

AMENDED APPENDIX A-22-B

SUMMIT TOWNSHIP 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

Summit Township
c/o Julie Filges, Secretary
502 Bonniebrook Road
Butler, PA 16002-0324

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

Gentlemen:

The Department of Environmental Protection hereby **approves** the document entitled "Summit Township Act 537 Special Study." The Special Study is dated November 2006, revised January 2007, with subsequent revisions submitted to the Department in April 2007 and July 2007. Gateway Gray-Warnick has prepared this Special Study on behalf of Summit Township. 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 \$11,952.00 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% of the eligible planning costs. With the approval of this Special Study Summit Township 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: Joseph L. Gray, P.E., Gateway Gray-Warnick
John Schon, P.E., BASA
David Johnston, Butler County Planning Commission
Tomisa Schmeider
Michael Zimmerman/Ms. Cynthia Selby/file

RFG:CS:ll





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Sincerely,

Ricardo F. Gilson
Regional Manager
Water Management

Enclosure

cc: Joseph L. Gray, P.E., Gateway Gray-Warnick
John Schon, P.E., BASA
David Johnston, Butler County Planning Commission
Tomisa Schneider
Michael Zimmerman/Ms. Cynthia Selby/file

RFG:CS:ll



Amended Appendix A-22-b
BUTLER AREA SEWER AUTHORITY

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

BASA FILE COPY

JOHN M. HEIM
CHAIRMAN

WILLIAM M. HULTON, JR.
VICE CHAIRMAN

GERALD S. PATTERSON, JR.
SECRETARY

JOHN E. EVANS
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

CHESTER ENGINEERS
CONSULTING ENGINEERS

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

COPY

September 7, 2007

Summit Township Supervisors
c/o Julie Filges, Secretary
502 Bonniebrook Road
Butler, PA 16002

Gentlemen:

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

On August 10, 2007, the Department of Environmental Protection (DEP) issued a letter to Summit Township approving the "Summit Township Act 537 Special Study", dated November 2006, revised January 2007, with subsequent revisions dated April 2007 and July 2007, which was prepared by Gateway Gray-Warnick. The Authority received a copy of the Special Study dated November 2006, Revised January 2007, but we have not received the referenced revisions submitted to the DEP in April 2007 and 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, Summit Township was required to submit a complete copy of the approved Official Plan Revision Special Study to the Authority upon receipt of written notification that the DEP has approved the Official Plan Revision Special Study. To date, the Authority has not received a complete copy of the DEP-approved Official Plan Revision Special Study for Summit Township.

Please submit a complete copy of the DEP-approved "Summit Township Act 537 Special Study", dated November 2006, revised January 2007, with subsequent revisions dated April 2007 and 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
Bryan W. Flough, Gateway Gray-Warnick



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

LETTER OF TRANSMITTAL

September 13, 2007
C-26541

Butler Area Sewage Authority
100 Litman Road
Butler, PA 16001

RECEIVED
SEP 14 2007
BASA

ATTN: John Schon, P.E.

RE: Summit Township – 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 Summit Township |

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.

Bryan W. Flaugher
for Bryan W. Flaugher, P.E.
Engineer

cc: Summit Township Board of Supervisors

Amended Appendix A 02-1

SUMMIT TOWNSHIP ACT 537 SPECIAL STUDY

FOR

THE BASA SERVICE AREA

SITUATE IN

SUMMIT TOWNSHIP
BUTLER COUNTY, PA

PROJECT # 26541

PREPARED: NOVEMBER 21, 2006 ✓

Revised: January 15, 2007 ✓

June 11, 2007 ✓

RECEIVED

SEP 14 2007

BASA

PREPARED BY:



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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SUMMIT TOWNSHIP 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 Summit Township. The sanitary sewer system within the Summit Township 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 June 16, 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 (See Appendix C) 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 called for the systematic evaluation of the existing sewer system infrastructure, flow monitoring, infiltration and inflow (I & I) studies, elimination of extraneous water from the system through rehabilitation projects, private lateral investigation/ rehabilitation, etc. From the time of the execution of the first COA until the present date, it is the Township's understanding that the BASA has followed the approved CAP and made progress in minimizing overflows and overloads. However, isolated overflows and overloads still persist which violates the February 20, 2001 COA.

Through the 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 (See Appendix F). 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 Summit Township for the next 30 years.

PART 2 ADMINISTRATIVE COMPLETENESS CHECKLIST

- 2A The existing BASA service area and the proposed study area is delineated on Figure 1. The proposed study area is roughly half of the Township's total area.

II. PHYSICAL AND DEMOGRAPHIC ANALYSIS

- A. The BASA has four separate service areas within Summit Township as shown on Figure 1. Two areas are located in the northwest quadrant of the Township between Butler Township and East Butler Borough. Another portion of the Township near the southeastern tip of East Butler Borough is serviced by BASA. Finally, a section in the southwestern portion of the Township along the border with Butler Township is also serviced by BASA. The Township's sewage flows subsequently flow into BASA sewers in Butler Township, then to BASA's sewers in the City of Butler, and then back into BASA sewers in Butler Township, where BASA's sewage treatment plant is located. Summit is located in the central portion of Butler County and is bounded by Oakland Township to the north, Clearfield Township to the east, Jefferson Township to the south and Butler Township to the west. As of the 2000 Census, Summit Township has a population of 4,728 people. The Township has a total land area of approximately 15,380 acres.

The Township has a zoning ordinance with the following classifications:

| | |
|-----|--------------|
| A-1 | Agricultural |
| C-1 | Commercial |
| I-1 | Industrial |
| R-1 | Residential |
| R-2 | Residential |
| V-1 | Village |

A zoning map of the study area is included as Figure 2.

- B. The Township lies in six major watersheds including Connoquenessing Creek, Thorn Creek, Coal Run, Butcher Run, Bonniebrook, and Rough Run (See Figure 1).

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 Township limits. All of the sewage from Summit Township flows through Butler Township and the City of Butler on its way to the BASA WWTP. 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 6-inches to 48-inches in diameter and 22 sewerage pumping stations.

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 no SSO's or BASA owned pump stations located within Summit Township limits. There are, however, two (2) privately owned and operated sewage pump stations in Summit Township. These privately owned pump stations can be found at the JSP International building on East Brook Lane, and the BioFab building on East Brook Lane. The locations of these sewage lift stations can be found on Figure 1. There is another privately owned pump station at the Spang Magnetics Plant which is located near Summit Township, but is geographically located in East Butler.

There are two (2) small flow treatment facilities permitted in the Act 537 Special Study Area. One is permitted for Lifesteps at 202 Headland Road, while the other is permitted for Marcel Ervig at 328 Freeport Road. Locations of these can be found on Figure 1.

As previously mentioned in correspondence to PA DEP, it is our understanding that the Township will not be required to analyze the capacity of the existing treatment plant, interceptors, pump stations, and force mains. Therefore these calculations are 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 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 study area for the Act 537 Special Study consist of 7,983 acres. It is doubtful that all of this area or even the majority of the area will be served by public sewer within 30 years. Service to this area also depends on what happens in the Herman area with regard to sewage service. Much of the area is also hampered by steep slopes and streams which would limit developable area and make access to sewage service more difficult. Other constrains such as wetlands, floodplains, and past mining also limit development. There exists some clusters of smaller lots in the central and southern part of the study area which may find a need for sewage service in the future, but generally it is expected that sewer service extensions will be developer driven.

Two methods of estimating future EDU's were used for this study. The first method projects the future growth using the current number of Summit Township EDU's in the BASA system in direct correlation with the population increase in Summit Township. Appendix E includes a table provided by BASA showing approximately 567 current EDU's in Summit Township. As you can see in Appendix D, Table 1, the population of Summit Township has increased approximately 1% per year between the 1990 census and the 2000 census. Based on the density of the population in the western side of the Township where the existing public sanitary sewers are located, we estimated that growth occurring is two to three times that of the east. Therefore we assumed that growth in the west will be at a rate of 2.0%. Using that 2.0% per year increase, and assuming 2.62 people per EDU in the study area (from 2000 Census) a study area population was estimated and back calculated in to a projection of and additional **586 EDU's** over a 30 year period (See Appendix D Table 2).

The second method looks at particular areas that could possibly expand to the BASA system within the next 30 years based on topography, ease of sewer access and general desirability for development. The most likely expansion of the sewer system is in the southwest corner of Summit Township along Freeport road (SR356) and Saxonburg Road. There are many homes and business in this area on smaller lots and there remain larger parcels with more gentle slopes for development. There are approximately 77 existing small lots/structures (homes/business) in this area along with three large parcels that can be developed. One large parcel is located in zoning district C-1 that is estimated to develop to 50 lots, and there are two large lots located in zoning district A-1 that are estimate to develop to 50 and nine lots respectively. The second area we would expect the need for sewage service is in the north-central part of the study are along Route 422, Mitchell Hill, Protzman Drive and Portman Road. This area also has a mix of existing lot clusters and potential residential and commercial development. Proposals have been made to make the Route 422 corridor a commercial zone, and it is likely that this will occur at some time. When this occurs commercial development in this area should be expected to accelerate. There are approximately 92 small lots/existing structures in this area with an estimated 4 larger lots that could be subdivided into 100 additional lots. With these two areas combined, plus an additional 15% for future growth in these areas, it is estimated that an additional **436 EDU's** could be added within the next 30 years (See Appendix D, Table 3). Although the central part of the study area is the most natural direction for sewage expansion it offers the least desire for the service. This area along Coal Run has minimal existing developed area and would be expected to see little if any need in the next 30 years due to proximity, terrain or desirability.

We estimate neighboring Butler Township, where much of the growth has occurred in the past, will begin to experience saturation. This will result in increased levels of interest in Summit Township by developers and companies. With this in mind, we would expect more demand for sanitary sewer service in Summit Township than has been experienced in the past. One large residential or commercial development could quickly use up 100 EDU's.

The Herman area is currently in need of sewage facilities. In a separate study, not included in this, it has been shown that providing sewage service to this area by the Butler Area Sewer Authority is not a feasible alternate at this time. It is expected that this area will be serviced by its' own sewage treatment plant.

There are two areas delineated in this study that could be incorporated into the Herman Area Act 537 Study. Part of SR 356 and most of the Portman Road area could flow to the BASA system or to a Summit Township sewage treatment plant as discussed in the Herman Area Act 537 Study. These areas have been delineated on Figure 1 as being areas that could be included in the BASA Act 537 Special Study of the Herman Area Act 537.

In conclusion, due to the numerous factors involved in extending sewage service into Summit Township, we have taken a subjective approach, as well as, an objective approach to growth projections. We believe that the actual growth will fall somewhere between these. Table 4 in Appendix D shows the average EDU's estimated between both methods. The result is an estimate of 513 EDU's over the next 30 years. As with any study of this kind it is likely that something will occur uncharacteristic.

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 within Summit Township as presented within Appendix D. Based on our analysis of the area, past history and need, we estimate, approximately 17 new EDUs are anticipated per year for Summit Township.

APPENDIX A:
TASK ACTIVITY REPORT



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

Julie Filges
Summit Township
502 Bonniebrook Rd.
Butler PA 16002

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

Dear Ms. Filges:

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 current and potential service areas in Summit Township.

