

**AMENDED APPENDIX A-22-B**

**OAKLAND TOWNSHIP ACT 537 PLAN**

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

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

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September 26, 2007

CERTIFIED MAIL, RETURN RECEIPT  
7005-1160-0002-1852-4819

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

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 Oakland Township, revised September, 2007, prepared by Olsen & Associates, LLC. The Authority received this draft report on September 26, 2007, as required by the Consent Order and Agreement (CO&A) dated October 13, 2006. The following review comments are submitted for consideration by the Township:

**SPECIFIC COMMENTS:**

**Maps on Pages 3, 9, 11, 25, 29, 30, and 32**

These maps are excellent in identifying the existing BASA sewer lines, existing land characteristics, and existing watersheds. It would be beneficial if the maps were adjusted in size such that the peripheral sanitary sewers in Center Township to the west and those in Summit Township/East Butler Borough to the south were also illustrated. This would aid in understanding the relationships of the existing sanitary sewers downstream of the Connoquenessing Creek, Thorn Creek, and Bonnie Brook Creek watersheds. Dialogue in the narrative discusses the possibility of extending these existing sewers into these watersheds. It would be helpful to be able to refer to the maps illustrating these sewers while reading the report.

**Page 26 – Section 2B: Description of Problems with the Existing Facilities:**

The locations of the small number of private or non-municipal on-lot facilities reported to the Oakland Township Supervisors as having sewage problems should be illustrated on the appropriate map(s) and similarly labeled.

**Page 28 – Section 3B: Future Development:**

Page 17 explains that there has been a linear increase in population from 1930 to 2000. Page 28 predicts a population growth three-times greater than that projected by the SPC for the year 2030.

Please discuss if the Township expects this growth to also be linear. Support these discussions by providing the five-year, ten-year and twenty-year population predictions in a chart.

**GENERAL COMMENTS:**

**BASA Letter dated January 2, 2007:**

It appears that this new report prepared by Olsen & Associates, LLC has taken into consideration comments listed in the Authority letter to Oakland Township on January 2, 2007.

**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.

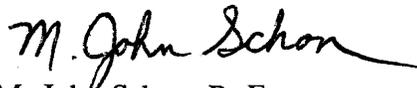
**Municipal Responsibilities for Storm Water Management:**

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

BASA will wait for an appropriate number of copies of the DEP-approved Special Study from Oakland 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  
Center Township, Chairman of the Board of Supervisors  
Summit Township, Chairman of the Board of Supervisors  
Butler Township, Chairman of the Board of Supervisors  
Connoquenessing Township, Chairman of the Board of Supervisors  
David Johnston, Butler County Planning Commission  
Mr. Jeremy Olsen, Olsen & Associates, LLC

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<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or front if space permits.</li> </ul>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Nadine A. Ness</i> C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p><i>CHAIRMAN, BOARD OF SUPERVISORS OAKLAND TOWNSHIP 565 CHICORA ROAD BUTLER, PA 16001</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p><i>7005 1160 0002 1852 4819</i></p>

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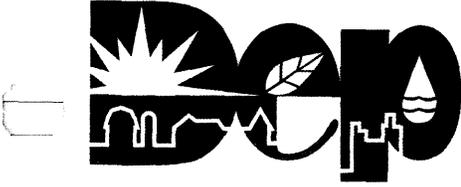
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*565 CHICORA ROAD*  
 City, State, ZIP+4: *BUTLER, PA 16001*

PS Form 3800, June 2002 See Reverse for Instructions



Pennsylvania Department of Environmental Protection

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

Northwest Regional Office

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

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OCT 12 2007

BASA

Ms. Nadine Neff  
Oakland Township Supervisors  
565 Chicora Road  
Butler, PA 16001

Re: Consent Order and Agreement  
Failure to Revise the Official Sewage Plan of  
Oakland Township  
Oakland Township, Butler County

Dear Supervisors:

As you know, the Department of Environmental Protection (DEP) is currently in a Consent Order and Agreement (COA) with the Butler Area Sewer Authority (BASA) and the surrounding tributary municipalities, including Oakland Township, which requires each municipality to prepare and submit, an Act 537 Special Study to DEP for review and approval. The intention of the Special Study is to allow BASA to anticipate and plan for any current and future sewage needs within their current or potential service area, including Oakland Township.

Oakland Township is expected to revise their Official Sewage Plan (Plan), *via* the Special Study, in an effort to evaluate the current and future sewage needs within its municipal boundaries. In turn, BASA is obligated to use Oakland's Special Study to fulfill its COA obligations. To date, the Department has not received an approvable Special Study from Oakland Township.

It is imperative that Oakland Township timely fulfills its Act 537 obligations. Every day that BASA has to wait for Oakland is another day that sewage issues in the Butler area go unresolved. Oakland's failure to submit an approvable Special Study could subject Oakland to civil penalties as outlined in Paragraph 9.a. of the COA. DEP may, pursuant to Paragraph 11. a., take any additional remedy necessary to achieve compliance, including but not limited to, precluding Oakland from issuing on-lot permits anywhere within the Township. Your full cooperation is needed.

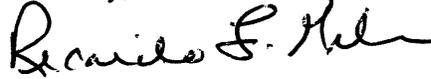


Ms. Nadine Neff

-2-

Should you have any questions on this matter, please do not hesitate to contact Ms. Cyndi Selby, of my staff, at the above listed number.

Sincerely,



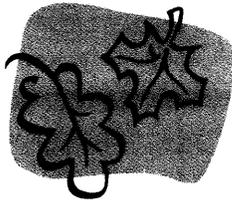
Ricardo F. Gilson  
Regional Manager  
Water Management

cc: **Butler Area Sewer Authority**  
Jeremy Olsen, Olsen & Associates, LLC  
State Representative Brian Ellis  
State Senator Donald C. White  
Tomisa Schneider  
Michael Zimmerman/Christine Hall/Cyndi Selby/File

RFG:lsf

**RECEIVED**

OCT 19 2007



**Oakland Township Board of Supervisors** <sup>BASA</sup>

565 Chicora Road, Butler PA, 16001  
(724) 287-8067 office (724) 287-3979 fax

**Donald L "Gabby" Hays, Chairman**  
**Norman Summerville, Vice-Chairman**

**Regis Thoma, Supervisor**  
**Nadine A. Neff, Secretary/Treasurer**

October 18, 2007

Ricardo F. Gilson, Regional Mgr  
PA Dept of Environmental Protection  
230 Chestnut Street  
Meadville, PA 16335-3481

RE: Consent Order and Agreement  
Official Sewage Plan of Oakland Township  
Oakland Township, Butler County

Dear Mr. Gilson:

The Oakland Township Board of Supervisors is in receipt of your correspondence dated October 11, 2007. As you may or may not be aware, the Special Study for Oakland Township was originally submitted by William J. McGarvey. In May 2007 we received correspondence from Cynthia A. Selby at DEP, again outlining the areas of the study that were incomplete. After Supervisor Regis Thoma and Secretary Nadine Neff spoke with Ms. Selby, it became apparent that Oakland Township needed to start at the beginning with their Special Study. Permission was granted, and in June 2007, Oakland Township contracted with Olsen Engineering to complete the Special Study.

Olsen Engineering presented their draft copy of the study to the Board of Supervisors at their August 7, 2007 meeting. The Oakland Township Planning Commission reviewed the materials presented at their August 14, 2007 meeting and requested more time to review. Olsen Engineering addressed the Oakland Township Planning Commission's concerns at their September 11, 2007 meeting and the final draft for public comment was presented to the Board of Supervisors at their October 2, 2007 meeting.

The 30-day comment period began on September 25, 2007 and on September 26, 2007 the study was submitted to BASA and the Butler County Planning Commission. Comments were received back from BASA on September 27, 2007, and comments from the Planning Commission were received on October 1, 2007.

Ricardo F. Gilson, Regional Manager  
Dept of Environmental Protection  
Page 2  
October 18, 2007

The last day for the public comment period is October 24, 2007. The Board of Supervisors will meet on November 7, 2007, at which time the resolution of adoption will be passed (provided that the public comments are addressed accordingly). DEP should receive the adopted Special Study on November 9, 2007, barring any unforeseen events.

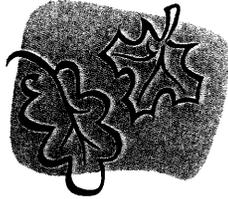
Oakland Township owes a duty to each of its residents to ensure the completeness of this Special Study, and we agree with the importance in fulfilling the Act 537 obligations in a timely manner. We are doing everything within our power to ensure that no time is wasted during this process. We feel that we have pushed the revised study along in an expedited manner, and have been cooperative with DEP in our attempts to complete this special study.

If you have any questions or concerns regarding this matter, please feel free to contact me. My office hours are Tuesday, Wednesday 8:00 a.m. to 2:00 p.m. and Thursday from 8:00 a.m. to 1:00 p.m.

Sincerely,  
**OAKLAND TOWNSHIP  
BOARD OF SUPERVISORS**

Nadine A. Neff  
Secretary/Treasurer  
Ordinance Officer

cc: ✓ Butler Area Sewer Authority  
Jeremy Olsen, Olsen & Associates, LLC  
State Representative Brian Ellis  
State Senator Donald C. White  
Tomisa Schmeider  
Michael Zimmerman/Christine Hall/Cyndi Selby



**TOWNSHIP OF OAKLAND  
BUTLER COUNTY, PENNSYLVANIA  
RESOLUTION NO. 2007-03**

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

**WHEREAS**, by Resolution No. 2006-04 dated October 3, 2006, Oakland Township entered into a Consent Order and Agreement with DEP and BASA; and

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

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

\*\*\*

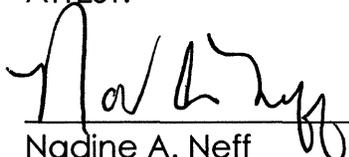
- iii. Within 150 days of the date of this Consent Order and agreement each Tributary Municipality shall submit to [DEP] for approval, an official plan revision Special Study that shall include a resolution from the Tributary Municipality evidencing adoption of the Special Study as a revision to the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

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

**THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Oakland 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.

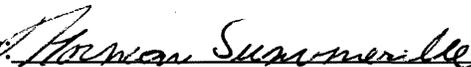
**SO RESOLVED** this 7<sup>th</sup> day of November, 2007.

ATTEST:

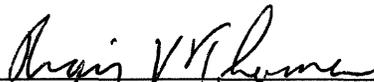
  
\_\_\_\_\_  
Nadine A. Neff  
Secretary/Treasurer

OAKLAND TOWNSHIP  
BOARD OF SUPERVISORS:

By:   
\_\_\_\_\_  
Donald L. Hays, Chairman

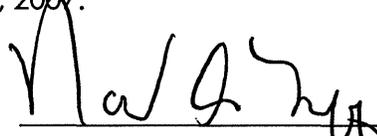
By:   
\_\_\_\_\_  
Norman Summerville, Vice- Chairman

(SEAL)

By:   
\_\_\_\_\_  
Regis V. Thoma, Supervisor

I, Nadine A. Neff, Secretary/Treasurer of Oakland Township Board of Supervisors, hereby certify that the foregoing is a true copy of Township Resolution No. 2007-03, adopted on the 7<sup>th</sup> day of February, 2007.

Municipal Address:

  
\_\_\_\_\_  
Nadine A. Neff

565 Chicora Road  
Butler, PA 16001

Telephone No.: (724) 287-8067

(SEAL)



Pennsylvania Department of Environmental Protection

230 Chestnut Street  
Meadville, PA 16335-3481  
NOV 19 2007

Northwest Regional Office

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

Ms. Nadine Neff, Secretary  
Oakland Township  
565 Chicora Road  
Butler, PA 16001

Re: Act 537 Official Plan Revision:  
Special Sewage Study  
Oakland Township, Butler County

Dear Ms. Neff:

The Department of Environmental Protection hereby approves the document entitled "Act 537 Official Plan Revision: Special Sewage Study." The Special Study is dated November 2007 and was prepared by Olsen & Associates, LLC, on behalf of Oakland 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 \$6,142.50 in the Task and Activity Report. 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, Oakland Township may apply for the grant. An application for this planning assistance is enclosed for your use.

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

Sincerely,

Ricardo F. Gilson  
Regional Manager  
Water Management

Enclosure

- cc: Mr. Jeremy Olsen
- Mr. John Schon, P.E.
- Mr. David Johnston
- Ms. Tomisa Schneider
- Mr. Michael Zimmerman/Ms. Cynthia Selby/file

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## Dan Slomers

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**From:** Dan Slomers [dslomers@basapa.org]  
**Sent:** Friday, December 07, 2007 12:06 PM  
**To:** John Schon; Jim Tomazich  
**Cc:** 'James R. Bowser'; 'Michael McKee'; 'John M. Maslanik'  
**Subject:** BASA - Act 537 Studies

John and Jim,

As requested, I have clarified the status of all Act 537 Plans with Tomisa at DEP.

Recall that there was confusion as to whether or not the plans that our in our office are indeed the latest plans approved by the DEP.

There, Tomisa of DEP called me and we essentially went over each plan, pretty much page by page to verify if we had the latest revisions or not.

Here is what we determined.....

**Butler City** – The book that we have in the office has all of the latest revisions (June 18, 2007 on the cover sheet, received September 14, 2007)

Pages 1-7 were revised 6/18/07 which we do have in our booklet

Appendix E was updated which we do have in our booklet.

**Butler Township** – The book that we in the office has all of the latest revisions (February, 2007 on the cover sheet, received September 12, 2007)

The June 7 revisions that the DEP asked for were minor in nature and have been received by DEP and is in our current booklet.

Appendix D was revised to modify Cedarwood's sewage flows which we now have in our booklet.

Page 13 was updated which we now have in our booklet.

We were missing the updated Butler Township Resolution 07-12. Tomisa faxed me the Resolution and I have included it in our booklet.

**Center Township** – The book that we in the office has all of the latest revisions (Sept. 2007 on the cover sheet, received November 7, 2007).

**Connoquenessing Township** – The book that we in the office has all of the latest revisions (October 16, 2007 on the cover sheet, received November 13, 2007).

**East Butler Borough** – The book that we in the office has all of the latest revisions (August 2007 on the cover sheet, received September 18, 2007).

Many, many pages were updated.

Tomisa and I went over each page and verified that the report that we have in our office indeed is the latest revision.

**Summit Township** – The book that we in the office has all of the latest revisions (June 11, 2007 on the cover sheet, received September 14, 2007).

There were several changes.

We verified that pages 1 through 7 were revised June 11, 2007, which we do have in our booklet.

We verified that Appendix D was updated, which we do have in our booklet.

Appendix 1 (BASA ACT 537 SPECIAL STUDY map) has a different "save date" plotted in the upper left corner of the map. DEP has a save date of 7-2 and we have a save date of 9/12. I contacted Brian Flaugh of Gateway Engineers to discuss the matter. He will get back to me but he believes that the plans were merely plotted on different dates and that there is no difference between DEP's map and our map, even though the save date is different.

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

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

**Oalkand Township** - We could not compare these plans as Chester Engineers currently has it in their office as we speak. However, Tomisa pointed out that Cindy reviewed the Oakland plan dated November, 2007 and apparently approved it with no changes being required.

Mike M, John M. and Jim B., I will give a copy of the Butler Township resolution 07-12 to Jim Bowser at the 12/11 Board meeting. Hopefully, I will also have Gateway's map by then also for Summit Township to give to Jim B. for his to copy and return to us.

John S. and Jim. T. I will place all DEP approved studies in the Central File for any one to find if they need to.

Please contact me if you have any questions.  
Thank you.  
Dan Slomers

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ph: 724-282-4786

**Olsen & Associates, LLC**  
126 South Main Street, Butler, PA 16001  
fax: 724-282-7619 [www.OlsenAndAssociates.us](http://www.OlsenAndAssociates.us)

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

FOR

OAKLAND TOWNSHIP  
Butler County, Pennsylvania

***November 2007***

**O&A PROJECT # 200776A**

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

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## **PART 1: Background Information**

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

As defined in the PaDEP's 2006 Consent Order and Agreement, an EDU (Equivalent Dwelling Unit) is equated to 400 gallons per day (gpd) of sewage. An EDU is the average amount of sewage that a single household contributes to a public sewage system per day. Commercial and Industrial EDU are computed based on a number of criteria, depending on the type of business. Factors such as the square footage of the building, the number of public restrooms, the number of employees or students, etc., all contribute to the theoretical EDU calculated for each business.

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

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

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

## **PART 2: Administrative Completeness Checklist**

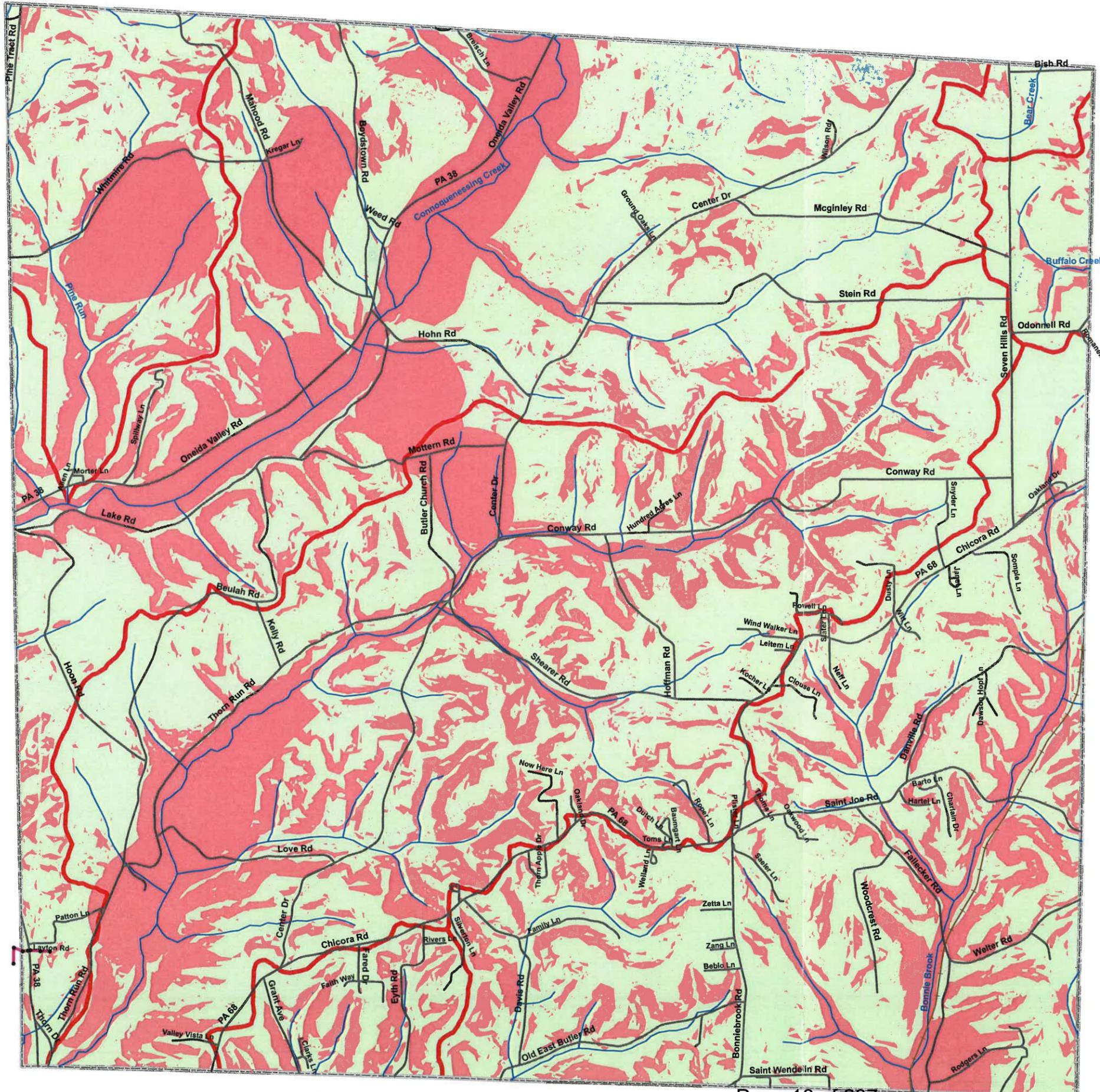
### **Section 1: Plan Summary**

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

The following map, [*"Developable Land", created for this report*] depicts Oakland Township's boundaries along with all possible developable land. These areas would be candidates to see a need for sewerage service within the next 20+ years. If public sewage becomes desirable for these areas, main-line extensions would be needed to service these areas, coming either eastward from Center Township, or extending northward from Summit Township. These serviceable areas will be discussed in more detail throughout this study.

Funding for these extensions would come from, in part, tapping fees from future development within the development areas. However, as BASA has pointed out in their comments to Center Township's DRAFT SPECIAL STUDY, dated January 2, 2007, state law prohibits the recovery of all extension-related costs through tapping fees. The existing residents and customer base of Oakland Township would be expected to finance the construction costs for extensions. BASA will assess the cost effectiveness and estimated user costs to extend sewers into these growth areas based on the existing customer base in those areas. Alternatively, the construction costs would fall on developers or parties other than BASA.

Only a very small portion of Oakland Township is currently serviced by public sewerage. This existing approximately 650 feet of line is part of BASA's system, and is located in the south-western corner of Oakland Township. The sewage flows to the west by gravity into Center Township. Currently, no sewage capacity problems exist within the boundaries of Oakland Township. No documented overflows have occurred within the Township borders.

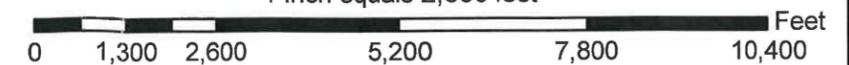


# Developable Land Oakland Township, Butler County

### Legend

- Manhole
- Gravity Main
- Road Centerlines
- Active Railroads
- Network Streams
- ▭ Township Boundary
- ▭ Small Watersheds
- ▭ Undevelopable Land
- ▭ Developable Land

1 inch equals 2,600 feet



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

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

C: Estimated Cost of Implementing the Proposed Alternative

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

D: Identification of Municipal Commitments to Implement the Plan

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

E: Schedule of Implementation

- 30 Days after BASA receives all DEP-approved Official Plan Revision Special Studies: BASA Task Activity Report Preparation.
- 180 Days after BASA TAR approval: BASA Official Plan Update Revision submitted to PaDEP.
- 180 Days after receiving DEP comments on Official Plan: BASA to submit final Update Revision to PaDEP.

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

**Section 2: Municipal Adoption**

Oakland Township will adopt this document, the Oakland Township Final Act 537 Official Plan Revision, on November 7, 2007.

**Section 3: Planning Commission Comments**

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

**Section 4: Publication**

Oakland Township has conducted a 30 day comment period, from September 25, 2007 to October 24, 2007, during which time the public was given the opportunity to view and make (written) comments on the Draft Act 537 Official Plan Revision. An additional appendix (Appendix J) has been added to the Oakland Township Final Act 537 Official Plan Revision containing the publication advertised for public comments.

**Section 5: Comments and Responses**

An additional appendix (Appendix K) has been added to the Oakland Township Final Act 537 Official Plan Revision, containing any and all public comments. Appendix L will contain any and all municipal responses to each comment in relation to the proposed plan. There were no public comments to the Draft SPECIAL STUDY; as a result, both appendices are void.

