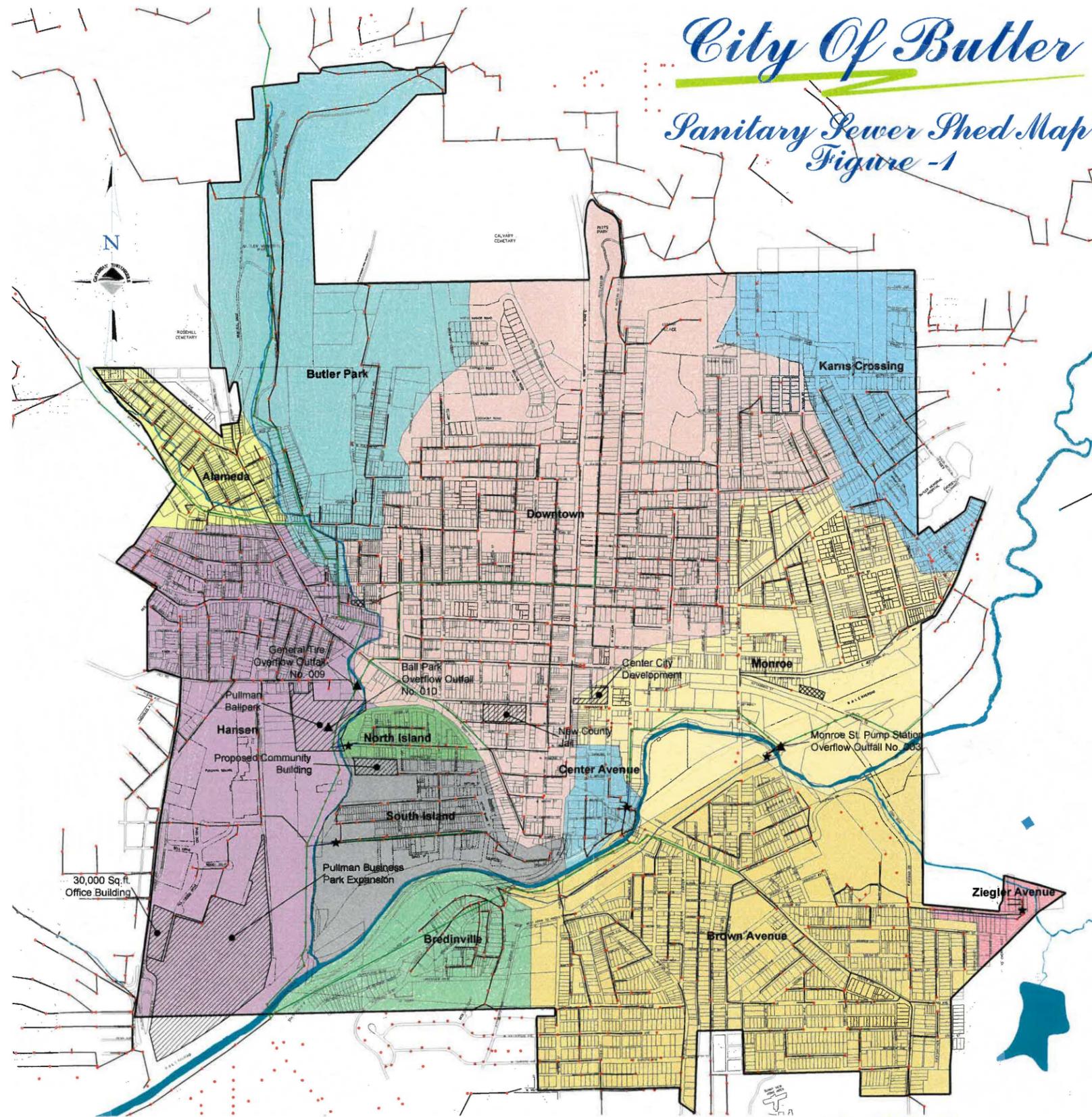
Map Produced By:
GATEWAY
GRAY-WARNICK
201 South Main Street, Suite 200, Butler, PA 15001
PH: 724.287.1055 Fax: 724.287-1104 • www.gatewaygrays.com

Job Number: C-38218
Date: 7/13/06

0 400 800
FEET

City Of Butler

Sanitary Sewer Shed Map Figure -1



- Legend**
- City Boundary
 - Contour Lines
 - Streams
 - Lakes
 - Rail Road
 - Sanitary Sewers
 - Sewer Interceptor
 - Sewer Force Main
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- Sewer Sheds**
- Alameda
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 - Brown Avenue
 - Butler Park
 - Center Avenue
 - Downtown
 - Hansen
 - Karns Crossing
 - Monroe
 - North Island
 - South Island
 - Ziegler Avenue

City Of Butler
Butler County, Pennsylvania

Map Produced By:
GATEWAY
 GREAT WARRICK
 On Call. On Time. On Target.
201 South Main Street, Suite 200, Butler, PA 16001
 Ph: 724-267-1050 Fax: 724-267-1104 - www.gatewaygis.com

Job Number: C-38018
Date: 7/13/06

FIGURE 2:

CITY OF BUTLER ZONING MAP

Amended Appendix A-22-b

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

Amended Appendix A-22-b

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