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

The projected cost for completion of this planning effort is now \$11,952. 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: *sk*

TS:emr



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 21, 2007
C-26541

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

VIA: Chairman, Summit Township Board of Supervisors

**RE: Summit 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 Summit Township 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.
Township Engineer

R:\Projects\26000\26541 BASA Act 537 Special Study\TAR Ltr to DEP 6-21-07.DOC

Amended Appendix A-22-b

3800-FM-WSFR0005 9/2005



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

TASK/ACTIVITY REPORT

Summit Township
Municipality

Butler
County

Summit Twp 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 \$11,952
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 | 3 | \$300 | 7 | \$511 | 2 | \$166 | | | 6 | \$438 | 10 | \$410 | 3 | \$123 | | | \$1,948 |
| II.B | 3 | \$300 | 7 | \$511 | 2 | \$166 | | | 6 | \$438 | 10 | \$410 | 3 | \$123 | | | \$1,948 |
| III.A.1 | 3 | \$300 | 7 | \$511 | 4 | \$332 | | | 4 | \$292 | 9 | \$369 | 3 | \$123 | | | \$1,927 |
| III.A.3 | 2 | \$200 | 4 | \$292 | | | | | | | | | | | | | \$492 |
| IV.B.3 | 7 | \$700 | 14 | \$1,022 | 4 | \$332 | | | 2 | \$146 | 3 | \$123 | 3 | \$123 | | | \$2,446 |
| IV.B.5 | 8 | \$800 | 18 | \$1,314 | 6 | \$498 | | | 4 | \$292 | 4 | \$164 | 3 | \$123 | | | \$3,191 |
| Total | 26 | \$2,600 | 57 | \$4,161 | 18 | \$1,494 | | | 22 | \$1,606 | 36 | \$1,476 | 15 | \$615 | | | \$11,952 |

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

Signature

Township 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

Summit Township
Rodney Scott
502 Bonniebrook Rd.
Butler PA 16002

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

Dear Mr. Scott:

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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 \$9,054. 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/Bryan Flaugh
Butler Co. Planning Commission
BASA
RO: W.Crawford
File

TS:emr

RECEIVED JUN 29 2006



Amended Appendix A-22-b

3800-FM-WSFR0005 9/2005



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

TASK/ACTIVITY REPORT

Summit Township Municipality Butler County Summit Twp 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 \$9,054 Sheet 1 of 1

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

| 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 | 2 | \$200 | 4 | \$292 | 2 | \$166 | | | 6 | \$438 | 10 | \$410 | 2 | \$82 | | | \$1,588 |
| II.B | 2 | \$200 | 4 | \$292 | 2 | \$166 | | | 6 | \$438 | 10 | \$410 | 2 | \$82 | | | \$1,588 |
| III.A.1 | 2 | \$200 | 4 | \$292 | 4 | \$332 | | | 4 | \$292 | 9 | \$369 | 2 | \$82 | | | \$1,567 |
| III.A.3 | 1 | \$100 | 1 | \$73 | | | | | | | | | | | | | \$173 |
| IV.B.3 | 4 | \$400 | 8 | \$584 | 4 | \$332 | | | 2 | \$146 | 2 | \$82 | 2 | \$82 | | | \$1,626 |
| IV.B.5 | 6 | \$600 | 12 | \$876 | 6 | \$498 | | | 4 | \$292 | 4 | \$164 | 2 | \$82 | | | \$2,512 |
| Total | 17 | \$1,700 | 33 | \$2,409 | 18 | \$1,494 | | | 22 | \$1,606 | 35 | \$1,435 | 10 | \$410 | | | \$9,054 |

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

Signature

Township Engineer
Title

Rodney E. Scott
Municipal Secretary Signature

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

* Caused by mechanical failure of pump control system.

Amended Appendix A-22-b

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

| 2000 MONTH | RAINFALL | GENERAL TIRE OVERFLOW OUTFALL NO. 009 | | | BALL PARK OVERFLOW OUTFALL NO. 008 | | | DESHON P. S. OVERFLOW OUTFALL NO. 015 | | | MONROE ST. P. 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 | 1.60" | 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 TIRE OVERFLOW OUTFALL NO. 009 | | | BALL PARK OVERFLOW OUTFALL NO. 010 | | | DISHONIP'S OVERFLOW OUTFALL NO. 016 | | | 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. 009 | | | BALL PARK OVERFLOW OUTFALL NO. 010 | | | DESHON P. S. OVERFLOW OUTFALL NO. 015 | | | MONROE ST. OVERFLOW OUTFALL NO. 01A | | |
|--------------------------|--------------------------------------|--|------------------|------------------|---------------------------------------|------------------|------------------|--|------------------|------------------|--|------------------|------------------|
| | | 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 Rock Lick PS | 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 |

Amended Appendix A-22-b

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

| 2004 MONTH | RAINFALL | GENERAL TIRE OVERFLOW OUTFALL NO. 000 | | | BALL PARK OVERFLOW OUTFALL NO. 010 | | | DESIGNER'S OVERFLOW OUTFALL NO. 011 | | | MONROE ST. OVERFLOW OUTFALL NO. 013 | | |
|--------------------------|-------------------------------|--|------------------|------------------|---------------------------------------|------------------|------------------|--|------------------|------------------|--|------------------|------------------|
| | | 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. 001 | | | BALL PARK OVERFLOW OUTFALL NO. 002 | | | BESHONEYS OVERFLOW OUTFALL NO. 003 | | | MONROE ST. PAST 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 | 196,900 | 01/14/2005 | 11.25 | 431,700 | | | |
| FEBRUARY | 0.29 - 0.35" + Snowmelt | 02/09/2005 | 2.00 | 64,700 | 02/09/2005 | 2.75 | 43,500 | 02/09/2005 | 3.25 | 105,400 | | | |
| FEBRUARY | 1.01 - 1.30" in 14 hours | 02/14-15/2005 | 10.50 | 689,900 | 02/14-15/2005 | 11.25 | 643,100 | 02/14-15/2005 | 10.25 | 682,800 | | | |
| MARCH | 0.45" in 1.5 hr | 03/07-08/2005 | 3.75 | 277,800 | 03/07-08/2005 | 4.25 | 134,800 | 03/07/2005 | 1.75 | 35,300 | | | |
| APRIL | 1.60 - 2.10" | 04/02-03/2005 | 38.75 | 707,400 | 04/02-03/2005 | 39.75 | 2,044,300 | 04/02-03/2005 | 17.75 | 646,900 | | | |
| APRIL | 0.86 - 0.92" in 1 hour | | | | 04/23/2005 | 1.00 | 32,600 | | | | | | |
| AUGUST | 2.34 - 2.96" in 2 hours | 08/30-31/2005 | 4.25 | 184,600 | 08/30-31/2005 | 4.75 | 181,700 | 08/31/2005 | 0.75 | 38,100 | | | |
| SEPT. | 1.51" in 6.5 hr | | | | 09/26/2005 | 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 ⁴⁵ 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.

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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.

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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:

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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.

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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

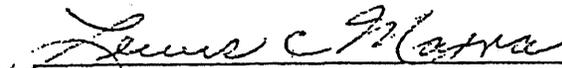
Amended Appendix A-22-b

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:

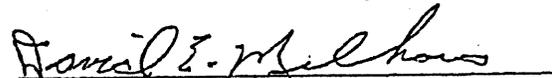


John M. Heim
Chairman

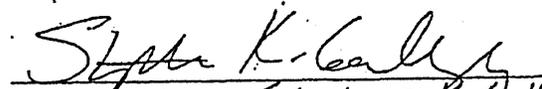


Lewis C. Marra
Secretary

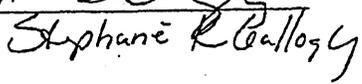
FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION:



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



Fricia L. Gizienski
Assistant Counsel



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

Exhibit A

BUTLER AREA SEWER AUTHORITY OVERFLOW DATA SUMMARY

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

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

| <u>OVERFLOW EVENTS</u> | | <u>OVERFLOW VOLUME</u> | | <u>COMMENTS</u> |
|------------------------|-----------------------|------------------------|------------------|---------------------------------------|
| <u>YEAR</u> | <u>DATE</u> | <u>GALLONS</u> | <u>LOCATION</u> | |
| 1999 | Cont'd. January 22-24 | 4,882,500 | Deshon PS | rain |
| | | 7,034,492 | 009 | |
| | February 28 | 3,112,858 | 010 | rain |
| | | 291,900 | 009 | |
| | April 5 | 128,000 | 010 | mechanical failure |
| | | 206,000 | 003 | |
| | April 9 | 28,500 | Deshon PS | rain |
| | April 9-10 | 937,800 | 009 | rain |
| | | 318,100 | 010 | |
| | May 18-19 | 192,400 | 009 | rain |
| | | 99,000 | 010 | |
| | July 2 | 894,200 | 009 | rain |
| | | 301,500 | 010 | |
| | November 2 | 37,400 | Deshon PS | rain |
| 218,300 | | 009 | | |
| 108,300 | | 010 | | |
| December 14 | 222,500 | Deshon PS | rain | |
| | 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 | |
| | April 8 | 1,211,000 | 010 | rain |
| | | 600,800 | Deshon PS | |
| | | 102,400 | 009 | |
| | April 21-24 | 273,300 | 010 | power failure/ mechanical problems |
| | | unknown | Brewster Road PS | |
| | May 28 | 8,374 | Deshon PS | rain |
| | | 123,400 | 009 | |
| | | 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:

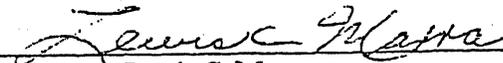
1. The attached agreement is hereby approved and adopted as and for a binding and effective agreement of the Butler Area Sewer Authority in accord with its terms; and
2. Appropriate Authority Officials are hereby authorized and directed to execute the attached agreement in the manner required by law.

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:
SUMMIT TOWNSHIP
POPULATION DATA
AND
FUTURE GROWTH

Table 1
Summit Township
Population Forecasting

| Year | Summit Twp | |
|------|------------|----------------|
| | Population | Percent Change |
| 1930 | 2,193 | |
| 1940 | 2,379 | 8.5% |
| 1950 | 3,236 | 36.0% |
| 1960 | 3,735 | 15.4% |
| 1970 | 4,271 | 14.4% |
| 1980 | 4,628 | 8.4% |
| 1990 | 4,284 | -7.4% |
| 2000 | 4,728 | 10.4% |

Notes: Population data obtained from U.S. Census Data

Table 2
Summit Township - Study Area
EDU Forecasting

| Year | Summit Township | |
|------|-----------------|------------|
| | EDU's | Population |
| 2006 | 567 | 1486 |
| 2011 | 624 | 1634 |
| 2016 | 686 | 1798 |
| 2026 | 823 | 2157 |
| 2036 | 1153 | 3020 |

Notes: 1. 2006 EDU Data obtained from BASA estimate for first quarter of 2006
 2. Population estimated by multiplying EDU's times 2.62 (People per Household as per 2000 US Census) at an estimated 2% growth.