## **PART 3: Official Plan**

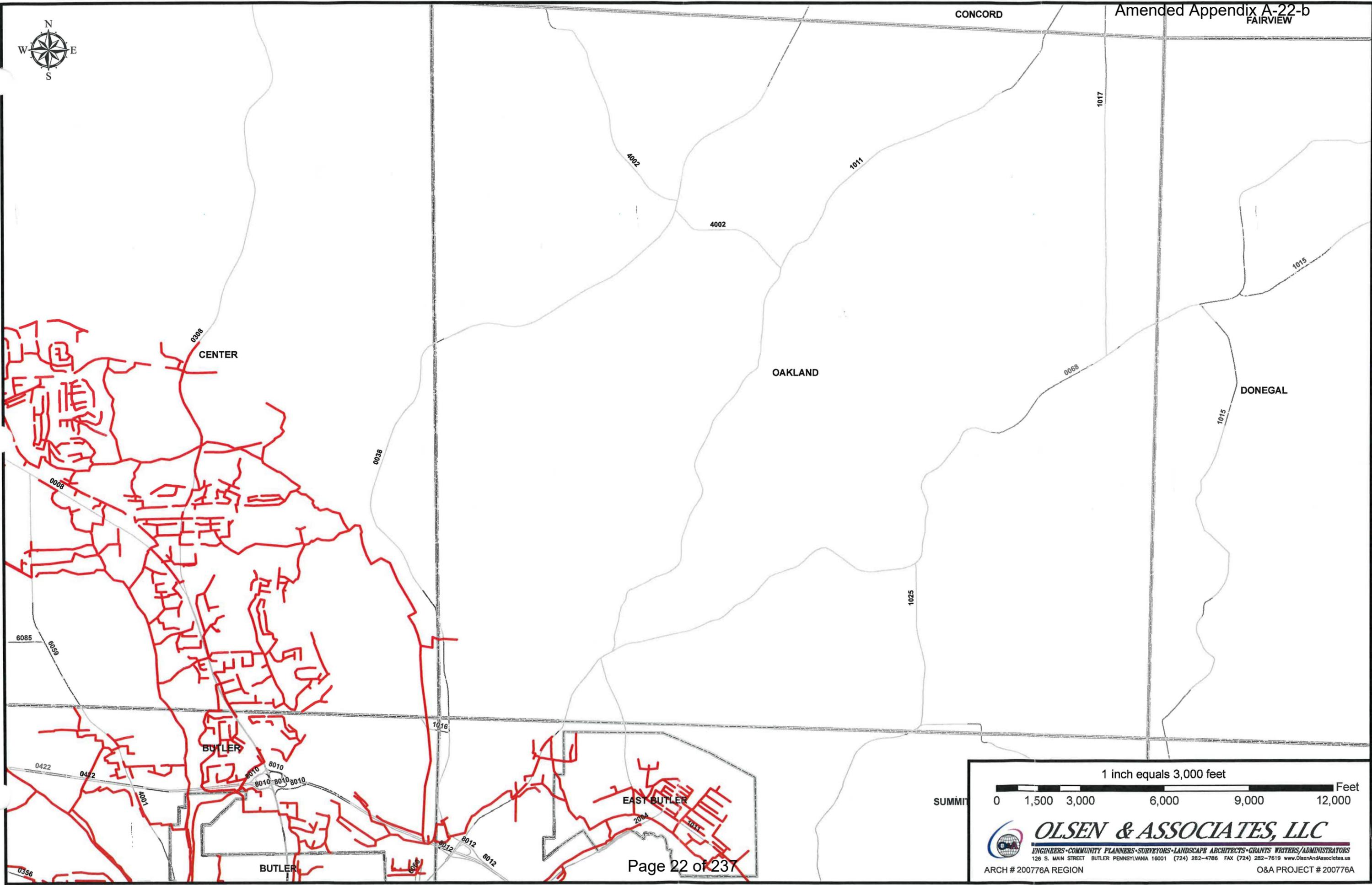
### **Section 1: Description and Analysis of Physical and Demographic Characteristics of the Planning Area**

#### **A: Planning Area Boundaries and Political Subdivision Boundaries**

Oakland Township, Butler County, PA is 23.2 square miles in area and situated northeast of where BASA's sewage treatment plant is located, in Butler Township. Oakland Township is bordered to the north by Concord Township, to the east by Donegal Township, to the south by Summit Township and East Butler Borough, and to the west by Center Township. With the exception of the Bear Creek and Buffalo Creek watershed areas in the northeastern corner of Oakland, all of Oakland Township has the potential to be tributary to BASA's sewerage system, if system expansion into Oakland Township becomes desirable. If expanded, sewage could flow either south into Summit Township or west into Center Township.

The map on the following page [*"Regions", created for this report*] shows Oakland and the surrounding townships, along with the BASA sewerage system. This map was provided to address a BASA comment to the DRAFT SPECIAL STUDY, requesting an overall map which would aid in understanding the relationships of the existing sanitary sewers downstream of the Connoquenessing Creek, Thorn Creek, and Bonnie Brook Creek watersheds.

Oakland Township has no current zoning ordinance or zoning districts.



1 inch equals 3,000 feet

0 1,500 3,000 6,000 9,000 12,000 Feet

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ARCH # 200776A REGION O&A PROJECT # 200776A

B: Physical Characteristics of the Planning Area

The map on Page 9 [*"Development Constraints", created for this report*] depicts physical characteristics of Oakland Township, including tax parcels, road centerlines, networked streams, floodplains, wetland types, and percent slope. These characteristics denote physical constraints to development. Additionally, Natural Heritage Inventory and Abandoned Mine Land Inventory areas have been marked, as well as oil and gas well locations.

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

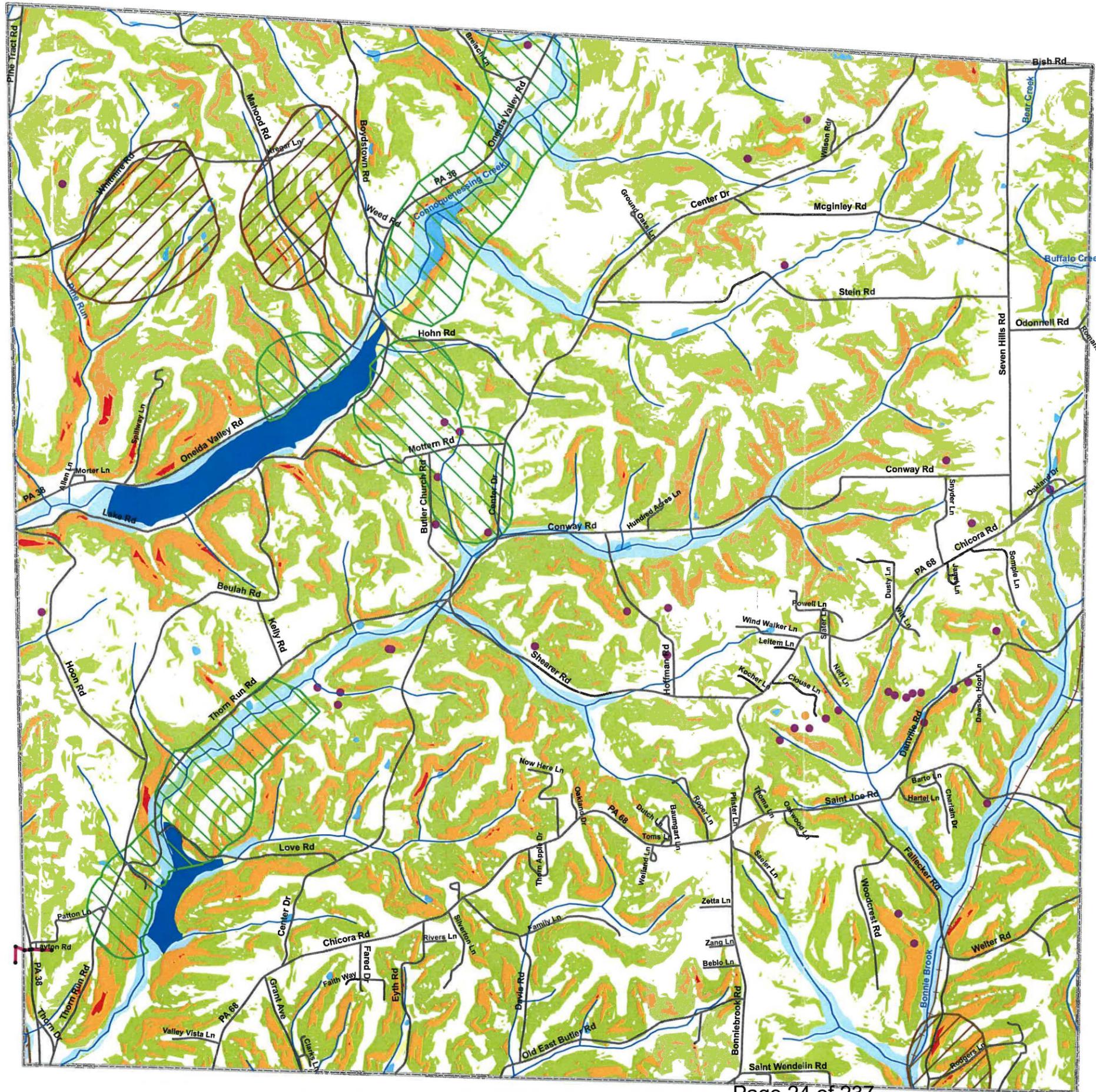
***Natural Heritage Inventory***

According to the Butler County Natural Heritage Inventory prepared by the Western Pennsylvania Conservancy in 1991, the two most significant environmental features in the East Butler Quadrangle are Oneida Lake and Thorn Reservoir, both artificial lakes. The wetlands that have formed at the northernmost ends of both lakes, and at places around the lakes, provide a habitat for populations of an animal species currently included on the Pennsylvania Endangered Species list. The biggest threat to these species is habitat destruction, which can be caused by fluctuations in the water level, mineral extraction and residential development.

Smaller areas around Greece City and Fenelton also include habitats for species listed on the Pennsylvania Endangered Species list and the Western Pennsylvania Conservancy recommends that these areas be protected and maintained. The net effect of the presence of these habitats supporting animal species of concern is that any development-related earth disturbance activity should be monitored where it occurs within the identified areas. Local regulations requiring review of land development proposals by County and Commonwealth agencies can provide such protection.

***Abandoned Mine Land Inventory***

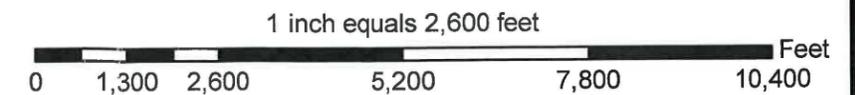
Areas which were previously mined are identified to the northwest of Oneida Lake, between Boydstown Road and Whitmire Road. This information is from an Office of Surface Mining database created by the Pennsylvania Department of Environmental Protection in 1998. There is no indication as to whether or not the mined land was reclaimed or stabilized, so development activity should be preceded by a Commonwealth review of areas targeted for earth disturbance.



# Development Constraints Oakland Township, Butler County

## Legend

- Manhole
  - Gravity Main
  - Road Centerlines
  - Active Railroads
  - Network Streams
  - ▭ Township Boundary
  - Oil and Gas Well Locations
  - ▨ Natural Heritage Inventory
  - ▨ Abandoned Mine Land Inventory
- ### Type of Wetland
- Lake
  - Freshwater Emergent Wetland
  - Freshwater Forested / Shrub Wetland
  - Ponds
  - Floodplains
- ### Percent Slope
- Below 15%
  - 15% to 24%
  - 25% to 39%
  - Above 40%



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C: Soils and Geological Features

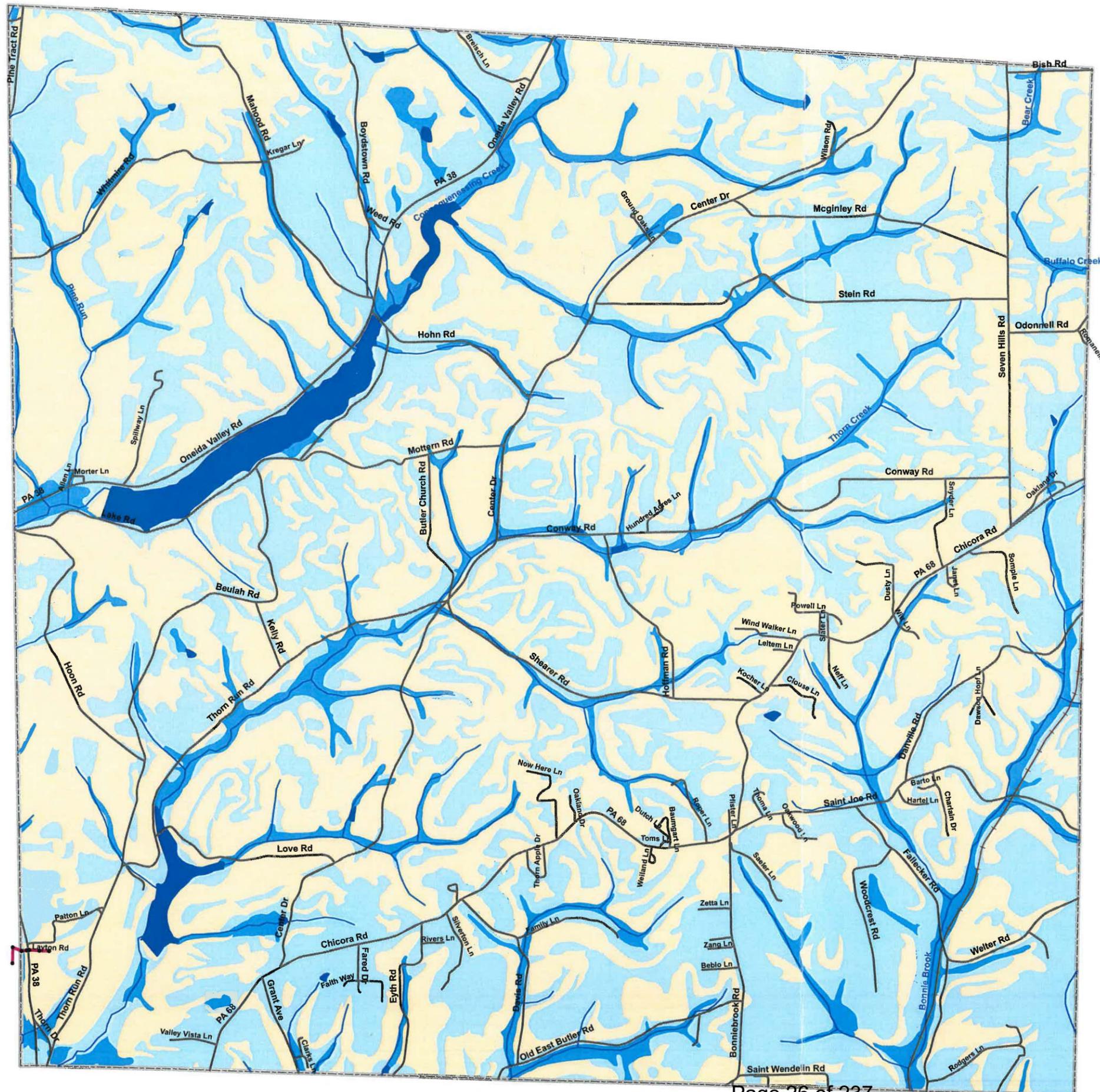
The map on page 11 [*"Hydric Soils", created for this report*] depicts USDA soil types (hydric, partially hydric, and non hydric), along with Gravity sewer lines, force mains, and manholes.

Hydric soils and partially hydric soils are generally those which present challenges for placement of on-lot sewage treatment systems. Most lands of Oakland Township exhibit marginally acceptable soils for on-lot sewage treatment.



# Hydric Soils

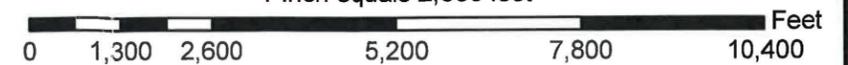
## Oakland Township, Butler County



### Legend

- Manhole
- Gravity Main
- Road Centerlines
- Active Railroads
- Network Streams
- ▭ Township Boundary
- Hydric Soils
- Partially Hydric Soils
- Non Hydric Soils
- Water

1 inch equals 2,600 feet



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The maps on the following four pages [*2006 Orthophotographs A1, A2, B1, B2*]; *created for this report*] are Aerial photos used for reference.



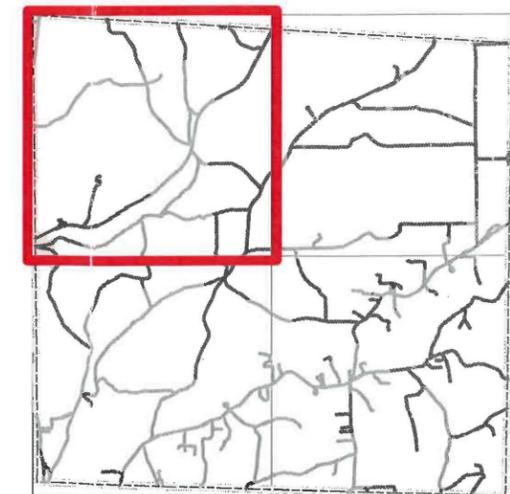
# 2006 Orthophotographs A1

## Oakland Township, Butler County

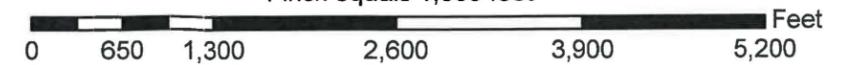


### Legend

-  Township Boundary
- Current AADT**
-  195 - 700
-  701 - 1400
-  1401 - 4200
-  4201 - 8000
-  8001 - 12558
-  Road Centerlines
-  Railroads



1 inch equals 1,300 feet

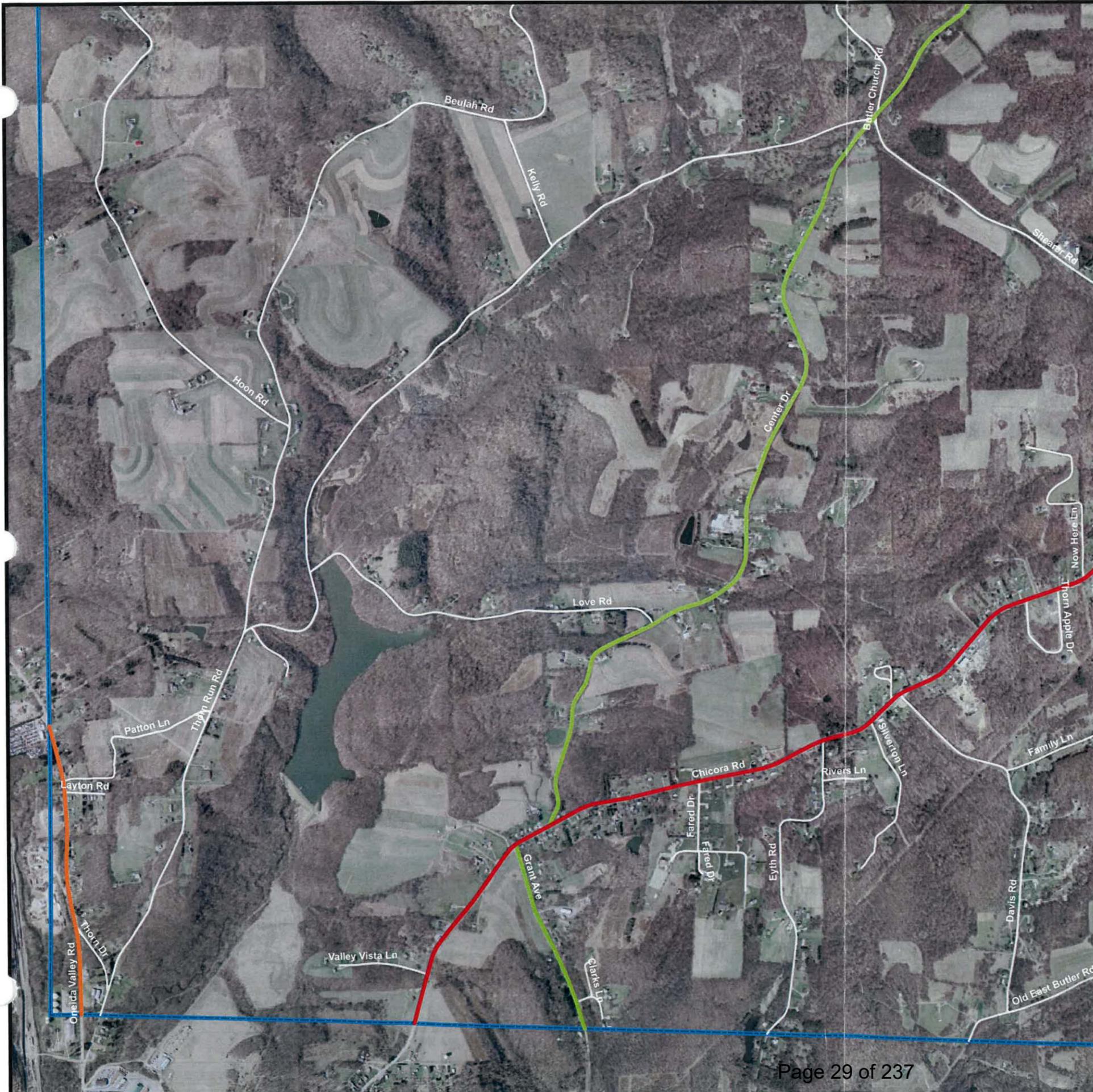


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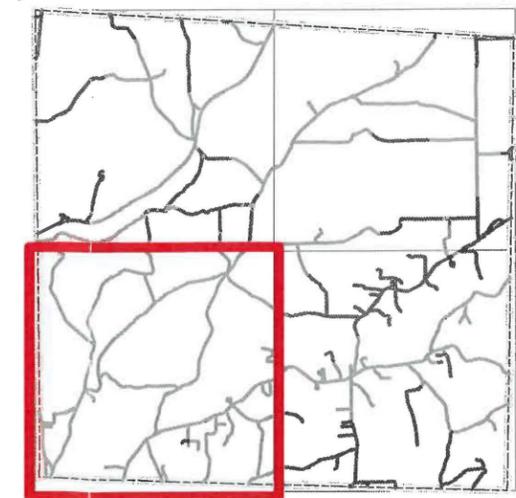
# 2006 Orthophotographs A2

## Oakland Township, Butler County

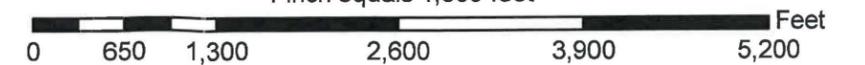


### Legend

-  Township Boundary
- Current AADT**
-  195 - 700
-  701 - 1400
-  1401 - 4200
-  4201 - 8000
-  8001 - 12558
-  Road Centerlines
-  Railroads



1 inch equals 1,300 feet



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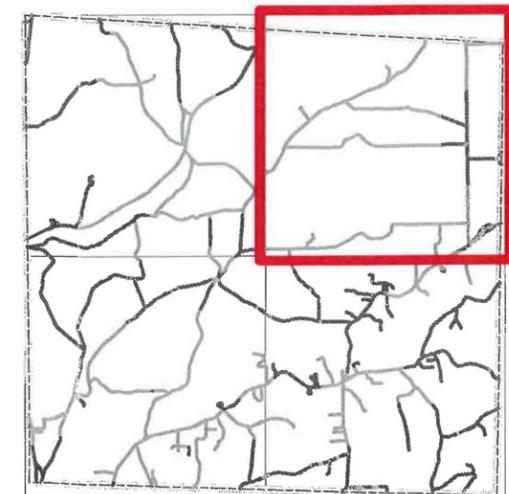
# 2006 Orthophotographs B1

## Oakland Township, Butler County

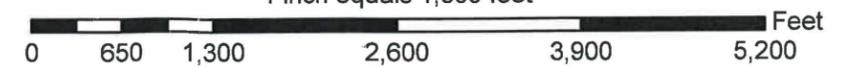


### Legend

-  Township Boundary
- Current AADT**
-  195 - 700
-  701 - 1400
-  1401 - 4200
-  4201 - 8000
-  8001 - 12558
-  Road Centerlines
-  Railroads