Table 3
Summit Township - Study Area
Additional EDU's

| Year | Freeport Road Area | 422 Area | Total+15% |
|--------------|--------------------|------------|------------|
| | EDU's | EDU's | |
| 2011 | 31 | 32 | 73 |
| 2016 | 31 | 32 | 73 |
| 2026 | 62 | 64 | 145 |
| 2036 | 62 | 64 | 145 |
| Total | 186 | 192 | 436 |

Table 4
Summit Township - Study Area
EDU Forecasting vs. Additional EDU's

| Year | Additional EDU's | EDU Forecasting | Average |
|--------------|------------------|-----------------|------------|
| | EDU's | EDU's | |
| 2011 | 73 | 57 | 65 |
| 2016 | 73 | 62 | 68 |
| 2026 | 145 | 137 | 142 |
| 2036 | 145 | 329 | 238 |
| Total | 436 | 586 | 513 |

APPENDIX E:

BASA ACCOUNTS & EDU'S BILLED BY MUNICIPALITY

**BUTLER AREA SEWER AUTHORITY
ESTIMATED NUMBER OF ACCOUNTS AND EDUs BILLED BY MUNICIPALITY**

| MUNICIPALITY | TYPE OF ACCOUNT (As Defined by Original Authority Regulations) | | | | TOTAL NUMBER OF ACCOUNTS | PERCENT OF TOTAL ACCOUNTS | TOTAL NUMBER OF EDUs BILLED | PERCENT OF TOTAL EDUs |
|---------------------|---|------------|------------|------------|--------------------------|---------------------------|-----------------------------|-----------------------|
| | RESIDENTIAL | COMMERCIAL | INDUSTRIAL | PUBLIC | | | | |
| City of Butler | 4,593 | 488 | 20 | 70 | 5,171 | 35.81% | 8,991 | 39.98% |
| Butler Township | 6,041 | 291 | 7 | 49 | 6,388 | 44.23% | 8,708 | 38.72% |
| Center Township | 2,020 | 75 | 1 | 11 | 2,107 | 14.59% | 2,780 | 12.36% |
| East Butler Borough | 278 | 23 | 12 | 5 | 319 | 2.21% | 1,193 | 5.30% |
| Summit Township | 278 | 17 | 0 | 2 | 297 | 2.06% | 567 | 2.52% |
| Connoquenessing Twp | 136 | 6 | 1 | 1 | 144 | 1.00% | 195 | 0.87% |
| Oakland Township | 13 | 1 | 0 | 0 | 14 | 0.10% | 14 | 0.06% |
| Penn Township | 0 | 2 | 0 | 0 | 2 | 0.01% | 42 | 0.19% |
| TOTALS | 13,360 | 903 | 41 | 138 | 14,442 | 100.00% | 22,490 | 100.00% |

NUMBERS ARE ESTIMATED ONLY AND NOT ABSOLUTE COUNTS BY MUNICIPALITY

**BILLING EDUs ARE MORE SIGNIFICANT THAN CUSTOMER ACCOUNTS
SINCE THE EDUs REFLECT THE SOURCE OF THE AUTHORITY'S REVENUES**

THE AUTHORITY'S BILLING RECORDS ARE BASED ON SEWER DISTRICTS WHICH IN TURN ARE BASED ON SEWERSHEDS OR SEWER SUBSYSTEMS NOT MUNICIPAL BOUNDARIES. FOR EXAMPLE, THE MERIDIAN BILLING DISTRICT INCLUDES CUSTOMERS IN CONNOQUENESSING TOWNSHIP, THE EAST BUTLER BILLING DISTRICT INCLUDES CUSTOMERS IN SUMMIT TOWNSHIP, THE NORTHWEST BILLING DISTRICT INCLUDES CUSTOMERS IN CENTER TOWNSHIP, AND THE BUTLER/SUMMIT BILLING DISTRICT INCLUDES CUSTOMERS IN BUTLER AND SUMMIT TOWNSHIPS. THEREFORE, THESE NUMBERS ARE ONLY OUR BEST ESTIMATES OF THE CUSTOMERS AND BILLING EDUs BY MUNICIPALITY.

FURTHERMORE, THE ESTIMATED EDUs ARE BASED ONLY ON COMMERCIAL AND INDUSTRIAL WATER USE FOR THE MONTHS OF DECEMBER 2005, JANUARY 2006 AND FEBRUARY 2006 FOR THE ACCOUNTS BILLED QUARTERLY, AND ONLY ON COMMERCIAL AND INDUSTRIAL WATER USE FOR FEBRUARY 2006 FOR ACCOUNTS BILLED MONTHLY. AS SUCH, THE EDU NUMBERS DO NOT TAKE INTO ACCOUNT SEASONAL DIFFERENCES FOR COMMERCIAL AND INDUSTRIAL WATER USAGE. FOR EXAMPLE, CAR WASHES USE SIGNIFICANTLY MORE WATER DURING THE WINTER MONTHS THAN THE SUMMER MONTHS. ON A MONTHLY BASIS, THE COMMERCIAL AND INDUSTRIAL EDUs MAY EASILY VARY BY UP TO 20 TO 30 PERCENT. ANNUAL AVERAGE EDUs WERE NOT CALCULATED FOR COMMERCIAL AND INDUSTRIAL ACCOUNTS.

THE SIGNIFICANT DIFFERENCE BETWEEN THE NUMBER OF CUSTOMERS AND THE NUMBER OF EDUs BILLED REFLECTS THE SIGNIFICANCE OF THE FLOW CONTRIBUTION FROM THE COMMERCIAL AND INDUSTRIAL CUSTOMERS THAT ARE BILLED BASED ON WATER USAGE AND/OR METERED FLOW.

APRIL 10, 2006

B. A. S. A.

APPENDIX F:
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.

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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

Amended Appendix A-22-b

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

Amended Appendix A-22-b

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

Amended Appendix A-22-b

§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.

Amended Appendix A-22-b

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:

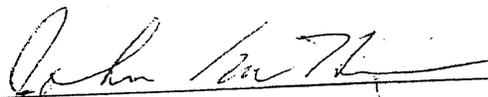
- (1) Completed all of its obligations under this Consent Order and Agreement;
- (2) closed the Deshon, General Tire, and Ball Park Sanitary Sewer Overflow Structures;
- (3) had 36 consecutive months without an unpermitted discharge from the Sanitary Sewer Overflow Structures that BASA has not closed; 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

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

COA-Final Template:5/17/02:RL:jb:BASA:5/04/06.SKG:yef 9/8/06
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FOR THE CITY OF BUTLER:

Margaret W Stock

Name
Mayor

James P. Coulter

Name
Solicitor

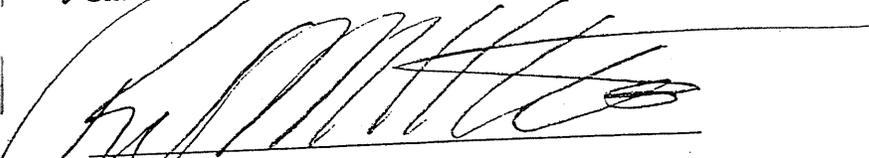
JAMES P. COULTER

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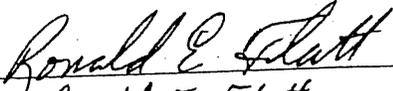

Name
Chairman


Name
Secretary


Name
Solicitor

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FOR CENTER TOWNSHIP:



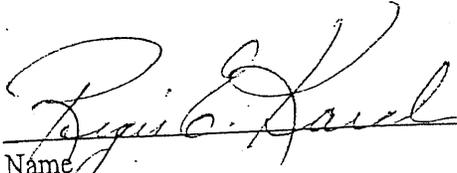
Name *Ronald E Flott*
Chairman



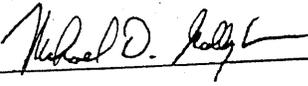
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Solicitor

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FOR SUMMIT TOWNSHIP:



Name
Chairman

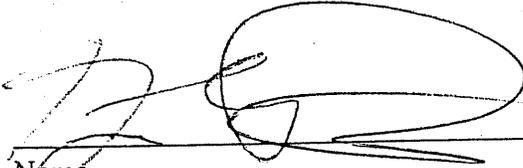


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Solicitor

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FOR THE BOROUGH OF EAST
BUTLER:

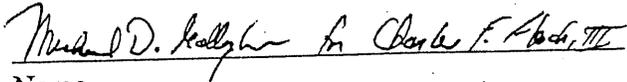

Name
Mayor


Name
Solicitor

FOR OAKLAND TOWNSHIP:

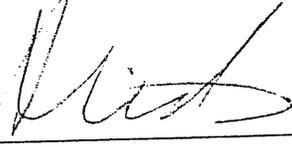


Name
Chairman

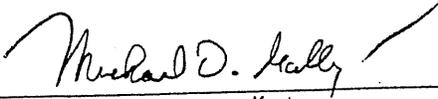


Name
Solicitor

FOR CONNOQUENESSING
TOWNSHIP:



Name Steven H. Hrote
Chairman



Name Michael D. Gallegher
Solicitor

Amended Appendix A-22-b

Permit No. PA0026697

10-PM-WSWM0012 Rev. 4/2005
Permit

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 | | |
| Flow (MGD) | XX | XX | | | | | continuous measurement |
| CBOD5 | | | | 12 | 18 | 24 | daily 24-hr comp |
| (05/01 - 10/31) | 1001 | 1501 | | 24 | 36 | 48 | daily 24-hr comp |
| (11/01 - 04/30) | 2001 | 3002 | | 30 | 45 | 60 | daily 24-hr comp |
| TSS | 2502 | 3753 | | | | | |
| Ammonia Nitrogen | | | | 2 | | 4 | daily 24-hr comp |
| (05/01 - 10/31) | 167 | | | 6 | | 12 | daily 24-hr comp |
| (11/01 - 04/30) | 500 | | | 1.38TUc | | | ** 24-hr comp |
| Chronic Whole Effluent Toxicity | | | | | | | |
| Fecal Coliform* | | | | | | | daily grab |
| (05/01 - 09/30) | | | | 200/100ml | | | daily grab |
| (10/01 - 04/30) | | | | 2000/100ml | | | |

Amended Appendix A-22-b

800-PM-WSWM0012 Rev. 4/2005
 ermit

Permit No. PA0026697

ART 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

ART A EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS

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

which receives wastewater from treated domestic sewage and industrial wastewater

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

| Discharge Parameter | Effluent Limitations | | | | | | Monitoring Requirements | |
|--|-------------------------------------|----------------|-----------------------|-----------------|----------------|--------------------------------------|--|----------------------|
| | Mass Units (lbs/day) ⁽¹⁾ | | Concentrations (mg/L) | | | | Minimum ⁽³⁾ Measurement Frequency | Required Sample Type |
| | Monthly Average | Average Weekly | Minimum | Monthly Average | Average Weekly | Instantaneous Maximum ⁽²⁾ | | |
| This outfall is for emergency use only. Any discharge from this outfall shall meet the same effluent limitations and monitoring requirements imposed on Outfall 001. | | | | | | | | |
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* -- When discharging

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

Outfall 001 monitoring point.

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

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

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

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

| 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. | | | | | | | | |
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| | | | | | | | | |

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):

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

Additional Requirements

- b. 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).

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.

ART B

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).

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

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

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

B. Falsifying Information

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

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

C. Liability

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

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

D. Need to Halt or Reduce Activity Not a Defense

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

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

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

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

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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.

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:

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

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

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

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

Effluent Chlorine Optimization and Minimization

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

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

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

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

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

A. **General Requirements**

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

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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 laboratory must prepare a series of effluent dilutions that are specific to your discharge. The permittee must inform the WETT laboratory of the proper dilution series, which is

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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%).

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.

Chronic Toxicity Test Report Elements

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

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

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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

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

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

1. General Condition:

Effluent concentrations: - Five concentrations and a control. For chlorinated effluents, an additional control (0% effluent) treated with the same concentration of sodium thiosulfate used to dechlorinate the effluent sample will be run. If the initial sample has no chlorine present, start the additional control with no sodium thiosulfate. The DEP shall assign a serial dilution series geometric to the TIWCC to determine the WET test concentrations.

2. Summary of effluent toxicity test conditions and test acceptability criteria for the Ceriodaphnia dubia survival and reproduction test (adapted from EPA/600/4-89/001).

- a. No. neonates per test chamber: - 1
- b. No. replicate test chambers per concentration: - 10
- c. No. neonates per test concentration: - 10
- d. Test duration: Until 60% of control females have three broods (seven days or less).
- e. Endpoints: - Survival and reproduction.
- f. Test acceptability criterion: - 80% or greater survival and an average of 15 or more young per surviving female in the control solutions. At least 60% of the surviving females in controls must have produced their third brood in seven days or less.
- g. Age of organism: - Less than 30 hrs. and inside an 8 hr. window.

3. Summary of effluent toxicity test conditions and test acceptability criteria for the fathead minnow (Pimephales promelas) survival and growth test (adapted from EPA/600/4-89/001).

- a. No. of larvae per test chamber: - 10
- b. No. of replicate test chambers per concentration: - 4
- c. No. of larvae per test concentration: - 40
- d. Test duration: - 7 days
- e. Endpoints: - Survival and growth (weight)
- f. Test Acceptability: - 80% or greater survival in controls; average dry weight of surviving controls equals or exceeds 0.25 mg.
- g. Age of organism: - Less than 30 hours, eggs may need to be shipped.

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

5. Whole Effluent Toxicity Testing

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

6. Requirements Applicable to Stormwater Outfalls

A. Prohibition of Non-stormwater Discharges

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

B. Spills

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

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

D. Preparedness, Prevention and Contingency Plans

1. Development of Plan

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

2. Non-stormwater Discharges

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

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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.

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
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AND TREASURER

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MANAGER

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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.

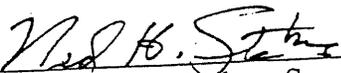
BE IT RESOLVED by the Board of the Butler Area Sewer Authority that:

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.

Amended Appendix A-22-b

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.

Amended Appendix A-22-b

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.

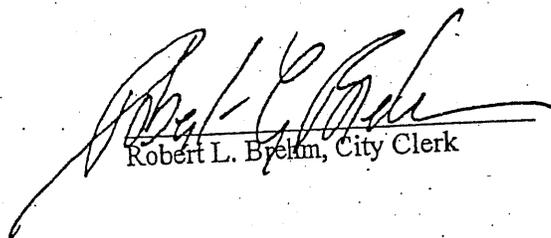
• **ENCLOSURES**

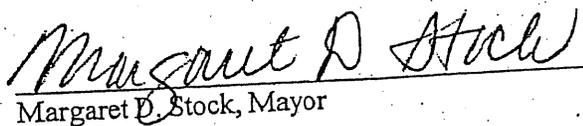
1. Distribution of 2006 State Aid to Pension Funds
2. Resolution 2006-09-28-A (Transit Authority Name Change)

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

SUBMITTED:

APPROVED:


Robert L. Brykm, City Clerk


Margaret D. Stock, Mayor

Amended Appendix A-22-b

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

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

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

WITNESSETH:

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

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

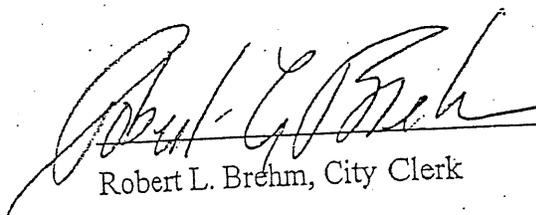
WHEREAS, the County of Butler has designated the Butler Township-City Joint Municipal Transit Authority as the municipality responsible for the providing of transportation services within the geographic boundaries of the County of Butler; and

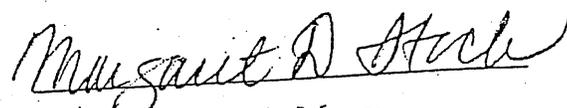
WHEREAS, it is believed that the current name of the Authority is too restrictive and fails to acknowledge the scope of services currently provided and which may be provided in the future.

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

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

ATTEST:


Robert L. Brehm, City Clerk


Margaret D. Stock, Mayor

SEAL

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

Donna Donaldson
Secretary

by: Joseph J. Hasychak
Commissioner

by: Shirley G. Proszman
Commissioner

by: Joseph B. Cavalero
Commissioner

by: Donna M. Dwyer
Commissioner

by: [Signature]
Commissioner

Amended Appendix A-22-b

Z:\Clients\CenterTwp\Resolution (BASA) 10.04.06.doc

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 Erie
Vice Chairman

BY: Lonnie Holt
Supervisor

BY: Edward Latuska
Supervisor

BY: Donna Elbert
Supervisor

(TOWNSHIP SEAL)

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

Municipal Address:

Seal of Governing Body

419 Sunset Drive
Butler, PA 16001

Telephone No.: (724) 282-7805

Amended Appendix A-22-b

MDG:tmz Z:\Clients NEWSummit TwplResolution (BASA) 09.20.06.doc

SUMMIT TOWNSHIP BOARD OF SUPERVISORS

RESOLUTION 2006 - 241

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

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

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

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

BE IT RESOLVED, THEREFORE, as follows:

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

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

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

BY: [Signature]
Supervisor

(TOWNSHIP SEAL)

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

Municipal Address:

Seal of Governing Body

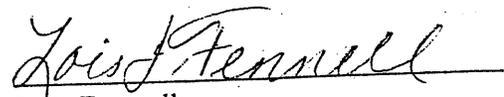
502 Bonniebrook Road
Butler, PA 16002

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

[Signature]
Township Secretary

BY: [Signature]
Chairman

BY: [Signature]
Vice Chairman

(TOWNSHIP SEAL)

BY: [Signature]
Supervisor

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

Municipal Address:

Seal of Governing Body

565 Chicora Road
Butler, PA 16001

Telephone No.: (724) 287-8067

Amended Appendix A-22-b

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

CONNOQUENESSING TOWNSHIP BOARD OF SUPERVISORS

RESOLUTION 2006 - 105

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

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

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

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

BE IT RESOLVED, THEREFORE, as follows:

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

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

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

Sandra A. Bertone
Township Secretary

BY: *[Signature]*
Chairman

BY: *[Signature]*
Vice Chairman

BY: *[Signature]*
Supervisor

(TOWNSHIP SEAL)

Sandra A. Bertone, 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 G:
PROOF OF PUBLICATION

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 not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statements to time, place and character of publication are true.

Lisa Patricelli

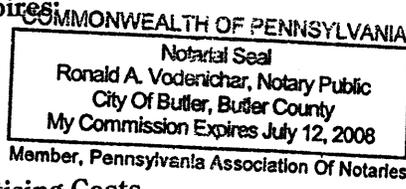
Butler Eagle

Sworn to and subscribed before me this 14th

Day of January 2007

Notary Public

My Commission Expires



Statement of Advertising Costs

Summit Township

502 Bonniebrook Road

Butler, PA 16002

| | |
|--|---------|
| TO BUTLER EAGLE, Dr. | |
| For publishing the notice or publication attached Hereto on the above stated dates | \$61.25 |
| Probating same | \$2.00 |
| Total | \$63.25 |

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.

PUBLIC NOTICE
Summit Township Act 537 Special Study
In accordance with the PADER'S Consent Order and Agreement of October 13, 2006, Summit Township will make its Special Sewage Study a preliminary step in the revision of the Butler Area Sewer Authority's Act 537 plan available for public comment. The document, as initially prepared, with appended comments from the Butler County Planning Commission and the Butler Area Sewer Authority will be available for public viewing and comment beginning a 30-day period, to submit Township Municipal Building located at 502 Bonniebrook Road, Butler, PA 16002 between the hours of 8:00 AM to 12:00 PM Monday-Friday. The 30-day written comment period will be held from January 15, 2007 to February 13, 2007.
The Special Sewage Study may be subject to further revision as a result of the comments from BASA and PADER.

Copy of Notice

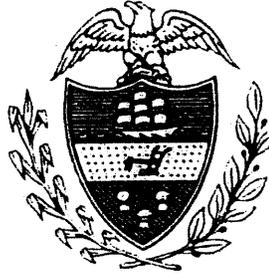
APPENDIX H:
AGENCY REVIEW AND RESPONSE LETTERS

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

Summit Township
502 Bonniebrook Road
Butler, PA 16002-0344

Dear Summit Township Supervisors,

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

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

Sincerely,

Doniele J. Andrus
Associate Planner

Cc/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 4, 2007

CERTIFIED MAIL, RETURN RECEIPT
7005-1160-0002-1852-3003

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

Dear Chairman:

**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 Summit Township, dated November 21, 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 Township's consideration:

SPECIFIC COMMENTS:

Page 2, Section II, Item A, First Paragraph:

The Study notes that sewage from the sewered areas of Summit Township flow into the BASA sewer system in Butler Township and East Butler Borough. It should also be acknowledged that the Township's sewage flows subsequently flow into BASA sewers in Butler Township, then to BASA sewers in the City of Butler, and then back into BASA sewers in Butler Township, where BASA's sewage treatment plant is located. As such, the future sewage needs for Summit Township may impact the BASA sewer systems in Butler Township and the City of Butler.

Page 2 - Section III, Item A.1, Second Paragraph:

This paragraph states that the existing sewers have been illustrated on Figure 1. BASA's sewer lines are shown but the scale of the map and the color scheme make it difficult to differentiate them from other map features and line-work (especially in the northwest quadrant). To aid in clarity, it is recommended that different colors and/or hatches be selected. Alternatively, separate maps could be produced for the four existing service areas and/or growth areas at a larger scale and printed on 11" x 17" paper that would allow greater detail to be shown.

Page 2 - Section III, Item A.1, Third Paragraph:

The Study is correct in that there are no BASA owned and operated sewage pump stations in Summit Township. However, BASA knows of three (3) privately owned and operated sewage pump stations in Summit Township near the southeastern corner of East Butler Borough. The Spang Magnetics building at the end of Servistar Way, the JSP International Building on East Brook Lane,

and the BioFab building on East Brook Lane all have private sewage pump stations and force mains, which discharge to BASA's sewer system. These private sewage pump stations and any other such private sewage facilities should be noted in the report and indicated on Figure 1 in a manner that will differentiate them from BASA's public sewer system. These private sewage facilities should be identified because Summit Township is ultimately responsible for the private facilities within the municipality under the Pennsylvania Sewage Facilities Act.

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 3 – Section IV, Item B.3, First Paragraph:

1. The first sentence of this paragraph states that the Study Area consists of 7,983 acres. However, on Page 2, Section II, Item A, the last sentence states that the total Township land area is 7,983 acres, and on Page 1, Part 2, Item 2A, the text states that the study area is roughly half of the Township's total area. Figure 1 depicts the Study Area as being roughly ½ of the Township. This inconsistency should be clarified and corrected.
2. BASA agrees that it is doubtful that all of the Study Area or even a majority of this area will be served by public sewers within 30 years.
3. This paragraph touches briefly on development constraints, namely steep slopes and streams. Other constraints such as wetlands, floodplains, and mining can also limit future development. Summit Township has areas of known deep/surface mining which may also be considered a development constraint. BASA suggests that these other development constraints should be discussed in the Study and mapped, if possible, to illustrate how these constraints reduce the developable acreage within the probable development areas.