1 inch equals 1,300 feet

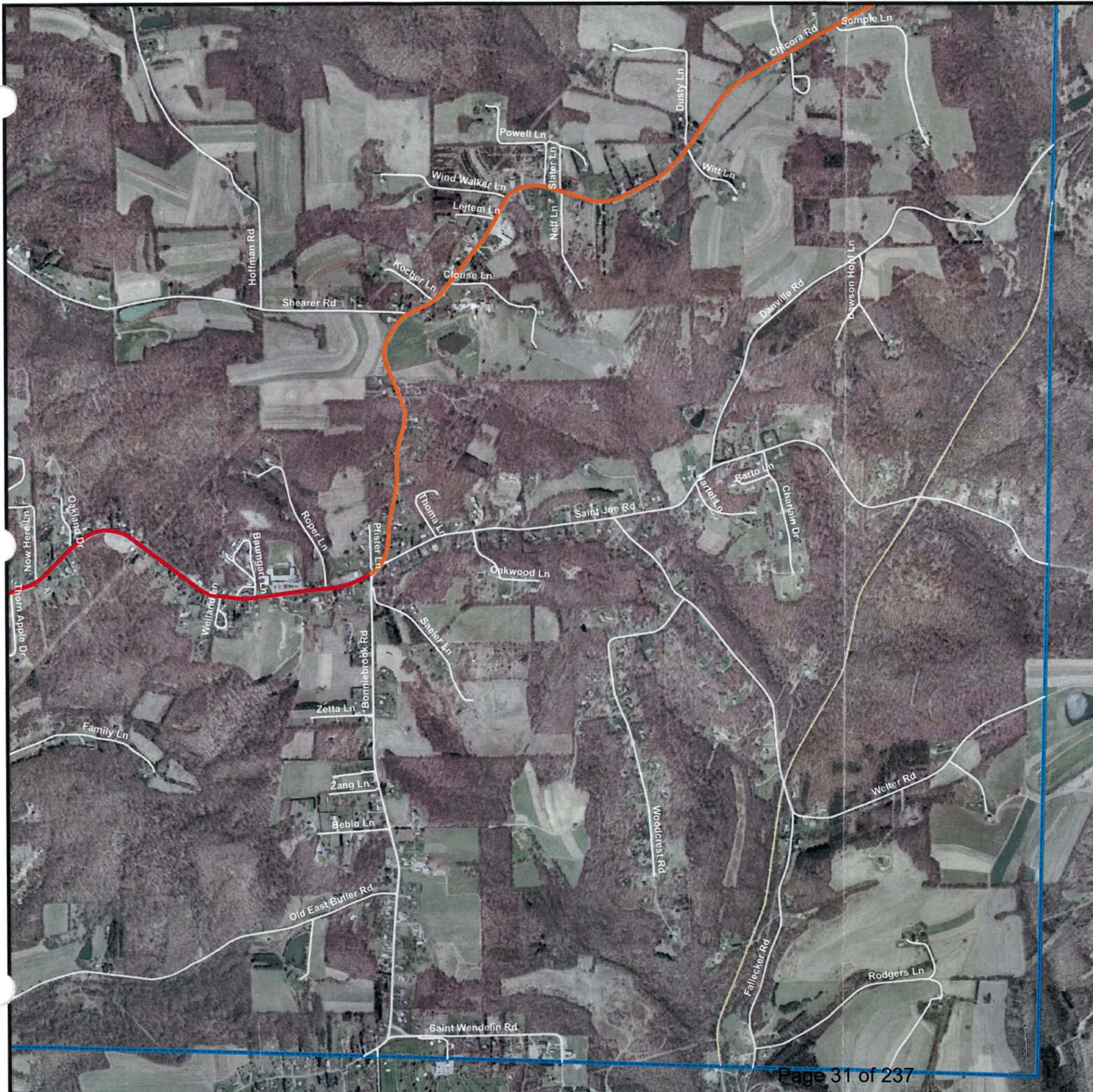


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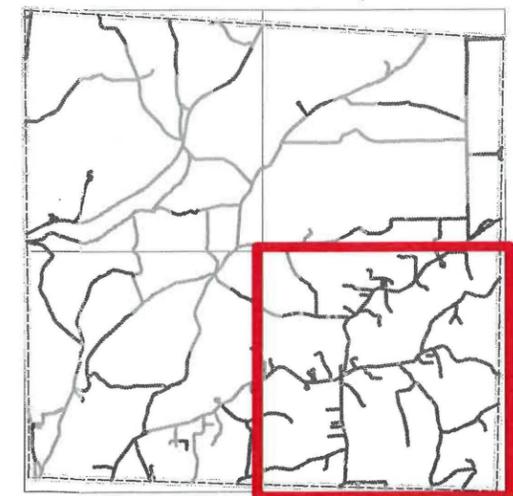
# 2006 Orthophotographs B2

## Oakland Township, Butler County

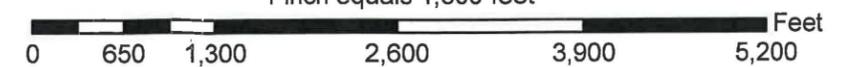


### Legend

-  Township Boundary
- Current AADT**
-  195 - 700
-  701 - 1400
-  1401 - 4200
-  4201 - 8000
-  8001 - 12558
-  Road Centerlines
-  Railroads



1 inch equals 1,300 feet



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D: Current and Historical Population Information

Unless otherwise noted, the population data presented throughout this report is directly from either the Southwestern Pennsylvania Commission or from the U.S. Census Bureau. The Township's population has increased linearly during each Census period beginning with a population of 1,081 persons in 1930 to a year 2000 population of approximately 3,074 persons.

Between 1990 and the year 2004, a total of 205 housing units were permitted, only 5 of which were multi-family. This equates to an annual average of about 14 new housing units annually or approximately 38 persons a year calling the Township home at a persons-per-household rate of 2.76 persons.

There were 1,112 households out of which 35.2% had children under the age of 18 living with them, 67.6% were married couples living together, 7.3% had a female householder with no husband present, and 21.2% were non-families. 18.4% of all households were made up of individuals and 7.8% had someone living alone who was 65 years of age or older. The average household size was 2.76 and the average family size was 3.15.

In the Township the population was spread out with 25.9% under the age of 18, 7.4% from 18 to 24, 30.1% from 25 to 44, 24.6% from 45 to 64, and 12.0% who were 65 years of age or older. The median age was 38 years. For every 100 females there were 103.2 males. For every 100 females age 18 and over, there were 97.4 males.

The median income for a household in the township was \$41,025, and the median income for a family was \$49,395. Males had a median income of \$32,285 versus \$22,854 for females. The per capita income for the Township was \$17,313. About 6.9% of families and 6.0% of the population were below the poverty line, including 3.6% of those under age 18 and 19.2% of those age 65 or over.

## Historic Population 1930-1990

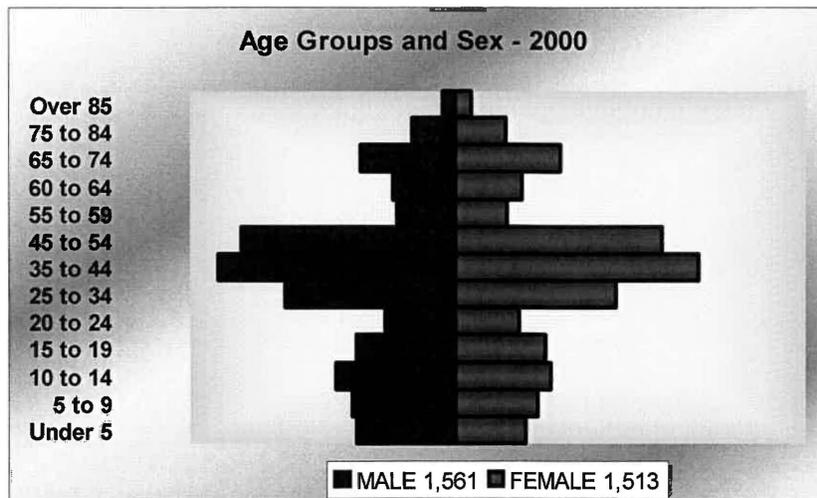
	1930	1940	1950	1960	1970	1980	1990
Oakland Township	1,081	1,432	1,789	2,168	2,548	2,767	2,820
Butler County	80,480	87,590	97,320	114,639	127,941	147,912	152,013

## Current Population - 2000

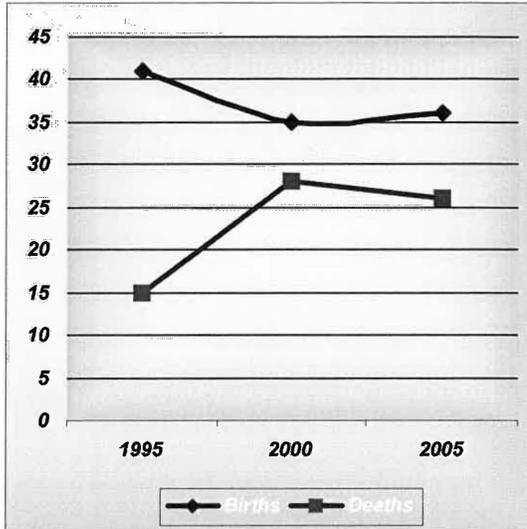
	2000
Oakland Township	3,074
Butler County	174,083
<i>Source: U.S. Census 2000, DP-1</i>	

## Age Cohorts - 2000

Age Range	MALE	FEMALE
	#	#
Under 5	-112	82
5 to 9	-117	97
10 to 14	-135	111
15 to 19	-112	105
20 to 24	-79	75
25 to 34	-192	186
35 to 44	-267	279
45 to 54	-242	238
55 to 59	-66	61
60 to 64	-70	78
65 to 74	-107	123
75 to 84	-49	59
Over 85	-13	19



## Births/Deaths 1995, 2000 & 2005



	1995	2000	2005
Births	41	35	36
Deaths	15	28	26

MEDIAN AGE OF MALES: 39.3  
MEDIAN AGE OF FEMALES: 37.0

## Housing and Households

Land area: 22.93 sq. mi.  
 Water area: 0.3 sq. mi.  
 Occupied houses/apartments: 1,112  
 (964 owner occupied, 148 renter occupied)

Median age of males: 39.3  
 Median age of females: 37.0

Total Median age (1990) – 32.4

Average household size: 2.76  
 Average family size: 3.15

Notable locations in this Township outside city limits:

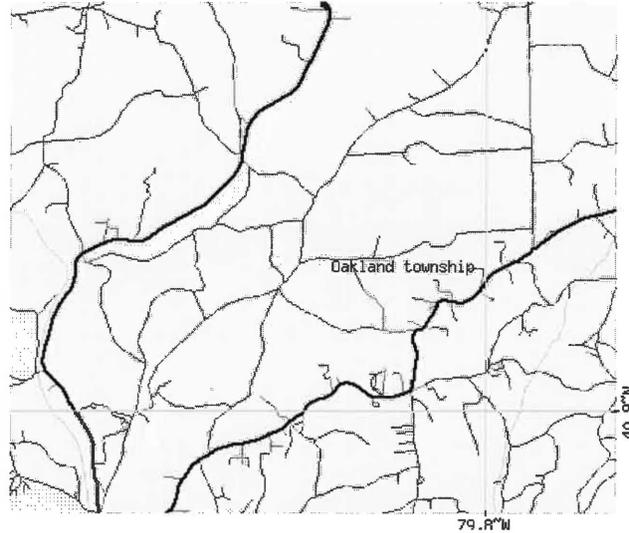
- Cemetery: Whitmire Cemetery.
- Reservoirs: Lake Oneida, Thorn Reservoir.
- Streams, rivers, and creeks: Pine Run.

75% of Oakland Township residents lived in the same house 5 years ago.

Out of people who lived in different houses, 77% lived in this county.

Out of people who lived in different counties, 54% lived in Pennsylvania.

Median price asked for vacant for-sale houses in 2000: \$137,500



Median worth of mobile homes: \$23,100

Housing units in Oakland Township with a mortgage: 322 (21 second mortgage, 56 home equity loan, 0 both second mortgage and home equity loan). Houses without a mortgage: 231

Vacancy Rate:

Homeowner – 0.9

Rental – 5.7

## Households by Type 2000

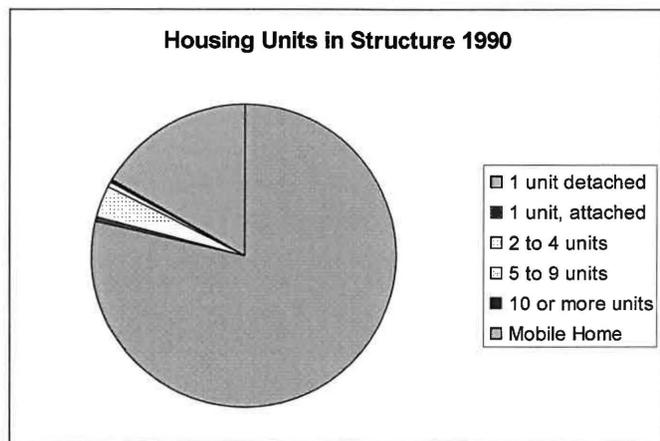
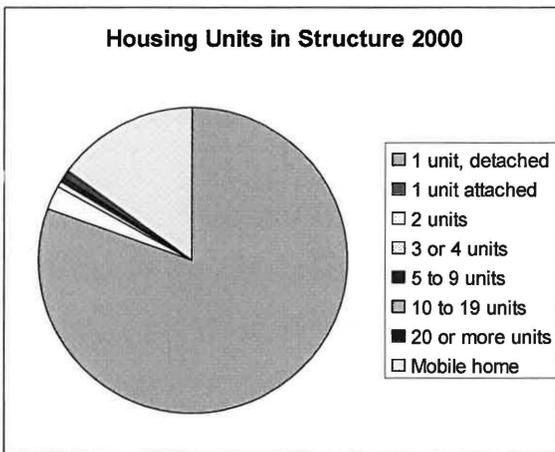
	2000 #	2000 %	1990 #	+/- 90-00
Total households	1,112	100.0%	937	+175
Family households	876	78.8	773	+103
w/own children under 18	391	35.2	--	--
Married couple family	752	67.6	678	+74
w/own children under 18	328	29.5	--	--
Female householder	81	7.3	67	+14
w/own children under 18	47	4.2	--	--
Nonfamily households	236	21.2	164	+72
Householder living alone	205	18.4	137	+68
Householder 65 & over	87	7.8	60	+27

Source: SPC Profile of General Demographic Characteristics, Table 12. These numbers and percentages will not total exactly as the "types" fit into more than one category.

## Housing Units in Structure

	2000		1990	
	#	%	#	%
1 unit, detached	941	80.6	733	78.0
1 unit attached	0	0.0	3	0.3
2 units	29	2.5	34	3.6
3 or 4 units	7	0.6		
5 to 9 units	5	0.4	6	0.6
10 to 19 units	0	0.0	1	0.1
20 or more units	11	0.9		
Mobile home	175	15.0	163	17.4
<b>Total Housing Units</b>	<b>1168</b>	<b>100%</b>	<b>940</b>	<b>100%</b>

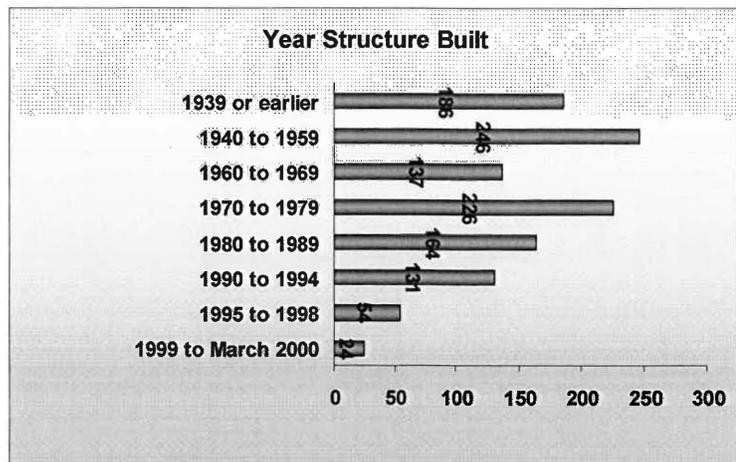
*Source: SPC, Table 41, 2000 and U.S. Census Bureau, 1990.*



## Year Structure Built - 2000

	#	%
1999 to March 2000	24	2.1
1995 to 1998	54	4.6
1990 to 1994	131	11.2
1980 to 1989	164	14.0
1970 to 1979	226	19.3
1960 to 1969	137	11.7
1940 to 1959	246	21.1
1939 or earlier	186	15.9

*Source: Census 2000, Table DP-4*

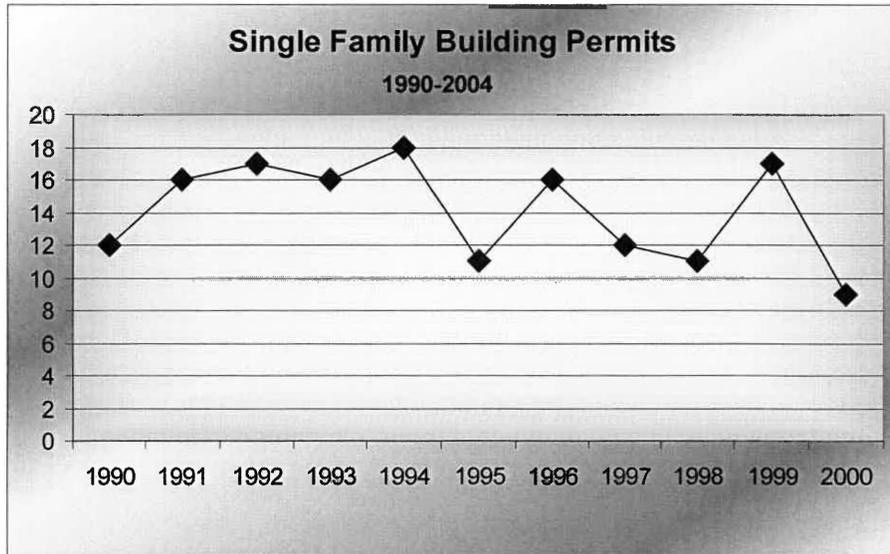


# Building Permits

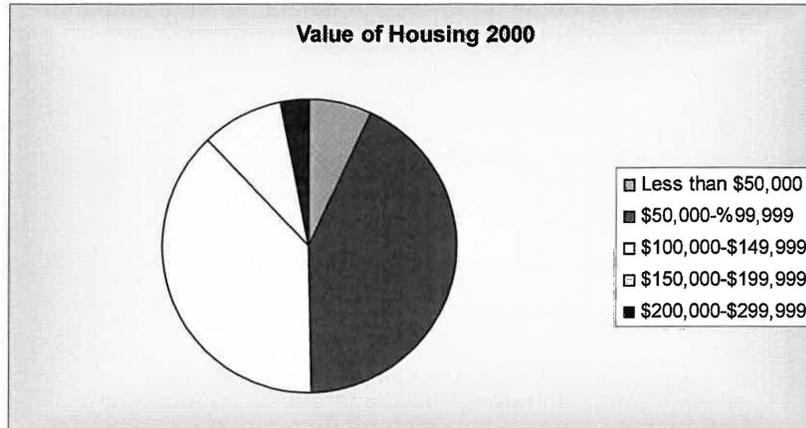
97.6% Single Family

Year	Single Family		Multi Family			Total		
	Units	Value	Bldgs	Units	Value	Bldgs	Units	Value
1990	12	692,000	0	0	0	12	12	692,000
1991	16	815,700	0	0	0	16	16	815,700
1992	17	1,249,600	0	0	0	17	17	1,249,600
1993	16	1,190,675	1	3	80,000	17	19	1,270,675
1994	18	1,314,545	1	2	90,000	19	20	1,404,545
1995	11	865,847	0	0	0	11	11	865,847
1996	16	1,328,338	0	0	0	16	16	1,328,338
1997	12	997,208	0	0	0	12	12	997,208
1998	11	989,905	0	0	0	11	11	989,905
1999	17	1,548,357	0	0	0	17	17	1,548,357
2000	9	1,054,982	0	0	0	9	9	1,054,982
2001	12	1,215,351	0	0	0	12	12	1,215,351
2002	7	573,520	0	0	0	7	7	573,520
2003	14	1,612,556	0	0	0	14	14	1,612,556
2004	12	1,303,126	0	0	0	12	12	1,303,126
Totals	200	16,751,710	2	5	170,000	202	205	16,921,710

Source: SPC, New Privately Owned Construction Authorized by Building Permits, November 2005.



## Value of Housing



	#	%
Less than \$50,000	42	6.9
\$50,000-\$99,999	262	42.8
\$100,000-\$149,999	233	38.1
\$150,000-\$199,999	57	9.3
\$200,000-\$299,999	18	2.9

## Socio-Economic Profile

### Income

Household Income	#	%
Less than \$10,000	87	7.8
\$10,000 to \$14,999	65	5.8
\$15,000 to \$24,999	166	14.8
\$25,000 to \$34,999	140	12.5
\$35,000 to \$49,999	209	18.6
\$50,000 to \$74,999	272	24.2
\$75,000 to \$99,999	119	10.6
\$100,000 to \$149,999	52	4.6
\$150,000 or more	12	1.1

*Source, U.S. Bureau of the Census, 2000, Table DP-3*

**Median Family Income**

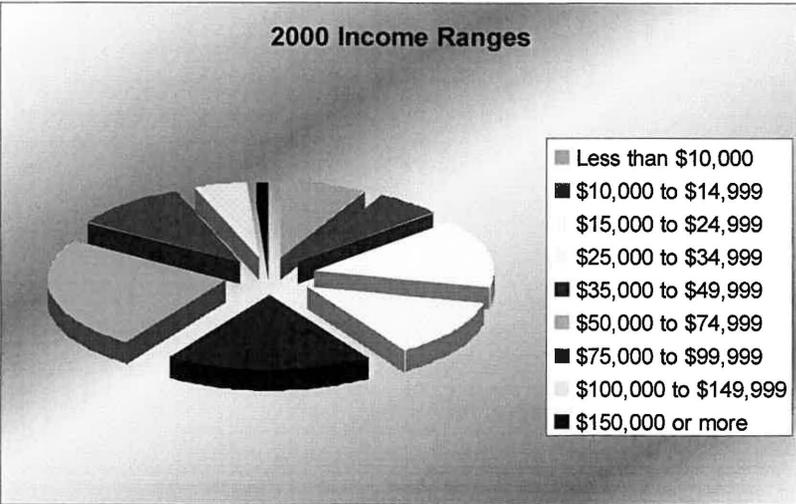
1990 - \$33,958

2000 - \$49,395

**Median Household Income**

1990 - \$30,904

2000 - \$41,025



## Occupation

Management, professional & related occupations	314
Service occupations	251
Sales & office occupations	411
Farming, fishing & forestry occupations	3*
Construction, extraction & maintenance occupations	238
Production, transportation & material moving occupations	381

Per Capita Income

1990 - \$10,532

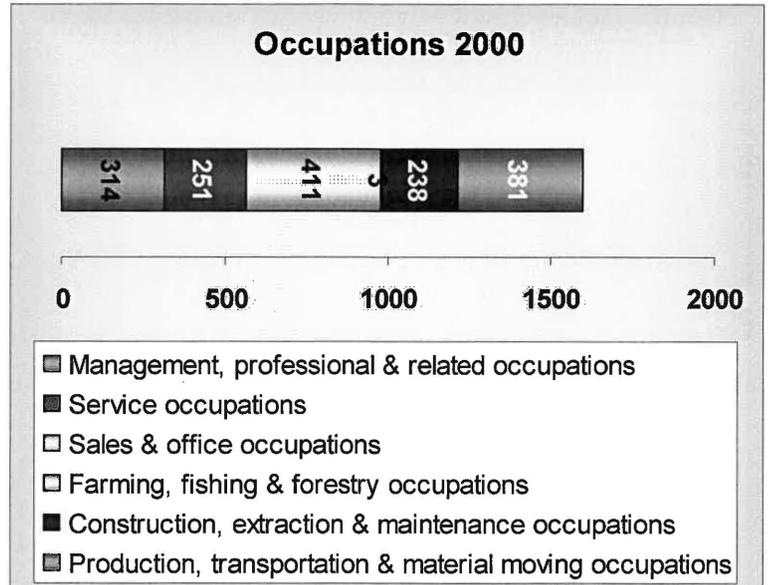
2000 - \$17,313

\* According to the U.S. Census 2000 Table DP-3 for Oakland Township, only 3 people are employed in farming, fishing & forestry occupations in Oakland. This low figure is believed to be due to the way that the data was sampled and statistically distributed among townships and boroughs by the Census Bureau.