4. BASA also agrees that main line sewer extensions would be required to extend sewer service to the central and southern part of the Study Area, as well as other areas, and that it should be expected that such sewer extensions would be developer driven. Although tapping fees from future development within these areas may help fund public sewer extensions, restrictions on tapping fees imposed by state law preclude the recovery of all costs through tapping fees. More importantly, the existing Township residents or customer base that would benefit from the sewer extensions MUST finance the construction costs for those extensions. BASA will assess the cost effectiveness and estimated user costs to extend sewers into these growth areas based on the existing customer base in those areas. Alternatively, such construction costs would fall on developers or parties other than BASA.

Page 4 – Section IV, Item B.3, First and Second Paragraphs:

1. The draft Study utilized only the 1990 to 2000 U. S Census population growth as an estimate of its future growth. However, it should be noted that the Township decreased in population during the prior 10-year period from 1980 to 1990. The Southwestern Pennsylvania Commission (SPC) Cycle 7 Forecasts project a relatively high annual growth rate of 2.62% per year from 2000 through 2030, as well as a projected person per household increase, which is opposite of the projection for the other service area municipalities. In view of the high SPC projections, the more conservative growth rate used in the Study appears to be more realistic.
2. The Study applies the presumed growth rate of 2.5% per year to BASA's estimate of the total number of existing residential, commercial, and industrial EDU's in the Township (567 EDUs) to project future growth. BASA feels that this is inappropriate because 48% of this total or 270 EDUs is flows from commercial and industrial sources, primarily industrial sources. The flows from industrial sources are controlled and regulated by Federal regulations and/or BASA through industrial waste discharge permits, which are based on the production capabilities of these facilities. Significant increases in industrial discharge flows are not anticipated. BASA feels that the total number of residential and commercial customers of 295 EDUs would be a more appropriate base number for applying the presumed growth rate and estimating future EDUs, and the Study projections should be revised accordingly.
3. This page references the tables in Appendix D. While the text discusses and appears to differentiate between existing development (potential sewer customers) and future development, the tables in Appendix D do not differentiate between existing unsewered potential customers and future development. An analysis or estimation of the current unsewered development or potential customers located within the probable growth areas is required by Section 71.21(a)(2)(i) of the Chapter 71 Regulations cited by the DEP. BASA needs to know the location and number of existing structures (homes/businesses) or potential customers within each growth area in order to determine the collection system requirements to serve the area and evaluate the cost to extend sewer service to these areas.
4. The second paragraph (Projection Method 2) discusses two growth areas, the Freeport Road area and the Route 422 area. The discussion of the first growth area (Freeport Road area) states there are 77 existing structures (homes/business) in the area and three large parcels that could be developed. In the discussion of the second growth area (the Route 422 Area), the text references "57 existing lots" and four larger lots that could be subdivided. Please clarify whether the "57 existing lots" means vacant undeveloped lots, or does it mean 57 existing structures (homes/businesses).
5. The location of the current unsewered development or potential customers within these growth areas is not mapped or delineated in any manner on Figure 1. If the existing customers that could be served are not identified, it is impossible for BASA to determine the required sanitary sewage facilities to extend sewers into these growth

areas and develop realistic or reasonable cost estimates for these facilities. Property owners and potential buyers or land developers should also be able to review the Township's Official Plan and be able to determine if a property is located within an existing sewer area or determine how far away public sewage facilities may be located.

Page 5 – Summary and Conclusions:

Please clarify the projected EDU's required over the next 30 years. On Page 5, the last sentence of Section IV at the top of the page states that 454 EDU's will be required over the next 30 years, which equates to 15 EDU's per year). However, the last sentence states that an estimated 9 EDU's per year are anticipated for Summit Township.

Figure 1 – BASA Act 537 Special Study Map:

1. The map does not accurately reflect the current BASA service areas. BASA currently serves the entire northwest corner of the Township, including Hunter Truck, Valley Lines and Lance Smith Commercial Development properties. The existing sewer service area should be extended to the Butler Township and Oakland Township lines.
2. The map does not accurately reflect current BASA service areas. In the area east of Freeport Road, between Phil-Mar Drive and Kennedy Lane, only those properties fronting on Freeport Road are currently sewerred.
3. Other than the scale as noted previously, this map is excellent in illustrating the topography, tax parcel lines and existing BASA-sewerred areas. The draft Special Study discusses potential future growth areas (Probable Development 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.

GENERAL COMMENTS:

Schedule of Implementation:

For the benefit of Summit Township residents, the Township may wish to include a Schedule of Implementation as an appendix to this report. Refer to the 2006 CO&A for mandated milestones. This may help to avoid confusion with any implementation schedules for the other study being prepared for the Herman Area of the Township.

Final Act 537 Plan Expectations:

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

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

Summit Township and its consultant should be commended for utilizing the digital G.I.S. information that BASA provided to each municipality on May 17, 2006. As previously noted, Figure 1 should be modified and/or additional maps produced that so that the sewers in Summit Township will be as visible as those illustrated in the neighboring municipalities.

January 4, 2007

BASA will wait for an appropriate number of copies of the DEP-approved Special Study from Summit Township. If you should have any questions regarding our review comments or wish to meet to discuss these comments, please call me at (724) 282-1978.

Very truly yours,

BUTLER AREA SEWER AUTHORITY



M. John Schon, P. E.
Manager

cc: Compliance & Monitoring Manager, PA DEP Meadville
City of Butler, Mayor
East Butler Borough, Mayor
Butler Township, Chairman of the Board of Supervisors
Center Township, Chairman of the Board of Supervisors
Oakland Township, Chairman of the Board of Supervisors
Connoquenessing Township, Chairman of the Board of Supervisors
David Johnston, Butler County Planning Commission
Mr. Bryan Flaugh, Gateway, Gray-Warnick



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March 7, 2007
C-26541

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

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

Dear Mr. Karch:

The following addresses the comments in the January 4, 2007 letter.

SPECIFIC COMMENTS:

Page 2, Section II, Item A, First Paragraph:

The Study notes that sewage from the sewer areas of Summit Township flow into the BASA sewer system in Butler Township and East Butler Borough. It should also be acknowledged that the Township's sewage flows subsequently flow into BASA sewers in Butler Township, then to BASA sewers in the City of Butler, and then back into BASA sewers in Butler Township, where BASA's sewage treatment plant is located. As such, the future sewage needs for Summit Township may impact the BASA sewer systems in Butler Township and the City of Butler.

Response: This item has been addressed on Page 2, Section II, Item A, First Paragraph.

Page 2 – Section III, Item A.1, Second Paragraph:

This paragraph states that the existing sewers have been illustrated on Figure 1. BASA's sewer lines are shown but the scale of the map and the color scheme make difficult to differentiate them from other map features and line-work (especially in the northwest quadrant). To aid in clarity, it is recommended that different color and/or hatches be selected. Alternatively, separate maps could be produced for the four existing service areas and/or growth areas at a larger scale and printed on 11" x 17" paper that would allow greater detail to be shown.

Response: Mapping has been revised with a better color scheme. Also, mapping has been provided in a 24"x36" size for better clarity.

Amended Appendix A-22-b

March 7, 2007
C-26541

Page 2 – Section III, Item A.1, Third Paragraph:

The Study is correct in that there are no BASA owned and operated sewage pump stations in Summit Township. However, BASA knows of three (3) privately owned and operated sewage pump stations in Summit Township near the southern corner of East Butler Borough. The Spang Magnetics building at the end of Servistar Way, the JSP International Building on East Brook Lane, and the BioFab building on East Brook Lane all have private sewage pump stations and force mains, which discharge to BASA's sewer system. These private sewage pump stations and any other such private sewage facilities should be noted in the report and indicated on Figure 1 in a manner that will differentiate them from BASA's public sewer system. The private sewage facilities should be identified because Summit Township is ultimately responsible for the private facilities within the municipality under the Pennsylvania Sewage Facilities Act.

Response: This item has been addressed on Page 3, Section III, Item A.2, First Paragraph and on Figure 1. According to our records, Spang Magnetics is located in East Butler Borough and therefore is not shown on Figure 1.

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:

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, treating the average and peak, dry-weather sanitary sewage flows".

Response: This item has been addressed on Page 3, 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) from new sewers and customers. It is important that all 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.

Amended Appendix A-22-b

March 7, 2007
C-26541

Response: Item Acknowledged.

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

1. The first sentence of this paragraph states that the Study Area consists of 7,983 acres. However, on Page 2, Section II, Item A, the last sentence states that the total Township land area is 7,983, and on Page 1, Part 2, Item 2A, the text states that the study area is roughly half of the Township's total area. Figure 1 depicts the Study area as being roughly half of the Township. This inconsistency should be clarified and corrected.

Response: Summit Township is approximately 15,380 acres in size. This item has been addressed on Page 2, Section II, Item A, First paragraph.

2. BASA agrees that it is doubtful that all of the Study area or even a majority of this area will be served by public sewers within 30 years.

Response: Item acknowledged.

3. This paragraph touches briefly on development constraints, namely steep slopes and streams. Other constraints such as wetlands, floodplains, and mining can also limit future development. Summit Township has areas of known deep/surface mining which may also be considered a development constraint. BASA suggests that these other development constraints should be discussed in the Study and mapped, if possible to illustrate how these constraints reduce the developable acreage within the probable development areas.

Response: This item has been addressed on Page 4, Section IV, Item B3, First Paragraph and on Figure 1.

4. BASA also agrees that main line sewer extensions would be required to extend sewer service to the central and southern part of the Study Area, as well as other areas, and that it should be expected that such sewer extensions would be developer driven. Although tapping fees from future development within these areas may help fund public sewer extensions, restrictions on tapping fees imposed by the state law preclude the recovery of all costs through tapping fees. More importantly, the existing Township residents or customer base that would benefit from the sewer extensions MUST finance the construction costs for those extensions. BASA will assess the cost effectiveness and estimated user costs to extend sewers into these growth areas based on the existing customer base in these areas. Alternatively, such construction costs would fall on developers' or parties other than BASA.

Response: Item Acknowledged.

Amended Appendix A-22-b

March 7, 2007
C-26541

Page 4 – Section IV, Item B.3, First and Second Paragraphs:

1. The draft Study utilized only the 1990 to 2000 U.S. Census population growth as an estimate of its future growth. However, it should be noted that the Township decreased in population during the prior 10-year period from 1980 to 1990. The Southwestern Pennsylvania Commission (SPC) Cycle 7 Forecasts project is relatively high annual growth rate of 2.62% per year from 2000 through 2030, as well as a projected person per household increase, which is opposite of the projection for the other service area municipalities. In view of the high SPC projections, the more conservative growth rate used in the study appears to be more realistic.

Response: Item Acknowledged.

2. The Study applies the presumed growth rate of 2.5% per year to BASA's estimate of the total number of existing residential, commercial, and industrial EDU's in the Township (567 EDUs) to project future growth. BASA feels that this is inappropriate because 48% of this total or 270 EDUs is flows from commercial and industrial sources, primarily industrial sources. The flows from industrial sources are controlled and regulated by Federal regulations and/or BASA through industrial waste discharged permits, which are based on the projection capabilities of these facilities. Significant increases in industrial discharge flows are not anticipated. BASA feels that the total number of residential and commercial customers of 295 EDUs would be a more appropriate base number for applying the presumed growth rate and estimating future EDUs, and the Study projections should be revised accordingly.