Median Earnings - 2000

Male - \$32,285

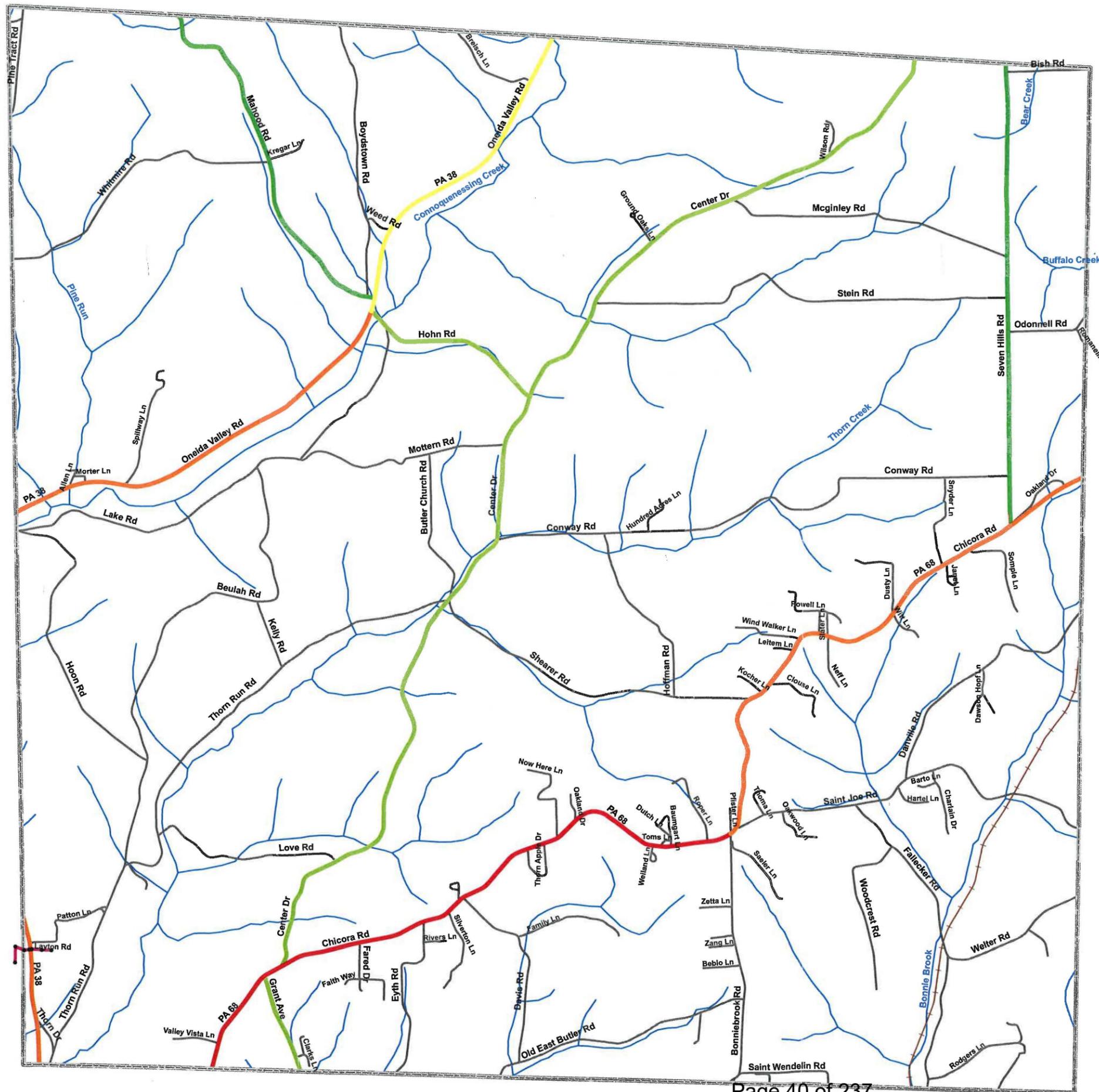
Female - \$22,854



The map on page 25 [*"Current Average Annual Daily Traffic"*, created for this report] depicts current traffic patterns observed on the main roads in Oakland Township.



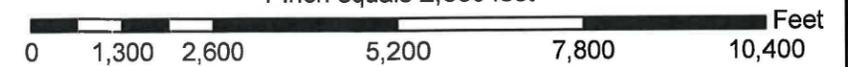
# Current Annual Average Daily Traffic Oakland Township, Butler County



### Legend

- Manhole
- Gravity Main
- ▭ Township Boundary
- Current AADT**
- 195 - 700
- 701 - 1400
- 1401 - 4200
- 4201 - 8000
- 8001 - 12558
- Road Centerlines
- Active Railroads
- Network Streams

1 inch equals 2,600 feet



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

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

Oakland Township is unaware of any privately owned sewage treatment plants in the Township. If any exist, under the Pennsylvania Sewage Facilities Act, Oakland Township is ultimately responsible for these private facilities, not BASA.

There are no pump stations located in Oakland Township.

**B: Description of Problems with the Existing Facilities**

No known problems exist with any area of the BASA sewer system contained within the boundaries of Oakland Township. The system is currently able to handle normal and peak flow occurring in the area. Sewage problems have been reported to the Oakland Township supervisors regarding a small number of private or non-municipal on-lot facilities. The locations of these residences are not included in this study.

It is BASA's responsibility to analyze capacities of the existing interceptors, pump stations, and force mains. This data is not included with Oakland Township's Act 537 Official Plan Revision.



**Section 3: Future Development and Current Needs**

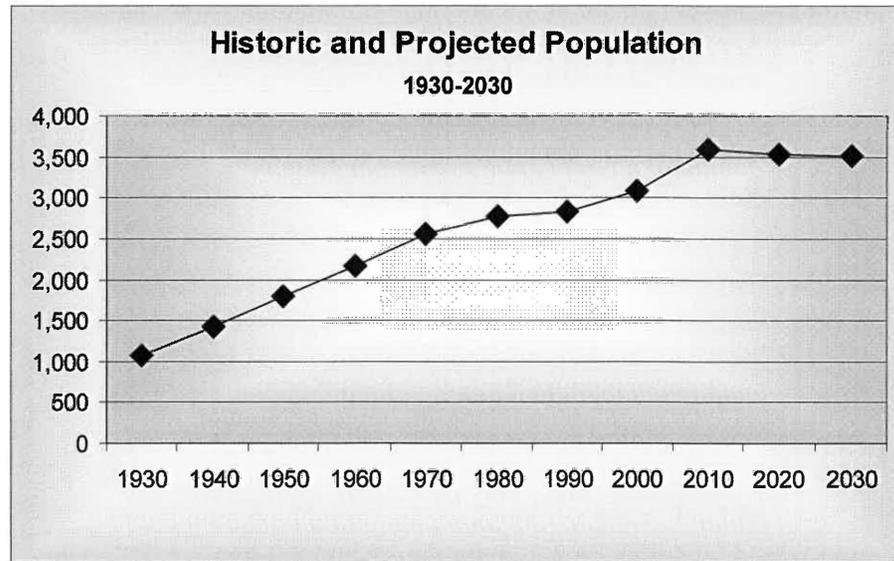
**A. SPC Population Projections**

The following chart and graph are Southwestern Pennsylvania Commission's Cycle 7 Baseline Forecast population predictions for Oakland Township until 2030.

	2010	2020	2030
Oakland Township	3,590	3,530	3,514
Butler County	96,535	100,907	101,358

*Source: SPC Cycle 7 Baseline Forecast*

<b>SPC PROJECTIONS TOTAL HOUSEHOLDS</b>	
2005	1,544
2010	1,554
2020	1,659
2025	1,731
2030	1,807



The SPC is predicting an increase in population by the year 2010, followed by a decrease in population by 76 persons. However, indicative of smaller household size, the SPC is projecting an increase in households from 1,554 in 2010 to 1,807 in 2030; a net increase of 253 households.

## B. Future Development

Oakland Township has not undergone significant development during the last few decades. Oakland does not currently have any zoning districts, nor does the Township have a Comprehensive Plan. For estimating purposes in this study, developable land will be assumed to develop residentially.

The SPC prediction of 253 new housing units by 2030 (approximately 13 new houses per year), while consistent with current and historical growth as verified by building permit records, is regarded by the Oakland Township Planning Commission as being a conservatively low figure. Citing the proliferation of mobile home parks in this area of Butler County (which, when developed, can conceivably add hundreds of EDU in a relatively short period of time) along with possible spill-over from growth currently occurring in nearby townships, the Oakland Township Planning Commission expects approximately 3 times this amount of new residences or approximately 759 new housing units by 2030. The growth is expected to occur approximately linearly. The following table breaks down the 759 new units by 5-year periods based upon this anticipated linear trend.

	<b>Years 0-4</b>	<b>Years 0-9</b>	<b>Years 0-14</b>	<b>Years 0-19</b>
<b>Estimated new housing units</b>	190 units	380 units	570 units	759 units

The Oakland Township Board of Supervisors has identified the PA-68 and Route 38 corridors as likely candidates for public sewerage in the future. PA-68, at the southwest corner of the Township, is less than 1000 feet from existing sewerage in Summit Township.

Beginning with the Topographic map on page 29 [*Topography*], taken from existing USGS mapping], small watersheds were computed. These watersheds are mapped on page 30 [*Small Watersheds*], created for this report.] The Pine Run watershed flows into the Connoquenessing Creek watershed and (for the purposes of this study) can be considered a single "sewershed". The Bear Creek and Buffalo Creek watersheds flow northeast, and are therefore not anticipated to be serviced by the Butler Area Sewer Authority in the next 20 years.



# Topography

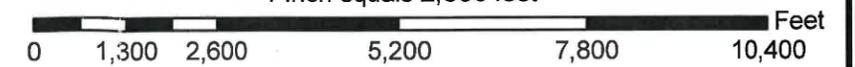
## Oakland Township, Butler County



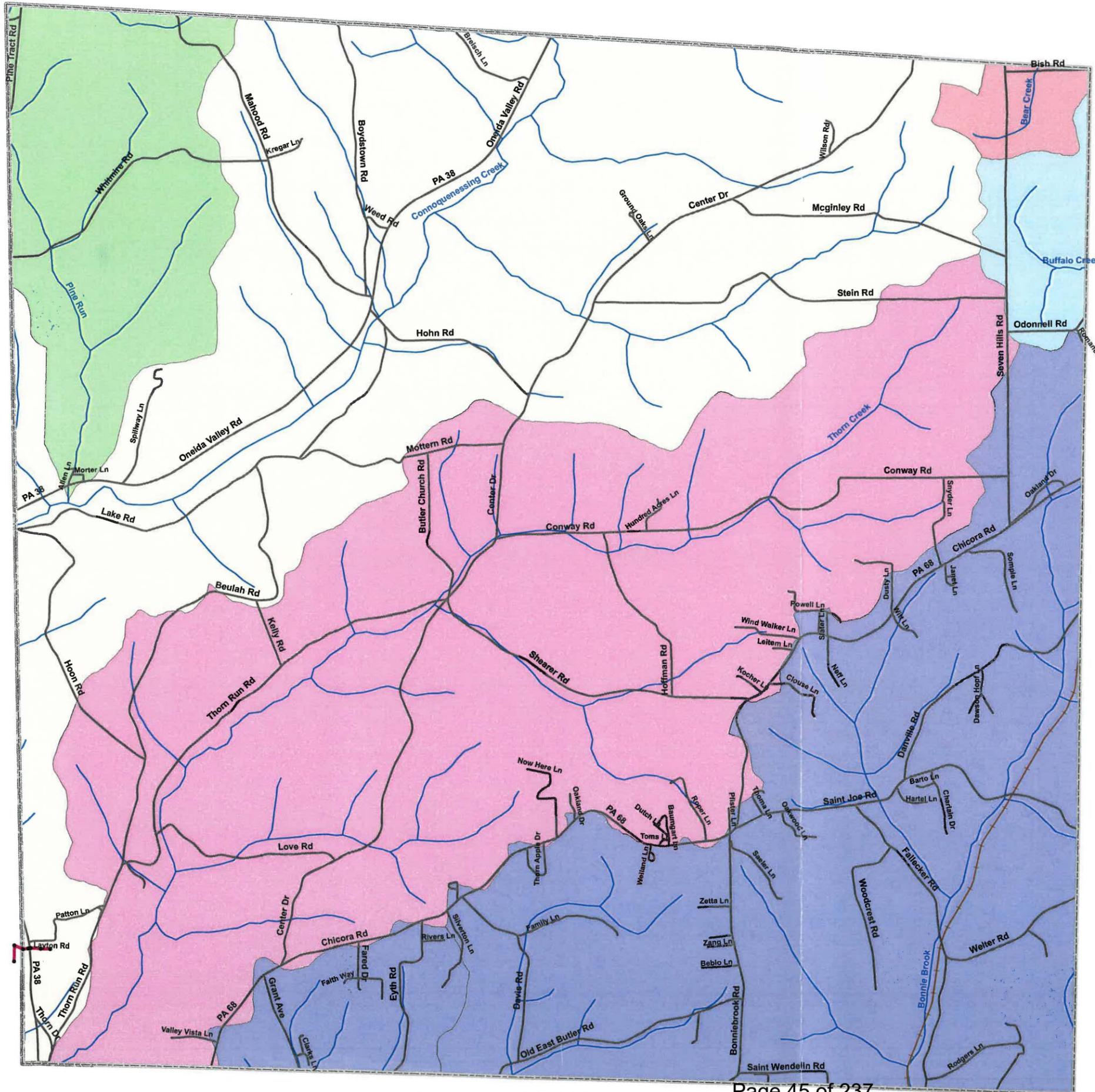
### Legend

-  Township Boundary
-  Road Centerlines
-  Active Railroads
-  Manhole
-  Gravity Main

1 inch equals 2,600 feet



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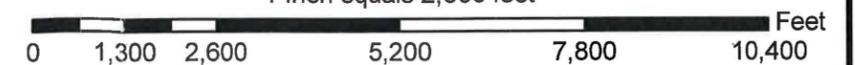


# Small Watersheds Oakland Township, Butler County

### Legend

- Manhole
  - Gravity Main
  - ▭ Township Boundary
  - Road Centerlines
  - Active Railroads
  - Network Streams
- Small Watersheds**
- Bear Creek
  - Bonnie Brook
  - Buffalo Creek
  - Connoquenessing Creek
  - Pine Run
  - Thorn Creek

1 inch equals 2,600 feet



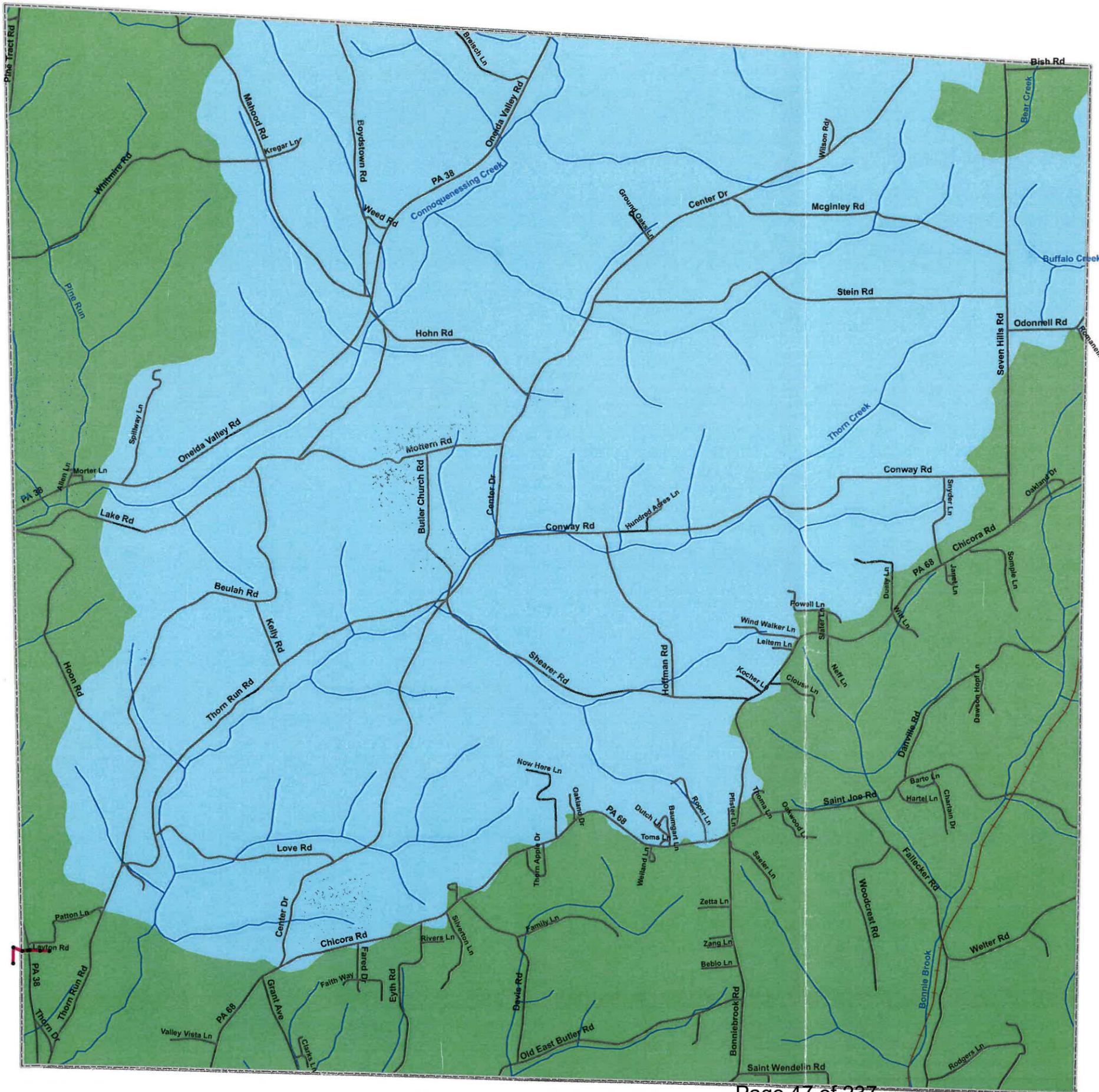
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Areas of Oakland Township northeast of the Oneida Dam and Thorn Reservoir Dam in the Connoquenessing Creek, Thorn Creek, and Buffalo Creek watersheds are listed in Title 25, Chapter 93 of the Pennsylvania Code as being High Quality or Exceptional Value watersheds. Because of this designation, sewage discharge from a small, privately-owned sewage treatment plant or small-flow treatment facility is generally prohibited from being output into these streams. Thus all new development in these areas must either be provided with conventional on-lot sewage or be connected into a public sewerage system. Geographically, this includes the lands north of PA 68, and land along the PA 38 corridor in Oakland Township. The map on page 32 [*Watersheds with High Quality or Exceptional Value Waters*]; created for this report] depicts those areas of high quality or exceptional value waters. Any future sewage from high density development in these areas would most logically be conveyed to sewer extensions of the Butler Area Sewer Authority.

Lands in the south and the west portions of the Township are not of high or exceptional water quality. These areas of the Township are relatively close and upstream of existing gravity sewer lines of the Butler Area Sewer Authority. BASA sewer lines could be extended northward from East Butler Borough and Summit Township to serve the southern portion of Oakland Township, or eastward from Center Township to serve the western portion of Oakland Township.



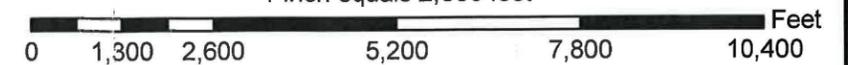
# Watersheds with High Quality or Exceptional Value Waters Oakland Township, Butler County



### Legend

- Manhole
- Gravity Main
- ▭ Township Boundary
- Road Centerlines
- Active Railroads
- Network Streams
- Light Blue High or Exceptional Water Quality
- Green NOT High Water Quality

1 inch equals 2,600 feet



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In predicting growth in Oakland Township, it is assumed that development will occur largely without pattern since Oakland does not have zoning districts delineated at this time. EDU estimates have been conceived for the Pine Run/Connoquenessing Creek sewershed, the Thorn Creek watershed, and the Bonnie Brook watershed, all of which can flow by gravity into existing BASA sewers in Butler Township.

The following three tables show *total* acreage in each watershed/sewershed, along with *developable* acreage of each. Developable acreage is the total acreage of the area minus the development constraints for the area (steep slopes, floodplains, wetlands, and areas delineated as "Natural Heritage Inventory" and "Abandoned Mine Land").

#### **Pine Run/Connoquenessing Creek Sewershed**

Total Acreage	5893.970
Acreage Over 20% Slope	1305.416
Acreage in Floodplain	346.821
Acreage in Wetland	186.281
Acreage in Natural Heritage Inventory	546.193
Acreage in Abandoned Mine Land	416.827
<b>Total Acreage of Developable Land</b>	<b>3092.432</b>

#### **Thorn Creek Watershed**

Total Acreage	4769.291
Acreage Over 20% Slope	1360.047
Acreage in Floodplain	251.532
Acreage in Wetland	61.979
Acreage in Natural Heritage Inventory	413.076
Acreage in Abandoned Mine Land	0.000
<b>Total Acreage of Developable Land</b>	<b>2682.657</b>

#### **Bonnie Brook Watershed**

Total Acreage	3797.013
Acreage Over 20% Slope	1023.727
Acreage in Floodplain	160.889
Acreage in Wetland	8.773
Acreage in Natural Heritage Inventory	0.000
Acreage in Abandoned Mine Land	71.006
<b>Total Acreage of Developable Land</b>	<b>2532.618</b>



It can be summarized from the above charts that there are 14,460 total acres in Oakland Township which are in watersheds which could be served by BASA. Approximately 8,308 acres, or 57 percent, of this land is developable. Of this developable land:

- 3092.432 acres of developable land, or 37.2%, is in the Pine Run/Connoquenessing Creek sewershed;
- 2682.657 acres of developable land, or 32.3%, is in the Thorn Creek watershed; and
- 2532.618 acres of developable land, or 30.5%, is in the Bonnie Brook watershed.

*Figure "A": Percent of Developable Land in Each Sewershed per Total Developable Lands Serviceable by BASA*

As development occurs in the Township, a portion of this will be single family dwellings or small developments which will likely be most economically served by conventional on-lot sewage. However, other development may take the form of larger PRD's (planned residential developments) or mobile home parks. In this case, the developer may wish to extend BASA's existing sewerage lines to serve the development (if Oakland Township, the developer and BASA are in agreement this is in the best interest for all parties and physically and economically feasible). It is assumed for estimating purposes that approximately two-thirds of all future development in the Township will come from larger development which will tie into BASA's sewerage system, while the remaining one-third would be served by on-lot systems.

Assuming 759 new housing units are developed in the next 20 years, and that two-thirds (506 housing units, or 506 EDU) of this development would tie in to BASA's collection system, the EDU estimate can be further broken down into sewersheds by multiplying 506 total EDU by the percent of developable land in each sewershed per total developable lands serviceable by BASA in all of Oakland Township (from Figure "A", above).

Pine Run/Connoquenessing Creek Sewershed

506 total EDU x 0.372  $\approx$  188 EDU from New Development

Thorn Creek Watershed

506 total EDU x 0.323  $\approx$  164 EDU from New Development



Bonnie Brook Watershed

506 total EDU x 0.305 ≈ 154 EDU from New Development

C. Current Needs

There are some cases of failing on-lot sewage systems that have been reported to Oakland Township. It is not economically feasible to extend public sewerage any great distance solely for the purpose of remedying the sewage problems of a single isolated structure. Should public sewage lines be extended (due to widespread problems in the area or larger-scale development) in close proximity to a structure experiencing problems, this structure could tie-in to the public system at that time. Other remedies may exist for coping with failing on-lot systems in isolated areas; the most economically feasible options should be considered and pursued on a case-by-case basis.

If development occurs as projected in Part 3, Section 3.B (above) and BASA sewerage lines are extended into the Township where appropriate, existing housing and businesses that are in close proximity to the sewage extensions may be required to tie in to BASA's collection system. While it is not reasonable to project with any great accuracy which areas of the Township this might affect, areas having a higher probability of need are along the PA-68 and Route 38 corridors due to high density and proximity to the Connoquenessing Creek floodplain, respectively.

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

<b><i>Watershed</i></b>	<b><i>EDU Estimates from Existing Structures</i></b>
Pine Run/Connoquenessing Creek	30 EDU
Thorn Creek	98 EDU
Bonnie Brook	119 EDU



Adding these "existing structure" flow estimates on to the "new development" flow estimates presented in Part 3, Section 3.B, the total estimated EDU counts per watershed are as follows:

**Pine Run/Connoquenessing Creek Sewershed**

New Development EDU Estimate	188 EDU
Existing Structure EDU Estimate	30 EDU
<b>Total EDU Estimate</b>	<b>218 EDU</b>

**Thorn Creek Watershed**

New Development EDU Estimate	164 EDU
Existing Structure EDU Estimate	98 EDU
<b>Total EDU Estimate</b>	<b>262 EDU</b>

**Bonnie Brook Watershed**

New Development EDU Estimate	154 EDU
Existing Structure EDU Estimate	119 EDU
<b>Total EDU Estimate</b>	<b>273 EDU</b>

Because of the linear growth trend expected to occur in the Township, the above EDU calculations can be broken down into 5-year, 10-year, 15-year, and 20-year estimates. The table below represents the total estimated EDU counts per watershed per time period.

	<b>Total EDU Estimate, Years 0-4</b>	<b>Total EDU Estimate, Years 0-9</b>	<b>Total EDU Estimate, Years 0-14</b>	<b>Total EDU Estimate, Years 0-19</b>
<b>Pine Run/Connoquenessing Creek Sewershed</b>	55 EDU	109 EDU	164 EDU	218 EDU
<b>Thorn Creek Watershed</b>	66 EDU	131 EDU	197 EDU	262 EDU
<b>Bonnie Brook Watershed</b>	69 EDU	137 EDU	205 EDU	273 EDU

# Appendix A: Draft Consent Order and Agreement

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

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of:

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

CONSENT ORDER AND AGREEMENT

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

**FINDINGS**

The Department has found and determined the following:

- A. The Department is the agency with the duty and authority to administer and enforce  
The Clean Streams Law, Act of June 22, 1937, P.L. 1987, *as amended*, 35 P.S. §§691.1-691.1001  
("Clean Streams Law"); the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535,  
*as amended*, 35 P.S. §§750.1-750.20a ("Sewage Facilities Act"); Section 1917-A of the

Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. §510-17

("Administrative Code"); and the rules and regulations promulgated thereunder ("Regulations").

**Parties**

B. BASA is a municipal authority, organized and existing under the Municipality Authorities Act of 1945, Act of May 2, 1945, P.L. 382, *as amended*, 3 P.S. §§301-322 ("Municipality Authorities Act"), with a mailing address of 100 Litman Road, Butler, Pennsylvania 16001-3256. BASA was created by the Butler City Council and the Butler Township Commissioners in November 1963.

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

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

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

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

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

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

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

J. BASA, the City of Butler, Butler Township, Center Township, Summit Township, the Borough of East Butler, Oakland Township, and Connoquenessing Township are each a "person" as defined in Section 1 of the Clean Streams Law, 35 P.S. §691.1, and Section 2 of the Sewage Facilities Act, 35 P.S. §750.2. For the purpose of this Consent Order and Agreement, the City of Butler, Butler Township, Center Township, Summit Township, the Borough of East Butler, Oakland Township, and Connoquenessing Township shall be referred to collectively as "the Tributary Municipalities."

**Background**

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

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

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

N. The POTW is a separate sanitary sewer system that collects, conveys, and treats "sewage," as defined in Section 1 of the Clean Streams Law, 35 P.S. §691.1. The sewage treatment

plant has an average daily design capacity of 10 million gallons per day, and a maximum peak flow capacity of 25 million gallons per day.

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

P. The POTW has discharged sewage from five structures located before the headworks of the sewage treatment plant ("Overflow Structures"). Specifically, these Overflow Structures are located at the Deshon pump station, Monroe pump station, the General Tire area, the Ball Park area, and the 006 Overflow. Discharges from any Overflow Structure are not authorized by any permit issued by the Department.

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

**February 20, 2001, Consent Order and Agreement**

R. On February 20, 2001, the Department and BASA entered into a Consent Order and Agreement ("2001 Agreement") to resolve violations of the Clean Streams Law and the Sewage Facilities Act. The 2001 Agreement included, among other things, a requirement for BASA to fully implement the March, 20, 2001, Corrective Action Plan (revised April 23, 2001), to eliminate the discharges, caused by the hydraulic overload conditions, from all of the Overflow Structures. The 2001 Agreement is maintained as a public record by the Department at its Northwest Regional office in Meadville, Pennsylvania, and it is incorporated herein by reference.

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

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

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

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

W. In a letter dated February 3, 2006, the Department informed BASA that, because it had not completed all of the tasks under the March 20, 2001, Corrective Action Plan, as amended, BASA was in violation of the 2001 Agreement, and owed stipulated penalties under the 2001 Agreement. The Department also denied BASA's request for 195 new sewer connections.

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

#### NPDES Permit

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

Z. BASA's NPDES Permit has an expiration date of July 2, 2006. Therefore, in accordance with 25 Pa. Code §92.9(b), an application to renew the NPDES permit was due by January 1, 2006. BASA submitted its application to renew the NPDES permit on February 6, 2006, *e.g.* 36 days late.

AA. BASA has requested that the Department accept the February 6, 2006, application as a timely submittal so that the terms and conditions of the existing NPDES permit can be administratively extended until a renewal NPDES permit is issued by the Department. For settlement purposes only, the Department has agreed to this request. The Department published a notice of the draft renewal NPDES permit in the *Pennsylvania Bulletin* on \_\_\_\_\_, 2006, and BASA reviewed and commented on the draft. Upon signing this Consent Order and Agreement, the Department will issue the final renewal NPDES permit for the POTW, which BASA has agreed not to appeal. The final renewal NPDES permit for the POTW is attached as Exhibit A and incorporated by reference.

### Violations

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

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

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

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

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

AF. The violations set forth in Paragraphs AB-AE, above, constitute unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. §691.611; a statutory nuisance under Sections 401 and 601 of the Clean Streams Law, 35 P.S. §§691.401 and 691.601, and Section 14 of the Sewage Facilities Act, 35 P.S. §750.14; and subject BASA and the Tributary Municipalities to civil penalty liability under Sections 5 and 605 of the Clean Streams Law, 35 P.S. §§691.5 and 691.605, and Section 13a of the Sewage Facilities Act, 35 P.S. §750.13a.

### ORDER

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

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

2. **Findings.**

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

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

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

*Municipalities.*

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

- i. Within **60 calendar days** of the date of this Consent Order and Agreement, each Tributary Municipality shall submit a draft Official Plan revision Special Study to the respective municipal planning agency, the Butler County Planning Commission, and BASA to solicit comments on each Tributary Municipality's projections of future sewage needs;
- ii. Within **90 calendar days** of the date of this Consent Order and Agreement, each Tributary Municipality shall consider the comments of the respective municipal planning agency, the Butler County Planning Commission, and BASA and revise its draft Official Plan revision Special Study, as necessary; and
- iii. Within **120 calendar days** of the date of this Consent Order and Agreement, each Tributary Municipality shall submit to the Department an Official Plan revision Special Study, that shall include a resolution from the Tributary Municipality evidencing adoption of the Special Study as a revision to the respective municipality's Official Plan.

b. Within **150 calendar days** of the date of this Consent Order and Agreement, BASA shall prepare and submit to the Department for approval a proposed Task/Activity Report. The Task/Activity Report shall list the planning elements from 25 Pa. Code §71.21, that are needed to prepare an Official Plan Update Revision that provides adequate conveyance and treatment for the future sewage needs of each Tributary Municipality, as defined in Paragraph 3.a., above, and provides for all Overflow Structures that do not have both a NPDES permit and a Water Quality Management permit to permanently cease all discharges and be permanently closed or eliminated.

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

c. Within **180 calendar days** of the Department's approval of the Task/Activity Report, BASA shall submit to the Department, on behalf of each Tributary Municipality, a draft Official Plan Update Revision that updates each of the Tributary Municipality's Official Plans. The draft Update Revision shall evaluate the alternatives and recommend an alternative which shall adequately address the existing sewage needs and the future sewage needs of each Tributary Municipality as specified in each Tributary Municipality's Special Study. The draft Update Revision shall be prepared in accordance with 25 Pa. Code §§71.21 and 71.31, and shall contain an implementation schedule that provides for all projects to be completed by July 31, 2012, and provides for all Overflow Structures that do not have both a NPDES permit and a Water Quality Management permit to have ceased all discharges and be permanently closed or eliminated by July 31, 2012.

d. Within **180 calendar days** of receiving written comments from the Department concerning the draft Official Plan Update Revision, BASA shall submit to the Department the final Update Revision ("Final Update Revision"). The Final Update Revision shall be administratively complete and include a resolution from each Tributary Municipality evidencing adoption of the Final Update Revision as an update to each Tributary Municipality's Official Plan.

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

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

g. If the Department determines that revisions to the Final Update Revision under Paragraphs 3.e. and 3.f., above, represent significant changes to the selected alternative and/or the implementation schedule set forth in the original Final Update Revision submitted pursuant to Paragraph 3.d., above, the Department, at its sole discretion, may require the Tributary Municipalities to readopt and submit to the Department updated resolutions evidencing their adoption of the revised Final Update Revision. BASA and the Tributary Municipalities agree to waive their right to appeal any such determination.

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

i. Upon the Department's written approval of the Final Update Revision or the revised Final Update Revision, BASA shall implement the approved Final Update Revision in accordance with the schedule(s) therein, and the approved implementation schedule(s) shall be incorporated herein by reference, and shall be an obligation under this Consent Order and Agreement and enforceable hereunder.

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

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

- i. Within 30 calendar days of the date of this Consent Order and Agreement, begin sewer rehabilitation work;
- ii. Within 24 months of the date of this Consent Order and Agreement, complete the public sector phase of Deshon Sewer Rehabilitation Project;
- iii. Within 30 months of the date of this Consent Order and Agreement, complete the private sector phase of the Deshon Sewer Rehabilitation Project, and begin post-construction flow monitoring for a period of six months; and
- iv. Within 38 months of the date of this Consent Order and Agreement, submit a summary of the results of the post construction flow monitoring within the Deshon sewershed in a report to the Department.

b. Quarterly Progress Reporting. BASA shall submit to the Department, with a copy to all Tributary Municipalities, written progress reports of its efforts to comply with the requirements of this Consent Order and Agreement. The written progress reports shall be submitted by the 30<sup>th</sup> day after each calendar quarter and continue every calendar quarter thereafter until this Consent Order and Agreement is terminated. The Quarterly Progress Reports shall specifically include, at a minimum, a description of BASA's progress with the Deshon Sewer Rehabilitation

Project, progress with the preparation of any planning and plan implementation obligations, and a report of sewage connections issued.

5. *Submittals.* For any proposal, plan, or other document that is required to be submitted to the Department pursuant to this Consent Order and Agreement, except those documents submitted pursuant to Paragraphs 3.b.-e., above, the Department will review the document and will approve, modify, or disapprove the document in writing. If the Department disapproves the document, BASA shall submit a revised document to the Department within the time specified by the Department. Upon receipt of the revised document, the Department will approve, or modify and approve, the revised document in writing. The approved document or approved and modified document shall become a part of this Consent Order and Agreement for all purposes and shall be enforceable as such.

6. *Administrative Completeness.* For the purposes of this Consent Order and Agreement, the term "administratively complete" shall mean that all permit applications and planning documents (including public and planning agency comments and responses) submitted by BASA and the Tributary Municipalities shall contain all applicable fees, modules, signatures, certifications/reports by applicable licensed professionals, with all necessary laboratory analyses, plans, maps, drawings, specifications, and/or supporting calculations, and any other necessary information/documents of sufficient quality to merit a full technical review by the Department or other applicable agency.

7. *Civil Penalty Settlement.* Upon signing this Consent Order and Agreement, BASA shall pay a civil penalty of \$500. This payment is in settlement of the Department's claim for civil penalties for the violations set forth in Paragraph AC, above, covering the dates set forth herein. The

payment shall be made by corporate check or the like made payable to Commonwealth of PA Clean Water Fund, and sent to the individual at the address set forth in Paragraph 15 (Correspondence with the Department), below.

8. *Stipulated Civil Penalties.*

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

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

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

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

c. Any payment under this Paragraph shall neither waive BASA's duty to meet its obligations under this Consent Order and Agreement, nor preclude the Department from commencing an action to compel BASA to comply with the terms and conditions of this Consent

Order and Agreement. The payment resolves only BASA's liability for civil penalties arising from specific violations of this Consent Order and Agreement for which the payment is made.

9. *Prohibition on Connections.*

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

- i. The term "connection," as defined in 25 Pa. Code §94.1, is a connection of a structure that contributes sewage to an organically and/or hydraulically overloaded sewerage system, or one equivalent dwelling unit;
- ii. The term "EDU" is a connection to a sewerage system with the amount of sewage flow equal to 400 gallons per day;
- iii. The term "Economic Development" is defined as local development projects that are specifically created to serve the public good and are supported by at least 50% public funding, and/or local development projects that create new jobs in manufacturing or tourism; and
- iv. The term "all of their obligations under this Consent Order and Agreement" shall mean and include all of the obligations under Paragraphs 3-5 and 8 of this Consent Order and Agreement, including all of the obligations under any document approved by the Department under this Consent Order and Agreement.

Grant of Initial Connections

b. Upon signing this Consent Order and Agreement, BASA shall receive an allocation of 160 EDUs for the period of March 31, 2006, to March 31, 2007. BASA shall act as the approving and issuing agency for new connections to the POTW for requests from the Tributary Municipalities.

Connection Prohibition

c. Beginning April 1, 2007, BASA and the Tributary Municipalities agree to a Prohibition on issuing new connections within the area of the City of Butler, Butler Township,

Center Township, Summit Township, the Borough of East Butler, Oakland Township, and Connoquenessing Township served by the POTW.

Exceptions to the Prohibition

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

- i. Connections for those exceptions as set forth in 25 Pa. Code §§94.51-94.57;
- ii. connections for projects for Economic Development; and,
- iii. any proposed exceptions to the Prohibition shall be submitted to the Department by BASA. Such proposals shall be in writing and shall comply with Section 94.51 of the Regulations, 25 Pa. Code §94.51.

e. The Department, in its sole discretion which will include consideration of whether BASA and the Tributary Municipalities are in compliance with all of their obligations under this Consent Order and Agreement, shall determine whether or not to grant any requests for exceptions to the Prohibition, and BASA and the Tributary Municipalities agree to waive their right to appeal any such determination.

Future Connections

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

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

- ii. BASA shall provide supporting documentation to demonstrate that flow reduction activities have reduced sewage flows in the POTW in an amount greater than the requested flow from the new connection; and
- iii. any requests for additional connections shall be submitted to the Department, in writing, in BASA's annual Wasteload Management Report, pursuant to 25 Pa. Code §94.12.

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

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

10. *Additional Remedies.*

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

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

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

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

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

13. *Joint and Several Liability for Paragraph 3.* BASA and the Tributary Municipalities shall be jointly and severally liable for any violation of Paragraph 3 of this Consent Order and Agreement, including those caused by, contributed to, or allowed by their council members, officers, directors, agents, employees, contractors, successors, and assigns.

14. *Transfer of Sewerage Facilities and POTW.*

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

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

c. The Department, in its sole discretion, may agree to modify or terminate BASA's and/or the Tributary Municipalities' duties and obligations under this Consent Order and Agreement upon transfer of the sewerage facilities and POTW, or any part thereof, and upon the transferee entering into an enforceable agreement with the Department concerning the matters addressed in this Consent Order and Agreement. BASA and the Tributary Municipalities agree to waive their right to appeal any Department's decision in this regard.

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

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

16. *Correspondence with BASA.*

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

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

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

17. *Correspondence with the Tributary Municipalities.*

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

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

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

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

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

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

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

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

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

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

19. *Entire Agreement.* This Consent Order and Agreement shall constitute the entire integrated agreement of the Parties. No prior or contemporaneous communications or prior drafts

shall be relevant or admissible for purposes of determining the meaning or intent of any provisions herein in any litigation or any other proceeding.

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

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

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

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

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

25. *Termination of Consent Order and Agreement.*

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

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

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

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

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

IN WITNESS WHEREOF, the Parties have caused this Consent Order and Agreement to be executed by their duly authorized representative. The undersigned representatives of BASA and the

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

**FOR THE BUTLER AREA SEWER  
AUTHORITY:**

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

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Chairman

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Ricardo F. Gilson  
Regional Manager  
Water Management  
Northwest Region

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Name  
Attorney

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Stephanie K. Gallogly  
Assistant Counsel

# Appendix B: Draft NPDES Permit



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

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

which receives wastewater from treated domestic sewage

a. The permittee is authorized to discharge during the period from issuance date through expiration date.

b. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements, Footnotes and Supplemental Information).

Discharge Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) <sup>(1)</sup>		Concentrations (mg/L)				Minimum <sup>(3)</sup> Measurement Frequency	Required Sample Type
	Monthly Average	Average Weekly	Minimum	Monthly Average	Average Weekly	Instantaneous Maximum <sup>(2)</sup>		
Flow	XX	XX					continuous	measurement
CBOD5								
(05/01 - 10/31)	1001	1501		12	18	24	daily	24-hr comp
(11/01 - 04/30)	2001	3002		24	36	48	daily	24-hr comp
TSS	2502	3753		30	45	60	daily	24-hr comp
Ammonia Nitrogen								
(05/01 - 10/31)	167			2		4	daily	24-hr comp
(11/01 - 04/30)	500			6		12	daily	24-hr comp
Cadmium Total+								
(Interim)	XX			XX			4/month	24-hr comp
(Final)	42			0.5		1.0	4/month	24-hr comp
Fecal Coliform*								
(05/01 - 09/30)				200/100ml			daily	grab
(10/01 - 04/30)				2000/100ml			daily	grab

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

I. For Outfall 001, (continued)

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

XX -- Monitor and report on monthly DMRs.

\* -- Average monthly limits expressed as a geometric mean.

+ -- Refer to Special Condition #8.

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

Outfall 001 -- after disinfection





~~1.3 EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS (Cont.)~~

Additional Requirements

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

Footnotes

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

Supplemental Information

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

**DEFINITIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### III. SELF-MONITORING, REPORTING AND RECORDKEEPING

#### A. Representative Sampling

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

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

3. Recording of Results

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

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

4. Test Procedures

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

5. Quality/Assurance/Control

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

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

B. Reporting of Monitoring Results

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

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

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

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

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

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

C. Reporting Requirements

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

2. Anticipated Noncompliance

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

3. Unanticipated Noncompliance or Potential Pollution Reporting

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

4. Other Noncompliance

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



**I. MANAGEMENT REQUIREMENTS**

**A. Compliance Schedules**

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

**B. Permit Modification, Termination, or Revocation and Reissuance**

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

**C. Duty to Provide Information**

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

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

D. Proper Operation and Maintenance

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

E. Duty to Mitigate

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

F. Bypassing

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

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

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

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

**B. Falsifying Information**

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

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

**C. Liability**

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

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

**D. Need to Halt or Reduce Activity Not a Defense**

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

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

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

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

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

B. Transfer of Permits

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

C. Property Rights

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

D. Duty to Reapply

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

E. Other Laws

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

ARTC

**I. OTHER REQUIREMENTS**

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

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

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

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

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

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

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

No. 1074404 issued on January 7, 1977

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

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

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

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

- 4) Changes are needed to assure protection of waters of the Commonwealth.
- F. Procedure For Pretreatment Program Changes - Upon submittal by the permittee, and written notice of approval by the Approval Authority to the permittee of any changes to the permittee's approved pretreatment program, such changes are effective and binding upon the permittee.
- G. Correspondence - The Approval Authority shall be EPA at the following address:

Pretreatment Coordinator  
 NPDES Permits Branch (3WP41)  
 Office of Permits & Enforcement  
 Water Protection Division  
 US EPA -- Region III  
 1650 Arch Street  
 Philadelphia, PA 19103-2029

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

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

### 3. Effluent Chlorine Optimization and Minimization

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

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

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

### 4. Chronic Whole Effluent Toxicity (WET) Monitoring

#### A. General Requirements

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

#### B. Test Frequency

- Chronic WET testing shall be conducted quarterly starting within three months of the permit's effective date and continue until four tests have been completed. If all four chronic tests demonstrate a NOEC (No Observed Effect Concentration) greater than TIWCc (Target Instream Waste Concentration chronic) of 72.6% (The TIWCc is the IWCC / 1), the permittee may request

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

2. If any of the quarterly chronic tests result in an NOEC less than the TIWCc of 72.6%, the permittee shall conduct a Toxicity Identification Evaluation (TIE) to identify the toxic constituents of the effluent. During the period the permittee is conducting the TIE and Toxicity Reduction Evaluation (TRE), WET testing will be conducted semi-annually. This schedule will continue until the toxicants are identified, confirmed and controlled to acceptable levels through establishment of chemical specific limits or institutional methods. At this point, the permittee may submit a request to the Department for modification of the permit condition, documenting the changes instituted to achieve the toxicity reduction. Documentation may include, but is not limited to: the results of TIE/TRE, pretreatment program changes, plant operation and maintenance, design changes, or establishment of and compliance with a chemical limit specific that address the effluent toxicity.

The Department will decide if the toxicity has been properly addressed based upon the permittee's report and completion of four consecutive WET tests with NOECs greater than the TIWCc of 72.6% subsequent to institution of the controls specified in the report. If the permittee does not identify the sources of toxicity or adequately control them, a WETT limit, adequate to protect the aquatic community, will be imposed for the next permit cycle.

#### Toxicity Identification/Reduction Evaluation

If any of the chronic tests show an NOEC less than the TIWCc of 72.6%, the permittee shall, within 30 days of the test completion, submit a report of the chronic test results to the Department and begin a Toxicity Identification Evaluation/Toxicity Reduction Evaluation (TIE/TRE). The TIE/TRE evaluates the possible causes of the effluent toxicity; the possible sources of the causative agents; possible control options to reduce or eliminate the effluent toxicity; and implementation of controls.