Response: Comment acknowledged. Butler Township has developed rapidly both in commercial and industrial developments and will eventually max out in these zoning districts. We believe that those commercial and industrial developments will migrate to Summit Township, once certain areas in Butler Township are fully developed. There have been discussions held in the past regarding zoning changes in Summit Township to accommodate growth. After re-evaluating our growth estimates, we feel that a 2% growth rate is more accurate at this time.

3. This page references the tables in Appendix D. While the text discusses and appears to differentiate between existing development (potential sewer customers) and future development, the tables in Appendix D do not differentiate between existing answered potential customers and future development. An analysis or estimation of the current unsewered development or potential customers located within the probable growth areas is required by Section 71.21(a)(2)(i) of the Chapter 71 Regulations cited by the DEP. BASA needs to know the location and number of existing structures (homes/business) or potential customers within each growth area in order to determine the collection system requirements to serve the area and evaluate the cost to extend sewer service to these areas.

Response: Areas of existing structures along with small undeveloped lots have been delineated on Figure 1. Areas of larger tracts were not designated because they are candidates for larger developments.

Amended Appendix A-22-b

March 7, 2007
C-26541

4. The second paragraph (Projection Method 2) discusses two growth areas, the Freeport Road area and the Route 422 area. The discussion of the first growth area (Freeport Road area) states there are 77 existing structures (homes/business) in the area and three large parcels that could be developed. In the discussion of the second growth area (the Route 422 Area), the text references "57 existing lots" and four larger lots that could be subdivided. Please clarify whether the "57 existing lots" means vacant undeveloped lots or does it mean 57 existing structures (homes/businesses).

Response: The 57 lots have been revised to be 93 lots. These lots include both existing structures and smaller lots that are not yet developed.

5. The location of the current unsewered development or potential customers within these growth areas is not mapped or delineated in any manner on Figure 1. If the existing customers that could be served are not identified, it is impossible for BASA to determine the required sanitary sewage facilities to extend sewers into these growth areas and develop realistic or reasonable cost estimates for these facilities. Property owners and potential buyers or land developers should also be able to review the Township's Official Plan and be able to determine if a property is located within an existing sewer area or determine how far away public sewage facilities may be located.

Response: the locations of potential customers have been delineated on Figure 1.

Page 5 – Summary and Conclusions:

Please clarify the projected EDU's required over the next 30 years. On Page 5, the last sentence of Section IV at the top of the page states that 454 EDU's will be required over the next 30 years, which equates to 15 EDU's per year. However, the last sentence states that an estimated 9 EDU's per year are anticipated for Summit Township.

Response: This item has been addressed. The number of EDU's per year has been revised to 15.

Figure 1 – BASA Act 537 Special Study Map:

1. The map does not accurately reflect the current BASA service areas. BASA currently serves the entire northwest corner of the Township, including Hunter Truck, Valley Lines and Lance Smith Commercial Development properties. The existing sewer service area should be extended to the Butler Township and Oakland Township lines.

Response: Figure 1 has been revised to show the entire BASA service area.

2. The map does not accurately reflect current BASA serviced areas. In the area east of Freeport Road, between Phil-Mar Drive and Kennedy Lane, only those properties fronting on Freeport Road are currently sewer.

Response: Figure 1 has been revised to show the entire BASA service area.

Amended Appendix A-22-b

March 7, 2007
C-26541

3. Other than the scale as noted previously, this map is excellent in illustrating the topography, tax parcel lines and existing BASA-sewered areas. The draft Special Study discusses potential future growth areas (Probable Development 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: Comment Acknowledged.

GENERAL COMMENTS:

Schedule of Implementation:

For the benefit of Summit Township residents, the Township may wish to include a Schedule of Implementation as an appendix to this report. Refer to the 2006 CO&A for mandated milestones. This may help to avoid confusion with an implementation schedules for the other study being prepared for the Herman Area of the Township.

Response: A Schedule of Implementation has been added to the report.

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.

Response: Comment Acknowledged.

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

Summit Township and its consultant should be commended for utilizing the digital G.I.S. information that BASA provided to each municipality on May 17, 2006. As previously noted, Figure 1 should be modified and/or additional maps produced that so that the sewers in Summit Township will be as visible as those illustrated in the neighboring municipalities.

Response: Comment Acknowledged.

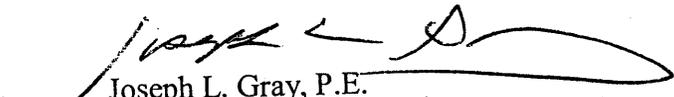
Amended Appendix A-22-b

March 7, 2007
C-26541

Should you have questions, please do not hesitate to contact our office.

Sincerely,

THE GATEWAY ENGINEERS, INC.



Joseph L. Gray, P.E.
Township Engineer



Bryan W. Flaugh, P.E.
Project Engineer

cc: John Schon, Butler Area Sewer Authority

Amended Appendix A-22-b

Summit Township Planning Commission
502 Bonniebrook Road
Butler, PA 16002
(724) 285 - 1168
Fax: (724) 285 - 7677

February 20, 2007

Gateway Engineers
201 South Main Street
Butler, PA 16001

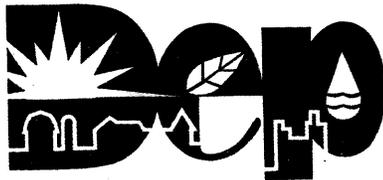
RE: **Summit Township Act 537 Special Study**

The Summit Township Planning Commission reviewed the Act 537 Special Study at their meeting on February 20, 2007 and had no comments.

Thank you

Summit Township Planning Commission

Cc: **Supervisors**
File



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

Northwest Regional Office

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

Summit Township
Ms. Julie Filges, Secretary
502 Bonniebrook Road
Butler, PA 16002

Re: BASA Special Study
Summit Township, Butler County

Gentlemen:

The Department of Environmental Protection has reviewed the document entitled "Summit Township Act 537 Special Study for the BASA Service Area" submitted on your behalf by Gateway, Gray-Warnick. This special study as submitted is incomplete. The following items must be addressed in any resubmission:

1. Comments from Summit Township Planning Commission are required and have not been included.
2. BASA sewer lines are shown on the plan. These lines are not easily seen with all of the other features shown on the map. It may be beneficial to show the sewer lines on a separate map with no other features.
3. BASA had commented that a third privately owned pump station exists at Spang Magnetics yet it is not shown on the plan. In a response from Gateway, Gray-Warnick it is noted that the Spang Magnetics facility is located in East Butler Borough. Has the actual location of this facility been established?
4. The location of any small flow treatment facilities (SFTF) or single residence sewage treatment plants (SRSTP) should be shown if they exist in the project service area as they are considered non-municipal sewage facilities.
5. In the population projections, Table 2 looks at a base of 567 EDU. Using a 2% growth estimate, the 2011 projection appears to build on the 2006 base and the 2016 projection appears to build on the 2011 projection. When estimating the 20 and 30 year projections, they both appear to increase based on 2% of the 2016 projection instead of building from the last estimate. The reason for this is not explained.
6. The overall increase in EDU of 417 on average is also based on the calculations explained in item 5. If the growth projection will change, the ultimate number of EDU's will also change.





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July 6, 2007
C-26541

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



RE: BASA Special Study
Summit Township, Butler County

Dear Ms. Selby:

The following addresses the comments in your May 11, 2007 letter, sent to Summit Township:

1. Comments from Summit Township Planning Commission are required and have not been included.

RESPONSE: Comments from the Summit Township Planning Commission are enclosed.

2. BASA sewer lines are shown on the plan. These lines are not easily seen with all of the other features shown on the plan. It may be beneficial to show the sewer lines on a separate map with no other features.

RESPONSE: An additional map has been plotted and is enclosed that shows only the existing BASA sanitary sewer lines as provided by BASA.

3. BASA had commented that a third privately owned pump station exists at Spang Magnetics yet it is not shown on the plan. In a response from Gateway, Gray-Warnick it is noted that the Spang Magnetics facility is located in East Butler Borough. Has the actual location of this facility been established?

RESPONSE: Spang Magnetics is located in East Butler Borough. This has been noted on page 3 of the report.

4. The location of any small flow treatment facilities (SFTF) or single-residence sewage treatment plants (SRSTP) should be shown if they exist in the project service area as they are considered non-municipal sewage facilities.

Amended Appendix A-22-b

July 6, 2007

C-26541

Page 2 of 3

RESPONSE: The locations of the SFTF in the planning area have been shown on the enclosed map. The SFTF have also been referenced on page 3 of the report.

5. In the population projections, Table 2 looks at a base of 567 EDUs. Using a 2% growth estimate, the 2011 projection appears to build on the 2006 base and the 2016 projection appears to build on the 2011 projection. When estimating the 20 and 30 year projections, they both appear to increase based on 2% of the 2016 projection instead of building from the last estimate. The reason for this is not explained.

RESPONSE: Table 2 has been revised.

6. The overall increase in EDUs of 417 on average is also based on the calculations explained in item 5. If the growth projection will change, the ultimate number of EDUs will also change.

RESPONSE: The tables have been revised.

7. The study has clearly depicted the areas of existing un-sewered development. In the northwest corner, there appears to be an inconsistency in the number of potential sewer customers stated in the study and of those shown in the Route 422, Mitchell Hill Road, Portman Road area. The study lists 92 potential customers and 82 are shown. In the Gateway, Gray-Warnick comment/response letter, the number of lots is 93.

RESPONSE: Mapping has been revised to correspond with the report and tables.

8. The conclusion on page 5 estimates the number of EDUs needed over the next 30 years, at 417. This would translate to 14 EDUs per year. In the comment and response letter, Gateway, Gray-Warnick estimates the number of EDUs needed to be 15 EDU per year. Please provide additional explanation for the additional 30 EDUs.

RESPONSE: This item has been addressed on page 5 of the report.

9. The study forecasts an additional 436 EDUs in Table 4. The explanation for this number is found on page 4, third paragraph. The existing un-sewered lots of 77 and 92 (or 93) combined with the development potential of 7 large parcels, (50, 50, 9 and 100 EDU estimates) will suggest an EDU count of 378. An explanation of the difference in the 2 numbers should be included.

RESPONSE: An additional 15% was added to account for possible future growth in these areas. This has been noted on page 4 of the report.

Amended Appendix A-22-b

July 6, 2007

C-26541

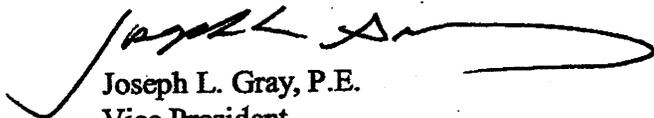
Page 3 of 3

10. The study emphasizes that any main line sewer extensions will be developer-driven. The number of existing un-sewered EDUs identified in the study is 169, and 159 on the map identified as figure 1. If any of these existing areas, especially in the southwest corner, are identified as needs areas, a more aggressive approach should be evaluated rather than waiting for a developer-driven extension.

RESPONSE: At this time, the Township is unaware of any sewage problems in these areas.

Should you have questions, please do not hesitate to contact our office.

Sincerely,
THE GATEWAY ENGINEERS, INC.