Within 30 days of submitting the chronic test report, the permittee must submit either a written report on the results of the TIE/TRE or, if the TIE/TRE is not complete, a schedule for completing the TIE/TRE. The schedule must contain specific timeframes for completing major elements of the TIE/TRE. The Department will review the schedule and respond within 60 days. If the Department fails to respond within that time period, the permittee may commence with the study in accordance with the submitted schedule.

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

#### C. Sample Collection

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

#### D. Test Conditions and Methods

The permittee shall follow DEP's "Biomonitoring WETT Data QA/QC Guidelines for Chronic Toxicity Testing with Amendments, March 20, 1995"; attached and included in this permit condition, supplemented by Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Water to Freshwater Organisms, Third Edition (EPA/600/4-91/002). If the Department determines that the proper chronic test acceptability criteria are not met or the proper QA/QC conditions were not followed, the permittee must perform a retest within 30 days.

To properly conduct chronic WET tests the laboratory must prepare a series of effluent dilutions that are specific to your discharge. The permittee must inform the WETT laboratory of the proper dilution series, which is calculated, using a linear regression equation, from and geometric to the Targeted In-stream Waste Concentration (TIWCc) for your discharge. The dilution series must include at least one dilution below the TIWCc. Based upon your calculated TIWC, your specific dilution series is (100%, 85%, 73%, 62%, 53%).

E. Chemical Analysis

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

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

F. Chronic Toxicity Test Report Elements

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

1. General test description: - origin and age of test organisms, dates and results of reference toxicant tests; light and temperature regimes; other information on test conditions.
2. Completion of Ceriodaphnia dubia and Pimephales promelas coversheets (Forms 3620-FM-WQ0146 3/95 and 3620-FM-W2 145 3/95).
3. Description of sample collection procedures and of the sample location.
4. Names of individuals collecting and transporting samples, times and dates of sample collection and analysis, and temperature of sample upon receipt.
5. Description, time and date of sample renewals.
6. All chemical and physical data including method detection levels and observations made on the species. The chronic WET test hardness shall be reported with each test.
7. Copies of raw data sheets and/or bench sheets with data entries and signatures.
8. When effluents are dechlorinated, dechlorination procedures must be described and a thiosulfate control used in addition to the normal dilution water control. Appropriate statistical consideration of test results should include comparison of both controls.
9. All observations or test conditions affecting the test outcome should be described. Any identified type I or type II errors must be explained.
10. The reference toxicant shall be identified and be a commonly used toxicant approved by EPA. Reports of reference toxicant tests shall include all information needed for the proper evaluation of the test. This includes the following: water chemistry parameters of controls and test concentrations; chronic endpoint with appropriate statistical analyses; and control charts (for point estimates, cumulative mean  $\pm$  two standards deviations; for NOEC's central tendency  $\pm$  one for concentration interval).

G. Submission of test reports

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

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

5. Whole Effluent Toxicity Testing

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

6. Requirements Applicable to Stormwater Outfalls

A. Prohibition of Non-stormwater Discharges

1. Except as provided in A.2, all discharges to stormwater outfalls (011 thru 014, & 018) shall be composed entirely of non-polluting stormwater.
2. The following non-polluting water discharges may be authorized, provided the discharge is in compliance with D.2.b: discharges from fire fighting activities; fire hydrant flushings, potable water sources including waterline flushings; irrigation drainage, lawn watering, routine external building washdown which does not use detergents or other compounds, pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used, air conditioning condensate, springs, uncontaminated groundwater, and foundation or footing drains where flows are not contaminated with process materials such as solvents.

B. Spills

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

- C. This permit does not authorize any discharge (storm water or non-storm water) containing any pollutant that may cause or contribute to an impact on aquatic life or pose a substantial hazard to human health or the environment due to its quantity or concentration.

D. Preparedness, Prevention and Contingency Plans

1. Development of Plan

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

2. Non-stormwater Discharges

- a. The PPC Plan shall contain a certification that the discharge has been tested or evaluated for the presence of non-stormwater discharges. The certification shall include the identification of potential significant sources of non-storm water at the site, a description of the results of any test and/or evaluation for the presence of non-stormwater discharges, the evaluation criteria or testing methods used, the date of any testing and/or evaluation, and the on-site drainage points that were directly observed during the test. Such certification may not be feasible if the facility operating the stormwater discharge does not have access to an outfall, manhole, or other point of access to the ultimate conduit that receives the discharge. In such cases, the source identification section of the PPC Plan shall indicate why the certification was not feasible. A discharger that is unable to provide the certification must notify the Department within 180 days of the effective date of this permit.
- b. Except for flows from fire fighting activities, sources of non-storm water listed in A.2. (authorized non-stormwater discharges) that are combined with stormwater discharges must be identified in the plan. The plan shall identify and ensure the implementation of appropriate pollution prevention measures for the non-stormwater component(s) of the discharge.

3. Comprehensive Site Compliance Evaluations and Record Keeping

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

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

E. Stormwater Management Best Management Practices(BMPs)

The permittee shall implement at least the following BMPs:

- (1) Manage sludge in accordance with all applicable permit requirements; temporarily collect and store sludge in enclosed containers or tanks.
- (2) Store chemicals in secure areas on impervious surfaces away from storm drains.

- (3) Design wastewater treatment facilities to prevent run on and avoid storm water commingling with sanitary wastewater.
- (4) Efficiently use pesticides for weed control; where practicable investigate use of the least toxic pesticides; do not apply during windy conditions.

7. **Sanitary Sewer Overflows**

"Unless otherwise authorized under Part B of this permit, any discharge from any point other than a permitted treatment outfall or permitted combined sewer system outfall is prohibited. See e.g. Section 301(b)(1) (B) & (C) of the Clean Water Act; 40 CFR 122.44 & 133.102 (relating to limitations, standards and permit conditions; and secondary treatment). In the event there is a prohibited discharge from a sewer conveyance system, report every such discharge to the Department within 24 hours of the discharge and on your monthly Discharge Monitoring Report (DMR) in the Remarks block. Indicate the date of discharge, action taken and volume of discharge. 40 CFR 122.41(l) (6) & (7) (relating to reporting requirements)."

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

A. Water Quality-Based Effluent Limitations (WQBELs)

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

If the permittee fails to select one of these options within 60 days of permit effective date, option A.2.a. is selected by default. If the permittee selects option A.2.b, and conducts TRE actions within the schedule in Section B.2 of this condition of the permit, herein, the Department will issue a written decision by letter or permit amendment. The permittee will have 30 days from the date of receipt of such written Department letter or decision to file an appeal of the final WQBELs.
- 3) In either case, the Permittee must conduct a TRE as outlined below. Phase I of the TRE has both required and optional components.

B. TRE Submission Requirements

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

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

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

### C. Phase I TRE Requirements

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

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

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

3) Site-Specific Criteria

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

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

4) Alternative Site Specific Method Detection Limits (MDL)

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

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

D. Phase II TRE Requirements

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

1) Source Reduction Evaluation

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

2) Final WQBEL Compliance Strategies and Schedule

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

3) Section 95.4 Time Extension Requests

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

# Appendix C: Final Consent Order and Agreement



Pennsylvania Department of Environmental Protection

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

Northwest Regional Counsel

814-332-6070  
FAX 814-332-6996

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

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

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

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

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

Dear Messrs. Hnath, Muscatello and Gallagher:

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

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

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

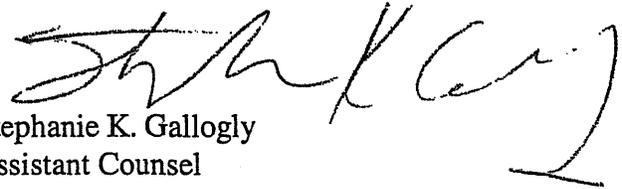
Michael D. Hnath, Esquire  
Bruno A. Muscatello, Esquire  
Michael Gallagher, Esquire

2

September 8, 2006

Please contact me if you have any questions.

Sincerely,



Stephanie K. Gallogly  
Assistant Counsel

Enclosures

cc: R. Gilson  
K. Burch  
R. Lybrook

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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 13<sup>th</sup> day of October 2006,

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

**FINDINGS**

The Department has found and determined the following:

Parties

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

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

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

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

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

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

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

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

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

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

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

**Background**

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

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

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

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

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

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

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

**February 20, 2001, Consent Order and Agreement**

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

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

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

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

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

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

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

**NPDES Permit**

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

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

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

**Official Plans**

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

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

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

### Violations

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

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

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

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

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

**ORDER**

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

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

2. **Findings.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. **Stipulated Civil Penalties.**

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

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

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

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

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

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

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

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

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

10. ***Prohibition on Connections.***

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

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

Grant of Initial Connections

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

Connection Prohibition

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

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

Exceptions to the Prohibition

d. BASA may request exceptions to the Prohibition from the Department for the following circumstances:

- i. Connections for those exceptions as set forth in 25 Pa. Code §§94.51-94.57; and/or
- ii. connections for projects for Economic Development.

e. Any proposed exceptions to the Prohibition shall be submitted to the Department by BASA. Such proposals shall be in writing and shall comply with the requirements of Section 94.51 of the Regulations, 25 Pa. Code §94.51.

f. The Department, in its sole discretion which will include consideration of whether BASA and the Tributary Municipalities are in compliance with all of their obligations under this Consent Order and Agreement, shall determine whether or not to grant any requests for exceptions to the Prohibition, and BASA and the Tributary Municipalities agree to waive their right to appeal any such determination.

Future Connections

g. Beginning with BASA's 2007 Chapter 94 annual Wasteload Management Report, the Department will consider written annual requests from BASA for additional connections to the sewer system.

h. Such annual requests for additional connections shall be submitted to the Department, in writing, in BASA's annual Wasteload Management Report, pursuant to 25 Pa. Code

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

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

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

11. ***Additional Remedies.***

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

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

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

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

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

14. ***Transfer of Sewerage Facilities and POTW.***

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

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

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

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

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

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

16. *Correspondence with BASA.*

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

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

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

17. *Correspondence with the Tributary Municipalities.*

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

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

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

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

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

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

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

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

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

18. *Force Majeure.*

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

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

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

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

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

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

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

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

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

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

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

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

**26. Termination of Consent Order and Agreement.**

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

i. BASA has:

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

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

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

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

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

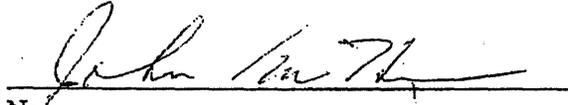
27. **Resolution.** Attached as Exhibit B are resolutions of BASA and the Tributary Municipalities authorizing their signatories below to enter into this Consent Order and Agreement on their behalf.

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

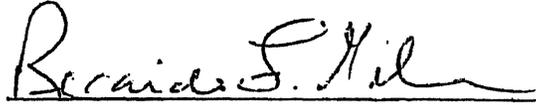
IN WITNESS WHEREOF, the Parties have caused this Consent Order and Agreement to be executed by their duly authorized representatives. The undersigned representatives of BASA and the Tributary Municipalities certify under penalty of law, as provided by 18 Pa.C.S. §4904, that they are authorized to execute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

**FOR THE BUTLER AREA SEWER  
AUTHORITY:**

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



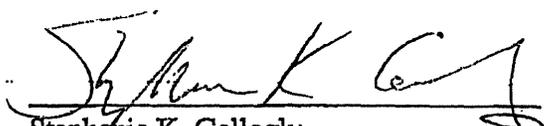
Name  
Chairman



Ricardo F. Gilson  
Regional Manager  
Water Management  
Northwest Region



Name  
Attorney



Stephanie K. Gallogly  
Assistant Counsel

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FOR THE CITY OF BUTLER:

Margaret W Stock

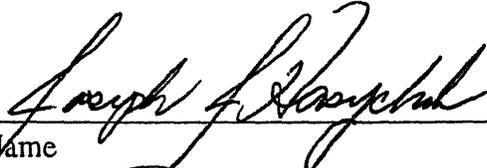
Name  
Mayor

James P. Coulter

Name  
Solicitor

COA-Final Template:5/17/02:RLjb:BASA:5/04/06.SKG:yef 9/8/06  
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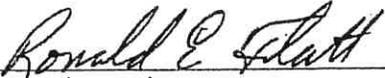
**FOR BUTLER TOWNSHIP:**

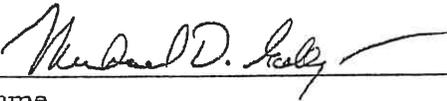
  
\_\_\_\_\_  
Name  
Chairman

  
\_\_\_\_\_  
Name  
Secretary

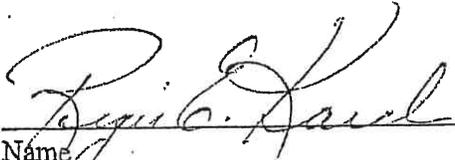
  
\_\_\_\_\_  
Name  
Solicitor

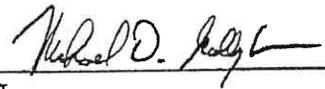
FOR CENTER TOWNSHIP:

  
\_\_\_\_\_  
Name *Ronald E. Flatt*  
Chairman

  
\_\_\_\_\_  
Name  
Solicitor

FOR SUMMIT TOWNSHIP:

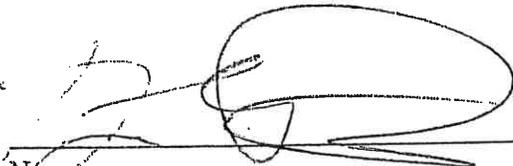
  
\_\_\_\_\_  
Name  
Chairman

  
\_\_\_\_\_  
Name  
Solicitor

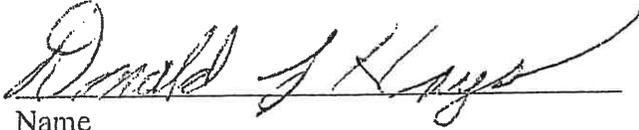
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**FOR THE BOROUGH OF EAST  
BUTLER:**

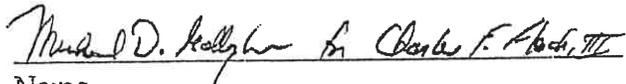
  
\_\_\_\_\_  
Name  
Mayor

  
\_\_\_\_\_  
Name  
Solicitor

**FOR OAKLAND TOWNSHIP:**

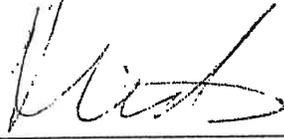
A handwritten signature in cursive script, appearing to read "Donald J. Hayes", written over a horizontal line.

Name  
Chairman

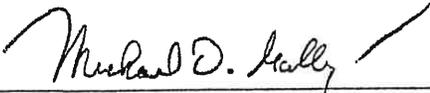
A handwritten signature in cursive script, appearing to read "Michael D. Kelly for Charles F. Abbott, III", written over a horizontal line.

Name  
Solicitor

FOR CONNOQUEENESSING  
TOWNSHIP:



Name Steven H. Nioka  
Chairman



Name Michael D. Gollagher  
Solicitor

3800-PM-WSWM0012 Rev. 4/2005  
Permit



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

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

**NPDES PERMIT NO: PA0026697**

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

**Butler Area Sewer Authority  
100 Littman Road  
Butler, PA 16001-3256**

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

**THIS PERMIT SHALL BECOME EFFECTIVE ON**

**THIS PERMIT SHALL EXPIRE AT MIDNIGHT ON**

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

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

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

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

DATE PERMIT ISSUED \_\_\_\_\_

ISSUED BY \_\_\_\_\_  
Ricardo F. Gilson

DATE PERMIT AMENDMENT ISSUED \_\_\_\_\_

TITLE: Water Management Program Manager  
Northwest Regional Office

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

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

which receives wastewater from treated domestic sewage and industrial wastewater

a. The permittee is authorized to discharge during the period from issuance date through expiration date.

b. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements, Footnotes and Supplemental Information).

Discharge Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) <sup>(1)</sup>		Concentrations (mg/L)				Minimum <sup>(3)</sup> Measurement Frequency	Required Sample Type
	Monthly Average	Average Weekly	Minimum	Monthly Average	Average Weekly	Instantaneous Maximum <sup>(2)</sup>		
Flow (MGD)	XX	XX					daily	measurement
CBOD5								
(05/01 - 10/31)	1001	1501		12	18	24	daily	24-hr comp
(11/01 - 04/30)	2001	3002		24	36	48	daily	24-hr comp
TSS	2502	3753		30	45	60	daily	24-hr comp
Ammonia Nitrogen								
(05/01 - 10/31)	167			2		4	daily	24-hr comp
(11/01 - 04/30)	459			6.0		12	daily	24-hr comp
Chronic Whole Effluent Toxicity				1.38TUc			**	24-hr comp
Fecal Coliform*								
(05/01 - 09/30)				200/100ml			daily	grab
(10/01 - 04/30)				2000/100ml			daily	grab

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

**I. For Outfall 001, (continued)**

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

XX – Monitor and report on monthly DMRs.

\* – Average monthly limits expressed as a geometric mean.

\*\* – Refer to Special Condition #4.

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

Outfall 001-after disinfection

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

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

which receives wastewater from treated domestic sewage and industrial wastewater

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

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

XX – Monitor and report on monthly DMRs.  
\* -- When discharging

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

Outfall 001 monitoring point.

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

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

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

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

Discharge Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) <sup>(1)</sup>		Concentrations (mg/L)				Minimum <sup>(3)</sup> Measurement Frequency	Required Sample Type
	Monthly Average	Average Weekly	Minimum	Monthly Average	Average Weekly	Instantaneous Maximum <sup>(2)</sup>		
These discharges shall consist of stormwater runoff from the sewage treatment plant site only. Refer to Special Condition 6.								

XX – Monitor and report on monthly DMRs.

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

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~~ART A EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS (Cont'd)~~

## Additional Requirements

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

## Notes

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.

**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 raw data used to complete the application for this permit shall be retained by the permittee for 3 years from the date of the sample measurement, report or application. The 3-year period shall be extended as requested by DEP or the EPA Regional Administrator.

## 3. Recording of Results

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

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

## 4. Test Procedures

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

## 5. Quality/Assurance/Control

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

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

## B. Reporting of Monitoring Results

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

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

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

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

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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.

Permit

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

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

**B. Permit Modification, Termination, or Revocation and Reissuance**

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

**C. Duty to Provide Information**

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

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

#### D. Proper Operation and Maintenance

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

#### E. Duty to Mitigate

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

#### F. Bypassing

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

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

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

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

**B. Falsifying Information**

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

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

**C. Liability**

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

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

**D. Need to Halt or Reduce Activity Not a Defense**

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

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

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

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

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

B. Transfer of Permits

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

C. Property Rights

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

D. Duty to Reapply

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

E. Other Laws

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

<b>PART C</b>
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**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):

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

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

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

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

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

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

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

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

#### **Effluent Chlorine Optimization and Minimization**

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

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

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

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

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

##### **A. General Requirements**

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

B. Test Frequency

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

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

Toxicity Identification/Reduction Evaluation

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

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

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

C. Sample Collection

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

D. Test Conditions and Methods

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

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

To properly conduct chronic WET tests the laboratory must prepare a series of effluent dilutions that are specific to your discharge. The permittee must inform the WETT laboratory of the proper dilution series, which is calculated, using a linear regression equation, from and geometric to the Targeted In-stream Waste Concentration (TIWCC) for your discharge. The dilution series must include at least one dilution below the TIWCC. Based upon your calculated TIWCC, your specific dilution series is (100%, 85.2%, 72.6%, 62%, 53%).

E. Chemical Analysis

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

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

F. Chronic Toxicity Test Report Elements

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

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

Submission of test reports

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

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

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

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

1. General Condition:
 

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

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

**Whole Effluent Toxicity Testing**

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

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

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

**B. Spills**

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

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

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

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

**2. Non-stormwater Discharges**

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

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

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

### 3. Comprehensive Site Compliance Evaluations and Record Keeping

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

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

### E. Stormwater Management Best Management Practices(BMPs)

The permittee shall implement at least the following BMPs:

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

Sanitary Sewer Overflows

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

**BUTLER AREA SEWER AUTHORITY**

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

**JOHN M. HEIM**  
CHAIRMAN

**WILLIAM M. HULTON JR.**  
VICE CHAIRMAN

**NED H. STOKES, P. E.**  
SECRETARY

**MARGARET N. IARRAPINO**  
TREASURER

**GEORGE E. SHOCKEY**  
ASSISTANT SECRETARY  
AND TREASURER

**M. JOHN SCHON, P.E.**  
MANAGER

**PHILIP A. BRUNN, III**  
ASSISTANT MANAGER

**JAMES W. TOMAZICH, P.E.**  
AUTHORITY ENGINEER

**ATS-CHESTER ENGINEERS**  
CONSULTING ENGINEER

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

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

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

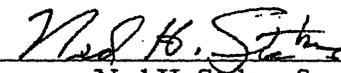
BE IT RESOLVED by the Board of the Butler Area Sewer Authority that:

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

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

**CERTIFICATION**

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

  
\_\_\_\_\_  
Ned H. Stokes, Secretary

Date Signed: September 26, 2006

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

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

**PERSONS TO BE HEARD** – None.

Motion by CM Ufner with second from CW Kline to approve the minutes of the regular City Council meeting of August 24<sup>th</sup>. 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 30<sup>th</sup>. The City Treasurer announced that September 29<sup>th</sup> 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 2<sup>nd</sup>.

**COUNCIL REPORTS/ACTIONS**

**Councilman Kelly**

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

**Councilman Ufner**

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

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

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

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

Councilwoman Kline

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

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

Mayor Stock

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

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

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

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

• **ANNOUNCEMENTS**

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

2. 2006 Leaf Disposal – Compost area in Memorial park open on Saturday, Oct. 14<sup>th</sup> @ 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. 31<sup>st</sup> from 6 to 7 PM.
4. Forum meeting and Council meeting on Oct. 10<sup>th</sup> and Oct. 12<sup>th</sup> are cancelled. Next regular Forum meeting is Oct. 24<sup>th</sup> with next Council meeting on Oct. 26<sup>th</sup>.

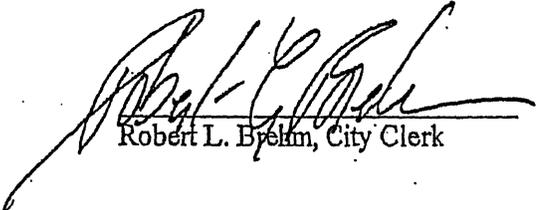
• **ENCLOSURES**

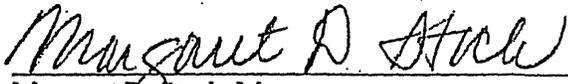
1. Distribution of 2006 State Aid to Pension Funds
2. Resolution 2006-09-28-A (Transit Authority Name Change)

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

**SUBMITTED:**

**APPROVED:**

  
Robert L. Brylin, City Clerk

  
Margaret D. Stock, Mayor

<u>Distribution of State Aid &amp; Wage Tax to City Pension Funds</u>				
<b>2006 MMOs</b>	<u>Police</u>	<u>Municipal</u>	<u>Fire</u>	<u>City Totals</u>
	\$ 183,419	\$ -	\$ 476,714	\$ 660,133
<b>Percent of Total MMO</b>	27.79%	0	72.21%	
<b>\$ 330,471.90</b>				
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
<b>100% of All MMOs Must be Paid Not Later Than 31 December</b>				
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
<b>Notes</b>				
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	\$ -			
<b>Summary of Minimum Municipal Obligation (MMO)</b>				
<u>MMO</u>	<u>Police</u>	<u>Municipal</u>	<u>Fire</u>	<u>City Total</u>
1993	\$ 367,084	\$ 178,562	\$ 263,159	\$ 808,805
1994	375,457	182,425	270,260	828,142
1995	329,907	130,550	157,051	617,508
1996	352,759	153,531	211,599	717,889
1997	226,672	87,366	48,318	362,356
1998	210,937	57,577	0	268,514
1999	188,603	67,011	0	255,614
2000	162,939	41,221	0	204,160
2001	166,057	46,784	0	212,841
2002	165,551	0	89,093	254,644
2003	175,126	0	104,767	279,893
2004	186,517	0	335,276	521,793
2005	188,210	-	352,740	540,950
2006	183,419	-	476,714	660,133
2007	184,654	-	475,513	660,167
Totals	\$ 3,463,892	\$ 945,027	\$ 2,784,490	\$ 7,193,409

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

A RESOLUTION OF THE CITY OF BUTLER, made this 28<sup>th</sup> 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

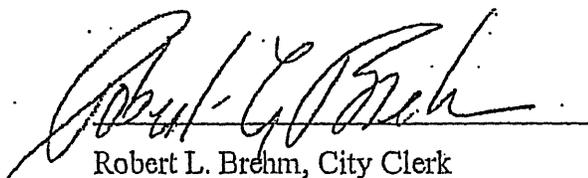
WHEREAS, the County of Butler has designated the Butler Township-City Joint Municipal Transit Authority as the municipality responsible for the providing of transportation services within the geographic boundaries of the County of Butler; and

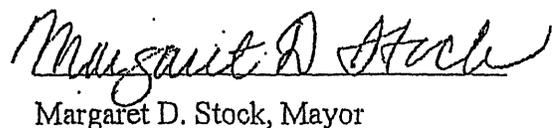
WHEREAS, it is believed that the current name of the Authority is too restrictive and fails to acknowledge the scope of services currently provided and which may be provided in the future.

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 28<sup>th</sup> day of September 2006.

ATTEST:

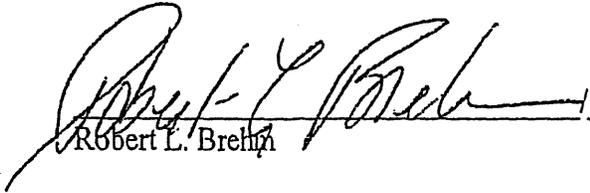
  
Robert L. Brehm, City Clerk

  
Margaret D. Stock, Mayor

SEAL

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

*SEAL*

  
Robert L. Brehm

9-28-06  
(Date)

RESOLUTION No. 06-24

RESOLVED, this 2<sup>nd</sup> 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 2<sup>nd</sup> 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. Cavaleiro  
Commissioner

by: Donna M. Dwyer  
Commissioner

by: [Signature]  
Commissioner

..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**

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 11<sup>th</sup> day of October, 2006.

ATTEST:

CENTER TOWNSHIP  
BOARD OF SUPERVISORS

Stephanie Sellers  
Township Secretary

BY: Ronald E. Felt  
Chairman

BY: Andrew Eric  
Vice Chairman

BY: Robert Holt  
Supervisor

BY: Edward Latuska  
Supervisor

BY: Thomas L. L...  
Supervisor

(TOWNSHIP SEAL)

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

Municipal Address:

419 Sunset Drive  
Butler, PA 16001

Seal of Governing Body

Telephone No.: (724) 282-7805

MDG:lmz 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**

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 20<sup>th</sup> 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:

502 Bonniebrook Road  
Butler, PA 16002

Seal of Governing Body

**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 6<sup>th</sup> day of October, 2006

  
Lois Fennell  
East Butler Borough Secretary.

## RESOLUTION

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

**OAKLAND TOWNSHIP  
BOARD OF SUPERVISORS**

**RESOLUTION 2006 - 04**

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

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

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

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

**BE IT RESOLVED, THEREFORE**, as follows:

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

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

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

SO RESOLVED this 3rd day of October, 2006.

ATTEST:

OAKLAND TOWNSHIP  
BOARD OF SUPERVISORS

Nadine Neff  
Township Secretary

BY: Donald J. Hayes  
Chairman

BY: Phyllis E. Summerville  
Vice Chairman

(TOWNSHIP SEAL)

BY: Regis V. Thomas  
Supervisor

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

( ) Municipal Address:

565 Chicora Road  
Butler, PA 16001

Seal of Governing Body

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

**CONNOQUENESSING TOWNSHIP  
BOARD OF SUPERVISORS**

**RESOLUTION 2006 - 105**

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

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

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

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

**BE IT RESOLVED, THEREFORE**, as follows:

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

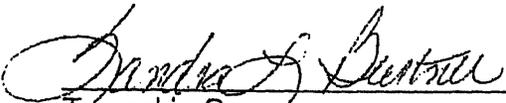
**Butler Area Sewer Authority, City of Butler, Butler Township,  
Center Township, Summit Township, Borough of East Butler,  
Oakland Township, and Connoquenessing Township Butler  
County, Pennsylvania**

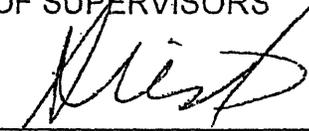
2. The Chairman of the Board of Supervisors and the Township Solicitor are authorized and directed to sign the aforesaid Agreement and provide DEP with the signature page and a certified copy of this Resolution.

SO RESOLVED this 4<sup>th</sup> day of October, 2006.

ATTEST:

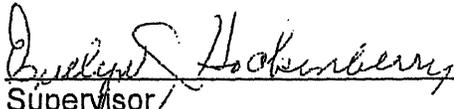
CONNOQUENESSING TOWNSHIP  
BOARD OF SUPERVISORS

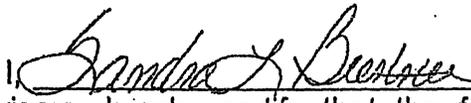
  
Township Secretary

BY:   
Chairman

BY:   
Vice Chairman

(TOWNSHIP SEAL)

BY:   
Supervisor

 , Secretary, Connoqueenessing 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

22 Township Road  
Renfrew, PA 16053

Telephone No.: (724) 789-7186

# Appendix D: Approved Task Activity Report



Pennsylvania Department of Environmental Protection

230 Chestnut Street  
Meadville, PA 16335-3481

November 8, 2007

Northwest Regional Office

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

Ms. Nadine Neff  
Oakland Township  
565 Chicora Road  
Butler, PA 16001

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

Dear Ms. Neff:

The Department of Environmental Protection hereby approves the Revised Task Activity Report (TAR) submitted on your behalf by Olsen and Associates, LLC 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 Oakland 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 \$6,142.50. The increase in cost is due to revisions made and additional work required in response to the Department's comment letter. Under Act 537, the Department is able to reimburse up to 50% of the municipality's eligible costs of preparing and submitting an Official Sewage Plan Update Revision or Special Study. Once the Special Study has been submitted, reviewed and approved by the Department, an application will be provided for you to request this planning grant.

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

Sincerely,

Cynthia A. Selby  
Sewage Planning Supervisor  
Water Management

cc: Mr. Jeremy Olsen  
Mr. David Johnston  
Mr. John Schon  
Ms. Schneider  
Mr. Zimmerman/Ms. Selby/file



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

**TASK/ACTIVITY REPORT**

Oakland Township Municipality      Butler County      (Special Study for Entire Township) Proposed Planning Area (Attach Map)  
Date of Report: 10/17/07

Date Completed plan will be submitted to DEP Nov. 9, 2007 Estimated Cost of Plan \$6,142.50

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

TASK ACTIVITY NUMBER FROM APPENDIX I	PRINCIPAL		PROJECT ENG.		SR. ENG.		ENGINEER		PLANNER		DRAFTSMAN		CLERICAL		LEGAL		SUB TOTAL
	HR/ RATE	\$95	HR/ RATE	\$80	HR/ RATE		HR/ RATE	\$85	HR/ RATE	\$80	HR/ RATE	\$55	HR/ RATE	\$35	HR/ RATE	\$120	
	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	
71.21.a.1.i (ID & Map Boundaries)			1	\$80					1	\$80	12	\$660					\$820
71.21.a.1.ii (ID & Map Physical Characteristics)			0.5	\$40							7	\$385					\$425
71.21.a.1.iii (Map Soils and Geological Features)			0.5	\$40							6	\$330					\$370
71.21.a.1.iv (Population)			0.5	\$40					2	\$160			3	\$105			\$305
71.21.a.2.i.A (Location of System Features)	1	\$95	0.5	\$40							6	\$330					\$465
71.21.a.2.i.B (Desc. of Problems)	1.25	\$118.75	1.5	\$120			2	\$170									\$408.75
71.21.a.3.i (Existing Dev.)			0.5	\$40					2	\$160	7	\$385					\$585

Jeremy C. Olsen  
Name of Person Completing Report

Signature

Project Manager  
Title

Municipal Secretary Signature



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

**TASK/ACTIVITY REPORT**

Oakland Township  
Municipality

Butler  
County

(Special Study for Entire Township)  
Proposed Planning Area (Attach Map)  
Date of Report: 10/17/07

Date Completed plan will be submitted to DEP Nov. 9, 2007

Estimated Cost of Plan \$6,142.50

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

TASK ACTIVITY NUMBER FROM APPENDIX I	PRINCIPAL		PROJECT ENG.		SR. ENG.		ENGINEER		PLANNER		DRAFTSMAN		CLERICAL		LEGAL		SUB TOTAL
	HR/ RATE	\$95	HR/ RATE	\$80	HR/ RATE		HR/ RATE	\$85	HR/ RATE	\$80	HR/ RATE	\$55	HR/ RATE	\$35	HR/ RATE	\$120	
	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	
71.21.a.3.iii (Future Growth)	1.25	\$118.75	2.5	\$200					2	\$160			1	\$35			\$513.75
71.21.a.3.v (Planned Areas)	1	\$95	1	\$80					2	\$160			2	\$70			\$405
Legal Notice			0.5	\$40													\$40
Comments and Reponses			0.5	\$40													\$40
Meetings and Project Mgmt.	2	\$190	10	\$800													\$990
Deliverables (Printing and Binding)			2	\$160							4	\$220	1	\$35			\$415
Legal Fees															3	\$360	\$360

Jeremy C. Olsen  
Name of Person Completing Report

Signature

Project Manager  
Title

Municipal Secretary Signature



Pennsylvania Department of Environmental Protection

---

230 Chestnut Street  
Meadville, PA 16335-3481  
July 26, 2007

Northwest Regional Office

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

Ms. Nadine Neff  
Oakland Township  
565 Chicora Road  
Butler, PA 16001

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

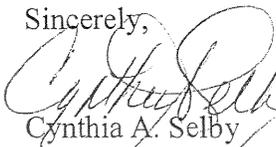
Dear Ms. Neff:

The Department of Environmental Protection hereby approves the Task Activity Report (TAR) submitted on your behalf by Olsen and Associates, LLC, 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 (BASA) current and potential service areas in Oakland Township.

This Special Study, along with those being prepared by other municipalities contributing 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 \$4,985.00. Under Act 537, the Department is able to reimburse up to 50 percent 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,  
  
Cynthia A. Selby  
Sewage Planning Supervisor  
Water Management

cc: ✓ Mr. Jeremy Olsen, Olsen and Associates, LLC  
Mr. David Johnston, Butler County Planning Commission  
Mr. John Schon, BASA  
T. Schmeider  
M. Zimmerman/C. Selby/file

CAS:jb



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

**TASK/ACTIVITY REPORT**

Oakland Township Municipality      Butler County      (Special Study for Entire Township) Proposed Planning Area (Attach Map)  
Date of Report: 6/20/07

Date Completed plan will be submitted to DEP \_\_\_\_\_ Estimated Cost of Plan \$4,985.00

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

TASK ACTIVITY NUMBER FROM APPENDIX I	PRINCIPAL		PROJECT ENG.		SR. ENG.		ENGINEER		PLANNER		DRAFTSMAN		CLERICAL		LEGAL		SUB TOTAL
	HR/ RATE	\$95	HR/ RATE	\$80	HR/ RATE		HR/ RATE	\$85	HR/ RATE	\$80	HR/ RATE	\$55	HR/ RATE	\$35	HR/ RATE	\$120	
	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	
71.21.a.1.i (ID & Map Boundaries)			0.5	\$40					1	\$80	10	\$550					\$670
71.21.a.1.ii (ID & Map Physical Characteristics)			0.5	\$40							5	\$275					\$315
71.21.a.1.iii (Map Soils and Geological Features)			0.5	\$40							4	\$220					\$260
71.21.a.1.iv (Population)			0.5	\$40					2	\$160			3	\$105			\$305
71.21.a.2.i.A (Location of System Features)	1	\$95	0.5	\$40							5	\$275					\$410
71.21.a.2.i.B (Desc. of Problems)	1	\$95	0.5	\$40			2	\$170									\$305
71.21.a.3.i (Existing Dev.)			0.5	\$40					2	\$160	5	\$275					\$475

Jeremy C. Olsen  
Name of Person Completing Report

Signature

Project Manager  
Title

Municipal Secretary Signature



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

**TASK/ACTIVITY REPORT**

Oakland Township  
 Municipality

Butler  
 County

(Special Study for Entire Township)  
 Proposed Planning Area (Attach Map)  
 Date of Report: 6/20/07

Date Completed plan will be submitted to DEP \_\_\_\_\_ Estimated Cost of Plan \$4,985.00 \_\_\_\_\_

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

TASK ACTIVITY NUMBER FROM APPENDIX I	PRINCIPAL		PROJECT ENG.		SR. ENG.		ENGINEER		PLANNER		DRAFTSMAN		CLERICAL		LEGAL		SUB TOTAL
	HR/ RATE	\$95	HR/ RATE	\$80	HR/ RATE		HR/ RATE	\$85	HR/ RATE	\$80	HR/ RATE	\$55	HR/ RATE	\$35	HR/ RATE	\$120	
	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	HRS.	COST	
71.21.a.3.iii (Future Growth)	3	\$95	1	\$80					2	\$160			1	\$35			\$370
71.21.a.3.v (Planned Areas)	3	\$95	1	\$80					2	\$160			2	\$70			\$405
Legal Notice			0.5	\$40													\$40
Comments and Reponses			0.5	\$40													\$40
Meetings and Project Mgmt.	2	\$190	6	\$480													\$670
Deliverables (Printing and Binding)			2	\$160							3	\$165	1	\$35			\$360
Legal Fees															3	\$360	\$360

Jeremy C. Olsen  
 Name of Person Completing Report

Jeremy C. Olsen  
 Signature

Project Manager  
 Title

Mad A. T...  
 Municipal Secretary Signature

Appendix E: *Omitted for Final*  
*SPECIAL STUDY*

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



ph: 724-282-4786

**Olsen & Associates, LLC**

126 South Main Street, Butler, PA 16001

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

FOR

OAKLAND TOWNSHIP  
Butler County, Pennsylvania

*August, 2007*

***Revised: September 2007***

**O&A PROJECT # 200776A**

## **PART 1: Background Information**

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

As defined in the PaDEP's 2006 Consent Order and Agreement, an EDU (Equivalent Dwelling Unit) is equated to 400 gallons per day (gpd) of sewage. An EDU is the average amount of sewage that a single household contributes to a public sewage system per day. Commercial and Industrial EDU are computed based on a number of criteria, depending on the type of business. Factors such as the square footage of the building, the number of public restrooms, the number of employees or students, etc., all contribute to the theoretical EDU calculated for each business.

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

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

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

## **PART 2: Administrative Completeness Checklist**

### **Section 1: Plan Summary**

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

The following map, [*"Developable Land", created for this report*] depicts Oakland Township's boundaries along with all possible developable land. These areas would be candidates to see a need for sewerage service within the next 20+ years. If public sewage becomes desirable for these areas, main-line extensions would be needed to service these areas, coming either eastward from Center Township, or extending northward from Summit Township. These serviceable areas will be discussed in more detail throughout this study.

Funding for these extensions would come from, in part, tapping fees from future development within the development areas. However, as BASA has pointed out in their comments to Center Township's DRAFT SPECIAL STUDY, dated January 2, 2007, state law prohibits the recovery of all extension-related costs through tapping fees. The existing residents and customer base of Oakland Township would be expected to finance the construction costs for extensions. BASA will assess the cost effectiveness and estimated user costs to extend sewers into these growth areas based on the existing customer base in those areas. Alternatively, the construction costs would fall on developers or parties other than BASA.

Only a very small portion of Oakland Township is currently serviced by public sewerage. This existing approximately 650 feet of line is part of BASA's system, and is located in the south-western corner of Oakland Township. The sewage flows to the west by gravity into Center Township. Currently, no sewage capacity problems exist within the boundaries of Oakland Township. No documented overflows have occurred within the Township borders.

[ PLACEHOLDER FOR MAP: Developable  
Land ]

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

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

C: Estimated Cost of Implementing the Proposed Alternative

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

D: Identification of Municipal Commitments to Implement the Plan

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

E: Schedule of Implementation

- 30 Days after BASA receives all DEP-approved Official Plan Revision Special Studies: BASA Task Activity Report Preparation.
- 180 Days after BASA TAR approval: BASA Official Plan Update Revision submitted to PaDEP.
- 180 Days after receiving DEP comments on Official Plan: BASA to submit final Update Revision to PaDEP.

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

**Section 2: Municipal Adoption**

Oakland Township will adopt this document, the Oakland Township Final Act 537 Official Plan Revision, on November 6, 2007.

**Section 3: Planning Commission Comments**

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

**Section 4: Publication**

Oakland Township will conduct a 30 day comment period, from September 25, 2007 to October 24, 2007, during which time the public will be given the opportunity to view and make (written) comments on the Draft Act 537 Official Plan Revision. An additional appendix (Appendix J) will be added to the Oakland Township Final Act 537 Official Plan Revision containing the publication advertised for public comments.

**Section 5: Comments and Responses**

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

## **PART 3: Official Plan**

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

#### **A: Planning Area Boundaries and Political Subdivision Boundaries**

Oakland Township, Butler County, PA is 23.2 square miles in area and situated northeast of where BASA's sewage treatment plant is located, in Butler Township. Oakland Township is bordered to the north by Concord Township, to the east by Donegal Township, to the south by Summit Township and East Butler Borough, and to the west by Center Township. With the exception of the Bear Creek and Buffalo Creek watershed areas in the northeastern corner of Oakland, all of Oakland Township has the potential to be tributary to BASA's sewerage system, if system expansion into Oakland Township becomes desirable. If expanded, sewage could flow either south into Summit Township or west into Center Township.

Oakland Township has no current zoning ordinance or zoning districts.

## B: Physical Characteristics of the Planning Area

The map on Page 9 [*"Development Constraints", created for this report*] depicts physical characteristics of Oakland Township, including tax parcels, road centerlines, networked streams, floodplains, wetland types, and percent slope. These characteristics denote physical constraints to development. Additionally, Natural Heritage Inventory and Abandoned Mine Land Inventory areas have been marked, as well as oil and gas well locations.

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

### ***Natural Heritage Inventory***

According to the Butler County Natural Heritage Inventory prepared by the Western Pennsylvania Conservancy in 1991, the two most significant environmental features in the East Butler Quadrangle are Oneida Lake and Thorn Reservoir, both artificial lakes. The wetlands that have formed at the northernmost ends of both lakes, and at places around the lakes, provide a habitat for populations of an animal species currently included on the Pennsylvania Endangered Species list. The biggest threat to these species is habitat destruction, which can be caused by fluctuations in the water level, mineral extraction and residential development.

Smaller areas around Greece City and Fenelton also include habitats for species listed on the Pennsylvania Endangered Species list and the Western Pennsylvania Conservancy recommends that these areas be protected and maintained. The net effect of the presence of these habitats supporting animal species of concern is that any development-related earth disturbance activity should be monitored where it occurs within the identified areas. Local regulations requiring review of land development proposals by County and Commonwealth agencies can provide such protection.

### ***Abandoned Mine Land Inventory***

Areas which were previously mined are identified to the northwest of Oneida Lake, between Boydstown Road and Whitmire Road. This

information is from an Office of Surface Mining database created by the Pennsylvania Department of Environmental Protection in 1998. There is no indication as to whether or not the mined land was reclaimed or stabilized, so development activity should be preceded by a Commonwealth review of areas targeted for earth disturbance.

[ PLACEHOLDER FOR MAP:  
DEVELOPMENT CONSTRAINTS ]

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C: Soils and Geological Features

The map on page 11 [*"Hydric Soils", created for this report*] depicts USDA soil types (hydric, partially hydric, and non hydric), along with Gravity sewer lines, force mains, and manholes.

Hydric soils and partially hydric soils are generally those which present challenges for placement of on-lot sewage treatment systems. Most lands of Oakland Township exhibit marginally acceptable soils for on-lot sewage treatment.

[ PLACEHOLDER FOR MAP: HYDRIC  
SOILS ]

The maps on the following four pages [*"2006 Orthophotographs A1, A2, B1, B2"*; created for this report] are Aerial photos used for reference.

[ PLACEHOLDER FOR MAP:  
2006 Orthophotographs - A1]

[ PLACEHOLDER FOR MAP:  
2006 Orthophotographs – A2]

[ PLACEHOLDER FOR MAP:  
2006 Orthophotographs – B1 ]

[ PLACEHOLDER FOR MAP:  
2006 Orthophotographs – B2]

D: Current and Historical Population Information

Unless otherwise noted, the population data presented throughout this report is directly from either the Southwestern Pennsylvania Commission or from the U.S. Census Bureau. The Township's population has increased linearly during each Census period beginning with a population of 1,081 persons in 1930 to a year 2000 population of approximately 3,074 persons.

Between 1990 and the year 2004, a total of 205 housing units were permitted, only 5 of which were multi-family. This equates to an annual average of about 14 new housing units annually or approximately 38 persons a year calling the Township home at a persons-per-household rate of 2.76 persons.

There were 1,112 households out of which 35.2% had children under the age of 18 living with them, 67.6% were married couples living together, 7.3% had a female householder with no husband present, and 21.2% were non-families. 18.4% of all households were made up of individuals and 7.8% had someone living alone who was 65 years of age or older. The average household size was 2.76 and the average family size was 3.15.

In the Township the population was spread out with 25.9% under the age of 18, 7.4% from 18 to 24, 30.1% from 25 to 44, 24.6% from 45 to 64, and 12.0% who were 65 years of age or older. The median age was 38 years. For every 100 females there were 103.2 males. For every 100 females age 18 and over, there were 97.4 males.

The median income for a household in the township was \$41,025, and the median income for a family was \$49,395. Males had a median income of \$32,285 versus \$22,854 for females. The per capita income for the Township was \$17,313. About 6.9% of families and 6.0% of the population were below the poverty line, including 3.6% of those under age 18 and 19.2% of those age 65 or over.