Joseph L. Gray, P.E.
Vice President

JLG:rmk
Enclosures

c: Summit Township

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APPENDIX I:
RESOLUTION FOR PLAN ADOPTION

Amended Appendix A-22-b

Z:\Clients NEWSummit Twp\Ordinances, Resolutions, Eagle Ads\Resolution.BASA-DEP Official Plan Revision.doc

SUMMIT TOWNSHIP BOARD OF SUPERVISORS

RESOLUTION NO. 249

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

WHEREAS, by Resolution No. 241 dated September 20, 2006, Summit Township entered into a Consent Order and Agreement with DEP and BASA; and

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

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

- iii. Within 150 days of the date of this Consent Order and Agreement each Tributary Municipality shall submit to [DEP], for approval, an official plan revision Special Study that shall include a resolution from the Tributary Municipality evidencing adoption of the Special Study as a revision to the respective municipality's Official Plan.

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

Amended Appendix A-22-b

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

SO RESOLVED this 22 day of February, 2007.

SUMMIT TOWNSHIP
BOARD OF SUPERVISORS:

ATTEST:

Julie Filges
Township Secretary

By: [Signature]
Chairman

By: [Signature]
Vice Chairman

By: [Signature]
Supervisor

(Township Seal)

I, Julie Filges, Secretary, Summit Township Board of Supervisors, hereby certify that the foregoing is a true copy of Township Resolution No. 249, adopted on the 21 day of February, 2007.

Municipal Address:

[Signature]
Julie Filges

502 Bonniebrook Road
Butler, PA 16002-0324

Telephone No.: (724) 285-1168

(Seal of Governing Body)

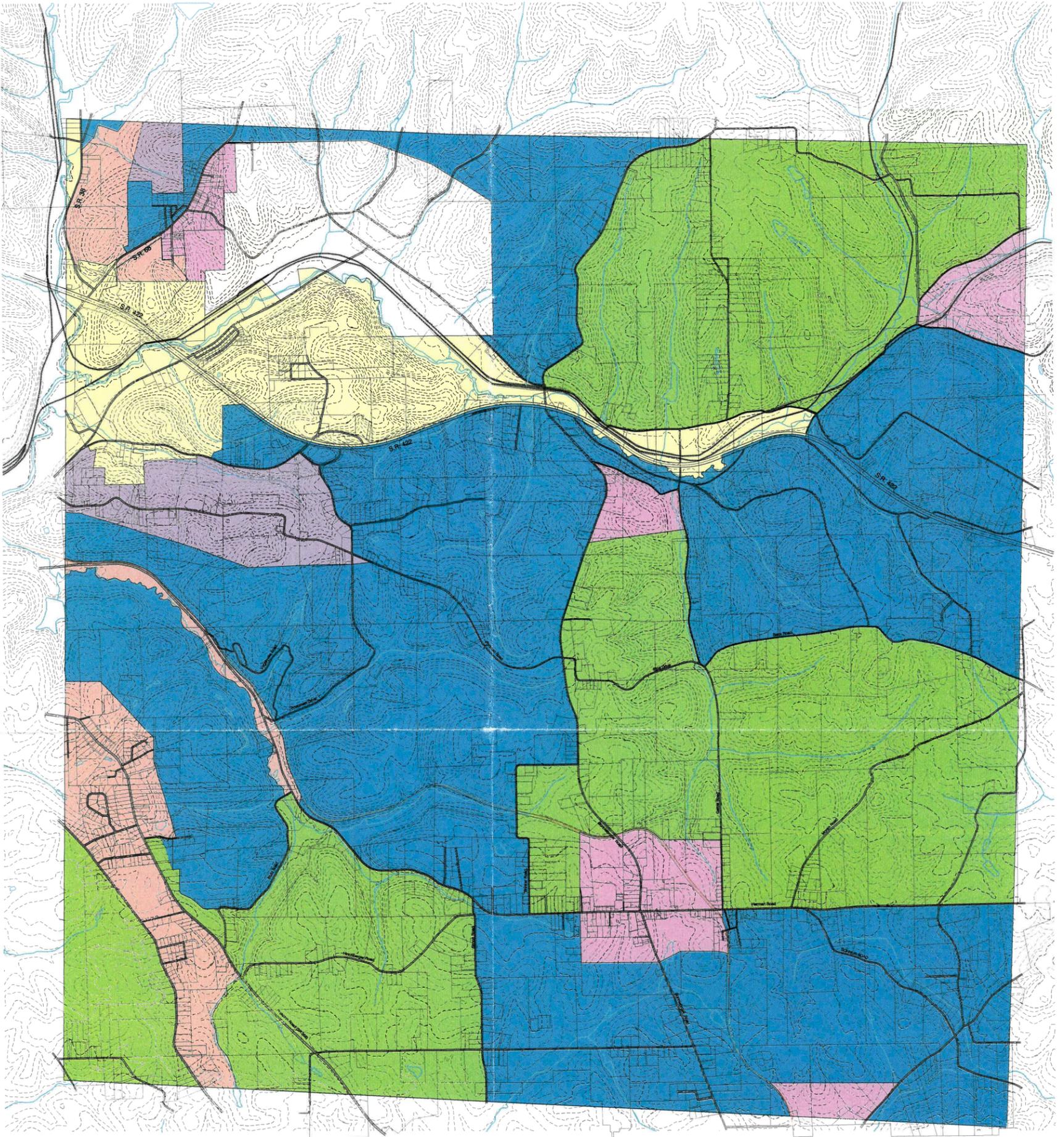
FIGURE 1:

SUMMIT TOWNSHIP SANITARY SEWER SHED MAP

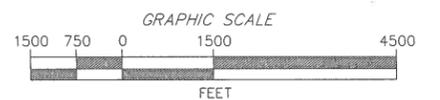
SUMMIT TOWNSHIP

BUTLER COUNTY, PA

ZONING MAP



A-1 AGRICULTURAL
 R-1 RESIDENTIAL
 R-2 RESIDENTIAL
 V-1 VILLAGE
 C-1 COMMERCIAL
 I-1 INDUSTRIAL

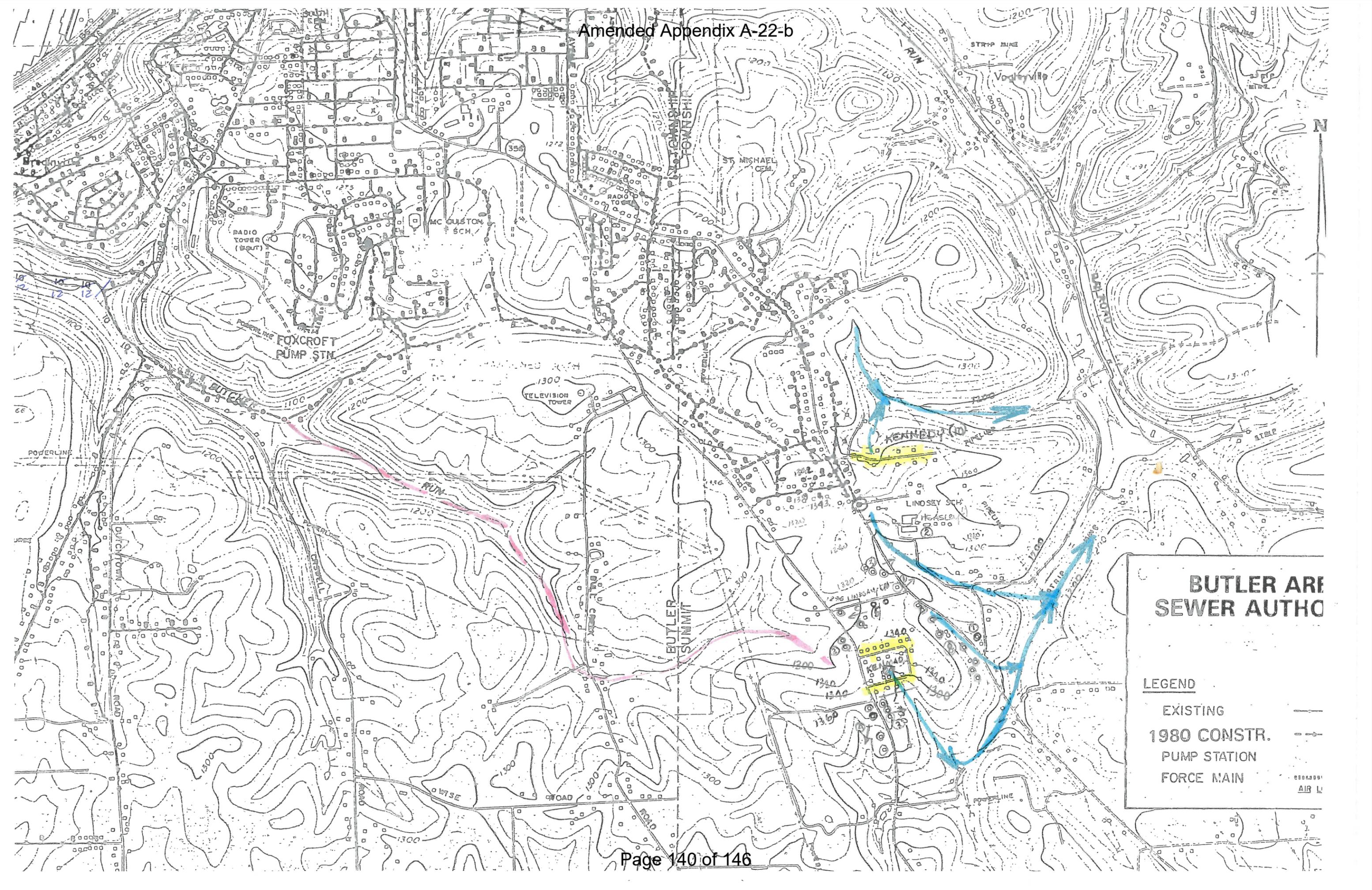


SUMMIT TOWNSHIP
 ZONING
 LOCATION MAP
 Job Number: C-28541
 Drawing Scale: AS NOTED
 Date Issued:
 Index Number:
 Drawn By: ENM
 Checked By:
 Project Manager:

BASA ACT 537 SPECIAL STUDY
 SUMMIT TOWNSHIP
 PLANNING AREA
 PREPARED FOR:
SUMMIT TOWNSHIP
 502 BONNIEBROOK ROAD
 BUTLER, PA 16002

| REVISION RECORD | |
|-----------------|-----|
| Date | No. |
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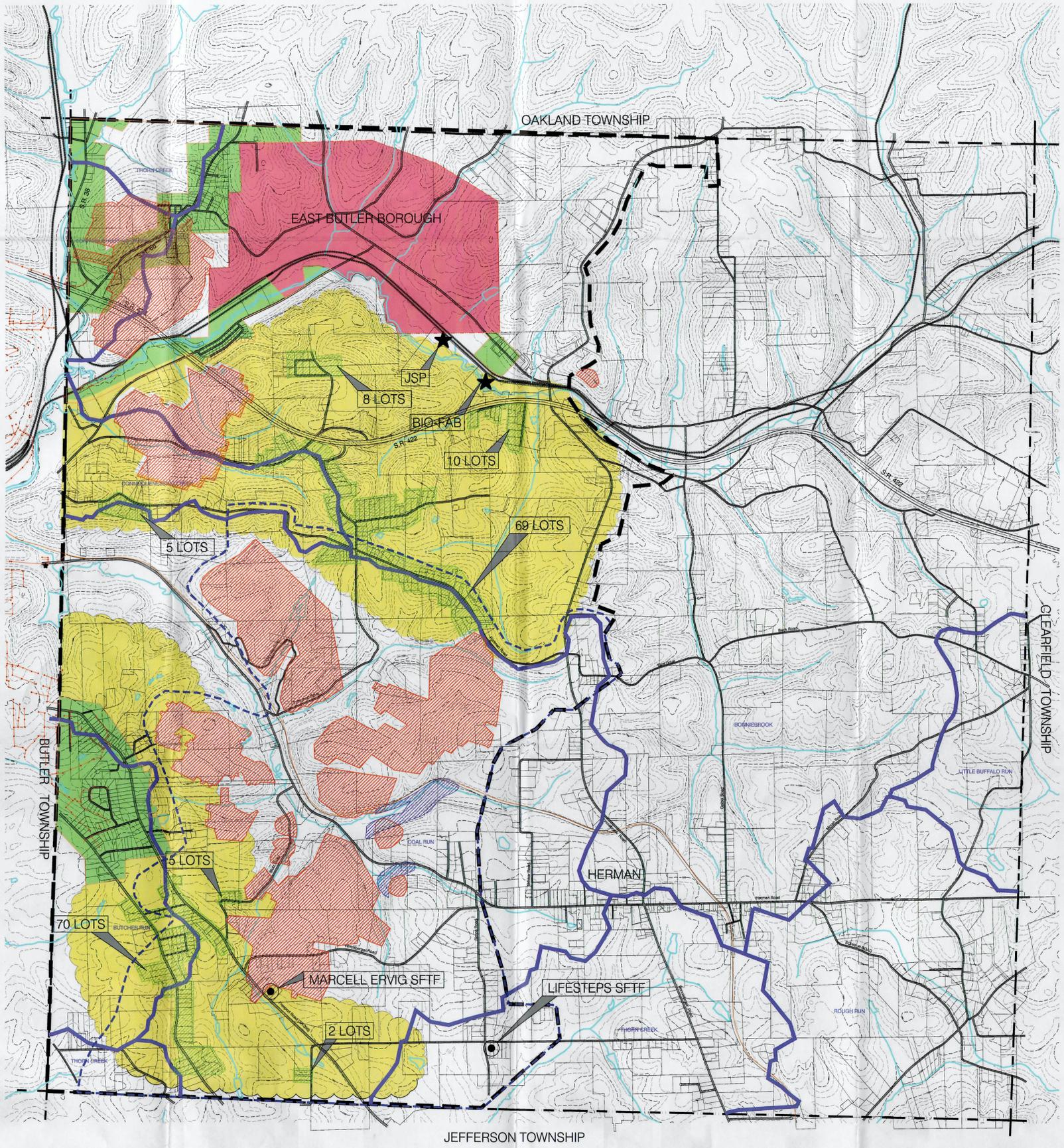
GATEWAY
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 Consulting Engineers & Surveyors
 1011 Alcon Street Pittsburgh, Pennsylvania 15220
 Phone (412) 921-4030 - Fax (412) 921-9960
 • Butler, PA (724) 287-1055 • Washington, PA (724) 228-3362
<http://www.gatewayengineers.com>



BUTLER AREA SEWER AUTHORITY

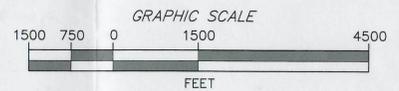
| LEGEND | |
|--------------|------------|
| EXISTING | — |
| 1980 CONSTR. | - - - |
| PUMP STATION | □ |
| FORCE MAIN | — (pink) |
| AIR LINE | — (dashed) |

FIGURE 2:
SUMMIT TOWNSHIP ZONING MAP



LEGEND

- STUDY AREA BOUNDARY
- MUNICIPAL BOUNDARY
- BASA SANITARY SEWER LINES
- WATERSHED BOUNDARIES
- EAST BUTLER BOROUGH (NOT INCLUDED IN STUDY AREA)
- EXISTING PUMP STATION PRIVATELY OWNED
- POTENTIAL BASA OR HERMAN SERVICE AREAS
- AREA SERVICED BY BASA
- PROBABLE DEVELOPMENT AREA
- SMALL DEVELOPABLE LOTS
- DEEP MINING AREA
- STRIP MINING AREA
- PERMITTED SMALL FLOW TREATMENT FACILITIES



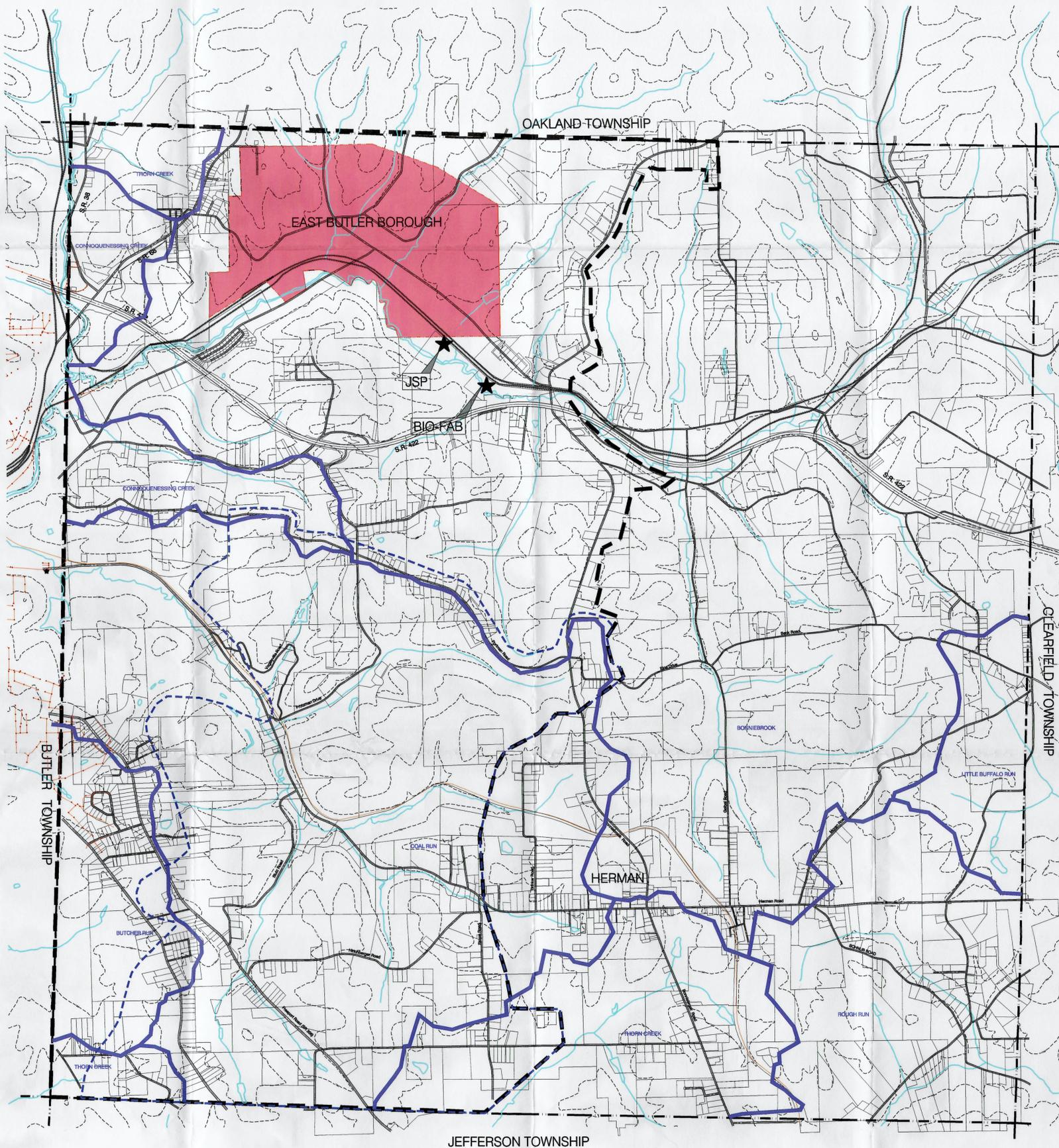
BASA ACT 537
 SPECIAL STUDY
 LOCATION MAP
 Job Number: C26541
 Drawing Scale: AS NOTED
 Date Issued:
 Drawn By: RNM
 Checked By:
 Project Manager:

BASA ACT 537 SPECIAL STUDY
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 PLANNING AREA
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SUMMIT TOWNSHIP
 502 BONNIEBROOK ROAD
 BUTLER, PA 16002

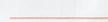
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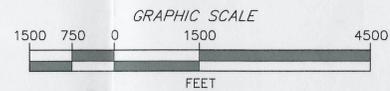
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 Save Date=9/12/2007 10:11 AM



LEGEND

-  STUDY AREA BOUNDARY
-  MUNICIPAL BOUNDARY
-  BASA SANITARY SEWER LINES
-  WATERSHED BOUNDARIES
-  EAST BUTLER BOROUGH (NOT INCLUDED IN STUDY AREA)
-  EXISTING PUMP STATION PRIVATELY OWNED
-  POTENTIAL BASA OR HERMAN SERVICE AREAS



BASA ACT 537 SPECIAL STUDY

SUMMIT TOWNSHIP
 BASA EXISTING SANITARY SEWER LINES

PREPARED FOR:
SUMMIT TOWNSHIP
 502 BONNIEBROOK ROAD
 BUTLER, PA 16002

| REVISION RECORD | |
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<http://www.gatewayengineers.com>

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 he save date is different. 12-11-07 BRIAN FLAUGH CALLED DAN SLOMERS TODAY AND CONFIRMED THAT THE MAPS ARE THE SAME. I MAILED A PAPER COPY OF THE MAP TO CHESTER ENGINEERS

Appendix 1 (BASA EXISTING SANITARY SEWERS, map). DEP has an additional map that we do not have in our plan. Gateway plotted a separate map plotting only our existing sanitary sewers on it to aid in clarity. I contact Brian Flaugh of Gateway Engineers to discuss the matter. He is mailing me an extra copy to be inserted

into the Appendix 1 jacket which houses the BASA ACT 537 SPECIAL STUDY map that we already have.

12-13-07 MAP WAS RECEIVED AND INSERTED INTO THE BOOK.

Oakland 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

DEP REVISIONS
CITED APRIL 2007 ?
& JULY 2007 ?
(Report says June '07) ?



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201 SOUTH MAIN STREET
SUITE 200
BUTLER, PA 16001

724 287 1055 PHONE
724 287 1104 FAX

www.gatewayengineers.com

December 11, 2007

File: # C-26541

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

RE: BASA ACT 537 SPECIAL STUDY – SUMMIT TOWNSHIP
Summit Township – 502 Bonniebrook Rd., Butler, PA 16002

Dear Dan:

It was good to see you this morning. Sorry we did not get to talk much. Maybe we can get together for lunch sometime next week. Let me know if you are available?

I was asked by Bryan Flaugh to get you a copy of the enclosed drawing, BASA Existing Sanitary Sewer Lines, having a Save Date of 9/12/07. I understand this is for your information about BASA lines that are within Summit Township. Please keep in mind the drawing is only general in nature.

If you need something else or have any questions, please give Bryan or me a call.

Sincerely,

THE GATEWAY ENGINEERS, INC.

Jack Grindle