## Historic Population 1930-1990

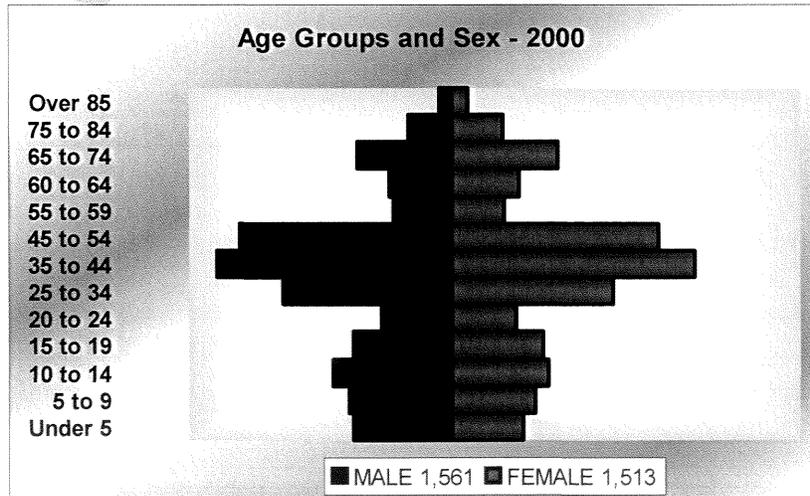
	1930	1940	1950	1960	1970	1980	1990
Oakland Township	1,081	1,432	1,789	2,168	2,548	2,767	2,820
Butler County	80,480	87,590	97,320	114,639	127,941	147,912	152,013

## Current Population - 2000

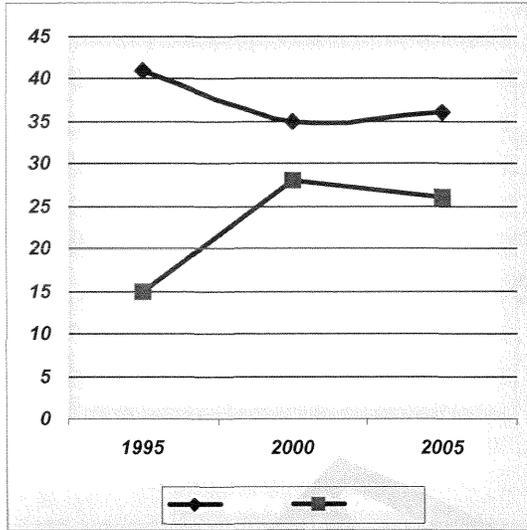
	2000
Oakland Township	3,074
Butler County	174,083
<i>Source: U.S. Census 2000, DP-1</i>	

## Age Cohorts - 2000

Age Range	MALE	FEMALE
	#	#
Under 5	-112	82
5 to 9	-117	97
10 to 14	-135	111
15 to 19	-112	105
20 to 24	-79	75
25 to 34	-192	186
35 to 44	-267	279
45 to 54	-242	238
55 to 59	-66	61
60 to 64	-70	78
65 to 74	-107	123
75 to 84	-49	59
Over 85	-13	19



Births/Deaths 1995, 2000 & 2005



	1995	2000	2005
Births	41	35	36
Deaths	15	28	26

MEDIAN AGE OF MALES: 39.3

MEDIAN AGE OF FEMALES: 37.0

## Housing and Households

Land area: 22.93 sq. mi.  
 Water area: 0.3 sq. mi.  
 Occupied houses/apartments: 1,112  
 (964 owner occupied, 148 renter occupied)

Median age of males: 39.3  
 Median age of females: 37.0

Total Median age (1990) – 32.4

Average household size: 2.76  
 Average family size: 3.15

Notable locations in this Township outside city limits:

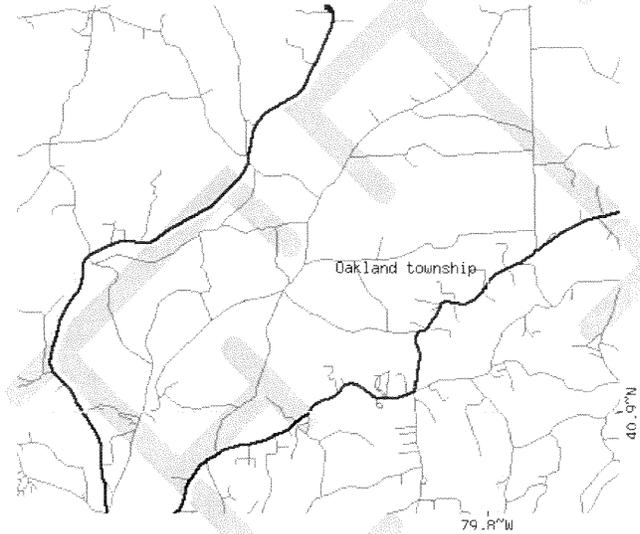
- Cemetery: Whitmire Cemetery.
- Reservoirs: Lake Oneida, Thorn Reservoir.
- Streams, rivers, and creeks: Pine Run.

75% of Oakland Township residents lived in the same house 5 years ago.

Out of people who lived in different houses, 77% lived in this county.

Out of people who lived in different counties, 54% lived in Pennsylvania.

Median price asked for vacant for-sale houses in 2000: \$137,500



Median worth of mobile homes: \$23,100

Housing units in Oakland Township with a mortgage: 322 (21 second mortgage, 56 home equity loan, 0 both second mortgage and home equity loan). Houses without a mortgage: 231

Vacancy Rate:

Homeowner – 0.9

Rental – 5.7

## Households by Type 2000

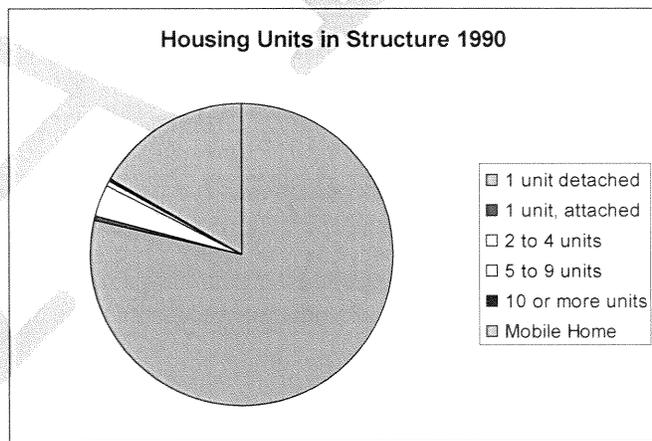
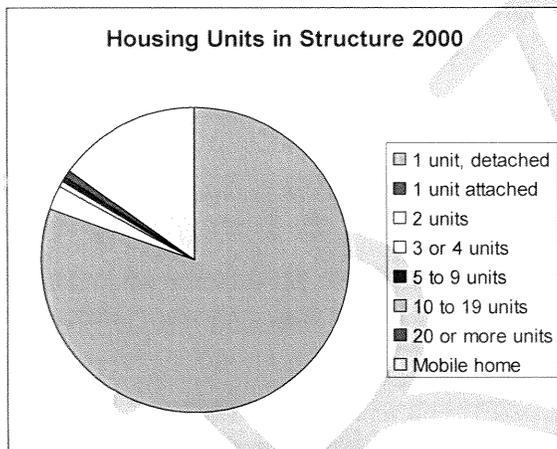
	2000 #	2000 %	1990 #	+/- 90-00
Total households	1,112	100.0%	937	+175
Family households	876	78.8	773	+103
w/own children under 18	391	35.2	--	--
Married couple family	752	67.6	678	+74
w/own children under 18	328	29.5	--	--
Female householder	81	7.3	67	+14
w/own children under 18	47	4.2	--	--
Nonfamily households	236	21.2	164	+72
Householder living alone	205	18.4	137	+68
Householder 65 & over	87	7.8	60	+27

*Source: SPC Profile of General Demographic Characteristics, Table 12. These numbers and percentages will not total exactly as the "types" fit into more than one category.*

## Housing Units in Structure

	2000		1990	
	#	%	#	%
1 unit, detached	941	80.6	733	78.0
1 unit attached	0	0.0	3	0.3
2 units	29	2.5	34	3.6
3 or 4 units	7	0.6		
5 to 9 units	5	0.4	6	0.6
10 to 19 units	0	0.0	1	0.1
20 or more units	11	0.9		
Mobile home	175	15.0	163	17.4
<b>Total Housing Units</b>	<b>1168</b>	<b>100%</b>	<b>940</b>	<b>100%</b>

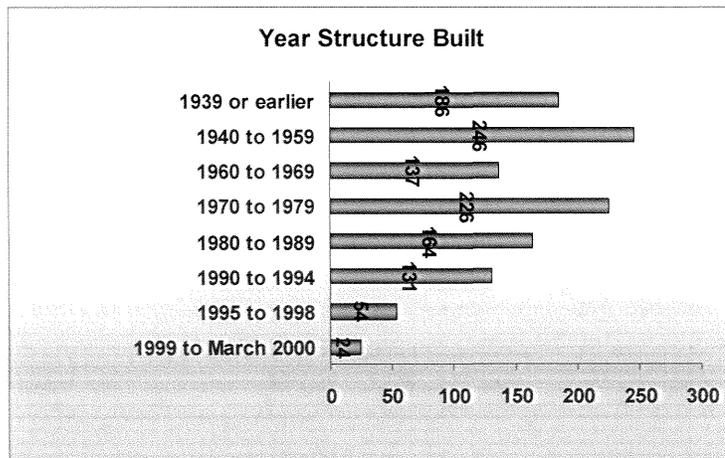
Source: SPC, Table 41, 2000 and U.S. Census Bureau, 1990.



## Year Structure Built - 2000

	#	%
1999 to March 2000	24	2.1
1995 to 1998	54	4.6
1990 to 1994	131	11.2
1980 to 1989	164	14.0
1970 to 1979	226	19.3
1960 to 1969	137	11.7
1940 to 1959	246	21.1
1939 or earlier	186	15.9

Source: Census 2000, Table DP-4

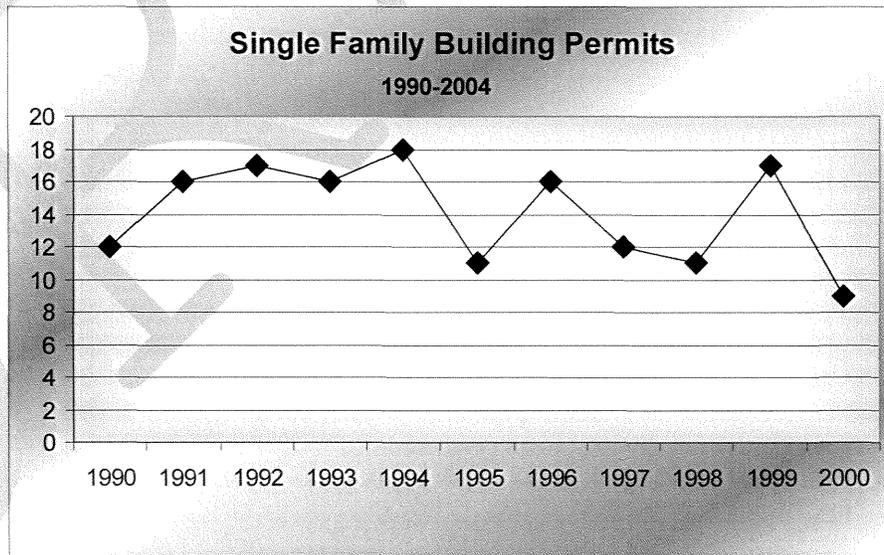


# Building Permits

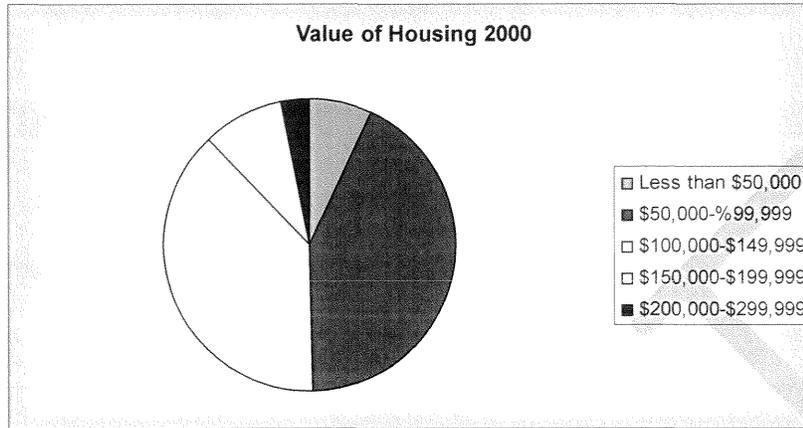
97.6% Single Family

Year	Single Family		Multi Family			Total		
	Units	Value	Bldgs	Units	Value	Bldgs	Units	Value
1990	12	692,000	0	0	0	12	12	692,000
1991	16	815,700	0	0	0	16	16	815,700
1992	17	1,249,600	0	0	0	17	17	1,249,600
1993	16	1,190,675	1	3	80,000	17	19	1,270,675
1994	18	1,314,545	1	2	90,000	19	20	1,404,545
1995	11	865,847	0	0	0	11	11	865,847
1996	16	1,328,338	0	0	0	16	16	1,328,338
1997	12	997,208	0	0	0	12	12	997,208
1998	11	989,905	0	0	0	11	11	989,905
1999	17	1,548,357	0	0	0	17	17	1,548,357
2000	9	1,054,982	0	0	0	9	9	1,054,982
2001	12	1,215,351	0	0	0	12	12	1,215,351
2002	7	573,520	0	0	0	7	7	573,520
2003	14	1,612,556	0	0	0	14	14	1,612,556
2004	12	1,303,126	0	0	0	12	12	1,303,126
Totals	200	16,751,710	2	5	170,000	202	205	16,921,710

Source: SPC, New Privately Owned Construction Authorized by Building Permits, November 2005.



## Value of Housing



	#	%
Less than \$50,000	42	6.9
\$50,000-\$99,999	262	42.8
\$100,000-\$149,999	233	38.1
\$150,000-\$199,999	57	9.3
\$200,000-\$299,999	18	2.9

## Socio-Economic Profile

### Income

Household Income	#	%
Less than \$10,000	87	7.8
\$10,000 to \$14,999	65	5.8
\$15,000 to \$24,999	166	14.8
\$25,000 to \$34,999	140	12.5
\$35,000 to \$49,999	209	18.6
\$50,000 to \$74,999	272	24.2
\$75,000 to \$99,999	119	10.6
\$100,000 to \$149,999	52	4.6
\$150,000 or more	12	1.1

*Source, U.S. Bureau of the Census, 2000, Table DP-3*

**Median Family Income**

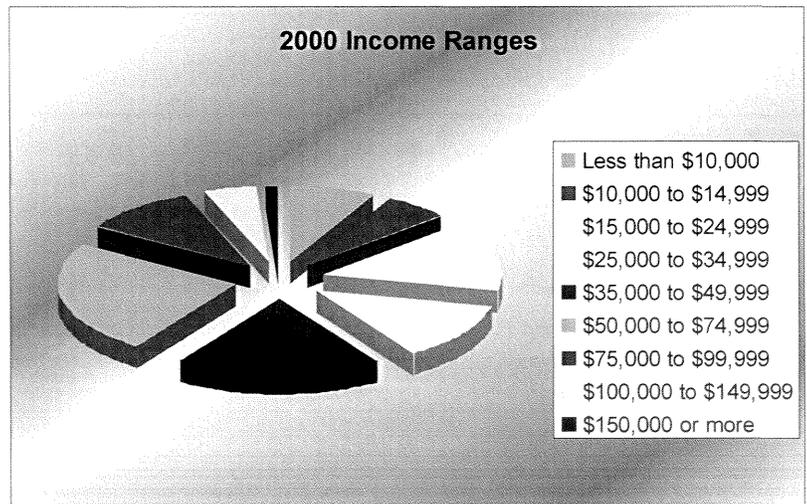
1990 - \$33,958

2000 - \$49,395

**Median Household Income**

1990 - \$30,904

2000 - \$41,025



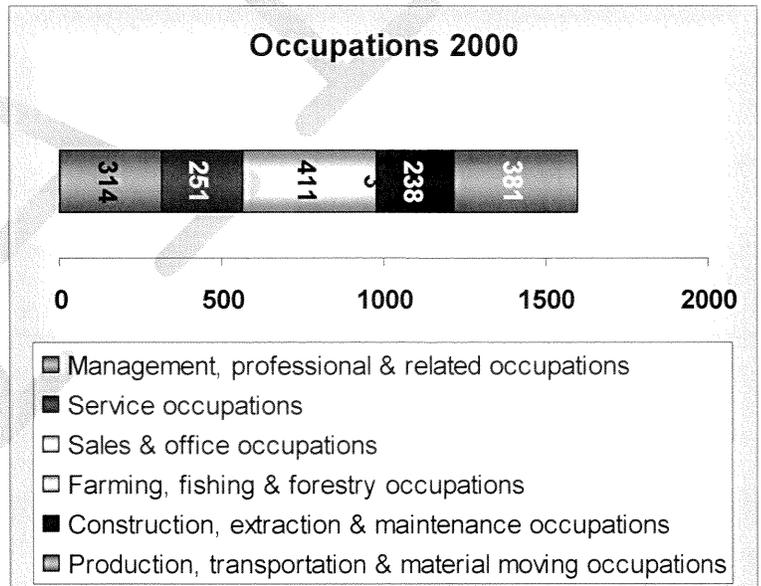
## Occupation

Management, professional & related occupations	314
Service occupations	251
Sales & office occupations	411
Farming, fishing & forestry occupations	3*
Construction, extraction & maintenance occupations	238
Production, transportation & material moving occupations	381

Per Capita Income  
 1990 - \$10,532  
 2000 - \$17,313

\* According to the U.S. Census 2000 Table DP-3 for Oakland Township, only 3 people are employed in farming, fishing & forestry occupations in Oakland. This low figure is believed to be due to the way that the data was sampled and statistically distributed among townships and boroughs by the Census Bureau.

Median Earnings - 2000  
 Male - \$32,285  
 Female - \$22,854



The map on page 25 ["Current Average Annual Daily Traffic", created for this report] depicts current traffic patterns observed on the main roads in Oakland Township.



[ PLACEHOLDER FOR MAP: CURRENT  
AVERAGE ANNUAL DAILY TRAFFIC ]

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

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

Oakland Township is unaware of any privately owned sewage treatment plants in the Township. If any exist, under the Pennsylvania Sewage Facilities Act, Oakland Township is ultimately responsible for these private facilities, not BASA.

There are no pump stations located in Oakland Township.

B: Description of Problems with the Existing Facilities

No known problems exist with any area of the BASA sewer system contained within the boundaries of Oakland Township. The system is currently able to handle normal and peak flow occurring in the area. Sewage problems have been reported to the Oakland Township supervisors regarding a small number of private or non-municipal on-lot facilities.

It is BASA's responsibility to analyze capacities of the existing interceptors, pump stations, and force mains. This data is not included with Oakland Township's Act 537 Official Plan Revision.

**Section 3: Future Development and Current Needs**

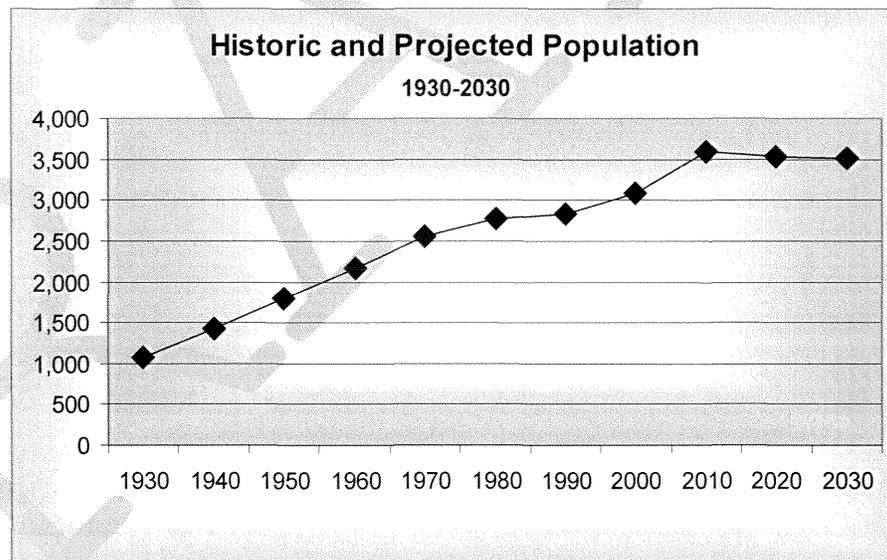
**A. SPC Population Projections**

The following chart and graph are Southwestern Pennsylvania Commission’s Cycle 7 Baseline Forecast population predictions for Oakland Township until 2030.

	2010	2020	2030
Oakland Township	3,590	3,530	3,514
Butler County	96,535	100,907	101,358

*Source: SPC Cycle 7 Baseline Forecast*

SPC PROJECTIONS TOTAL HOUSEHOLDS	
2005	1,544
2010	1,554
2020	1,659
2025	1,731
2030	1,807



The SPC is predicting an increase in population by the year 2010, followed by a decrease in population by 76 persons. However, indicative of smaller household size, the SPC is projecting an increase in households from 1,554 in 2010 to 1,807 in 2030; a net increase of 253 households.



## B. Future Development

Oakland Township has not undergone significant development during the last few decades. Oakland does not currently have any zoning districts, nor does the Township have a Comprehensive Plan. For estimating purposes in this study, developable land will be assumed to develop residentially.

The SPC prediction of 253 new housing units by 2030 (approximately 13 new houses per year), while consistent with current and historical growth as verified by building permit records, is regarded by the Oakland Township Planning Commission as being a conservatively low figure. Citing the proliferation of mobile home parks in this area of Butler County (which, when developed, can conceivably add hundreds of EDU in a relatively short period of time) along with possible spill-over from growth currently occurring in nearby townships, the Oakland Township Planning Commission expects approximately 3 times this amount of new residences or approximately 759 new housing units by 2030.

The Oakland Township Board of Supervisors has identified the PA-68 and Route 38 corridors as likely candidates for public sewerage in the future. PA-68, at the southwest corner of the Township, is less than 1000 feet from existing sewerage in Summit Township.

Beginning with the Topographic map on page 29 [*Topography, taken from existing USGS mapping*], small watersheds were computed. These watersheds are mapped on page 30 [*Small Watersheds, created for this report.*] The Pine Run watershed flows into the Connoquenessing Creek watershed and (for the purposes of this study) can be considered a single "sewershed". The Bear Creek and Buffalo Creek watersheds flow northeast, and are therefore not anticipated to be serviced by the Butler Area Sewer Authority in the next 20 years.

[ PLACEHOLDER FOR MAP:  
TOPOGRAPHY ]

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[ PLACEHOLDER FOR MAP: SMALL  
WATERSHEDS ]

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Areas of Oakland Township northeast of the Oneida Dam and Thorn Reservoir Dam in the Connoquenessing Creek, Thorn Creek, and Buffalo Creek watersheds are listed in Title 25, Chapter 93 of the Pennsylvania Code as being High Quality or Exceptional Value watersheds. Because of this designation, sewage discharge from a small, privately-owned sewage treatment plant or small-flow treatment facility is generally prohibited from being output into these streams. Thus all new development in these areas must either be provided with conventional on-lot sewage or be connected into a public sewerage system. Geographically, this includes the lands north of PA 68, and land along the PA 38 corridor in Oakland Township. The map on page 32 [*Watersheds with High Quality or Exceptional Value Waters*]; created for this report] depicts those areas of high quality or exceptional value waters. Any future sewage from high density development in these areas would most logically be conveyed to sewer extensions of the Butler Area Sewer Authority.

Lands in the south and the west portions of the Township are not of high or exceptional water quality. These areas of the Township are relatively close and upstream of existing gravity sewer lines of the Butler Area Sewer Authority. BASA sewer lines could be extended northward from East Butler Borough and Summit Township to serve the southern portion of Oakland Township, or eastward from Center Township to serve the western portion of Oakland Township.

[ PLACEHOLDER FOR MAP:  
WATERSHEDS WITH HIGH  
QUALITY OR EXCEPTIONAL  
VALUE WATERS ]



In predicting growth in Oakland Township, it is assumed that development will occur largely without pattern since Oakland does not have zoning districts delineated at this time. EDU estimates have been conceived for the Pine Run/Connoquenessing Creek sewershed, the Thorn Creek watershed, and the Bonnie Brook watershed, all of which can flow by gravity into existing BASA sewers in Butler Township.

The following three tables show *total* acreage in each watershed/sewershed, along with *developable* acreage of each. Developable acreage is the total acreage of the area minus the development constraints for the area (steep slopes, floodplains, wetlands, and areas delineated as "Natural Heritage Inventory" and "Abandoned Mine Land").

#### **Pine Run/Connoquenessing Creek Sewershed**

Total Acreage	5893.970
Acreage Over 20% Slope	1305.416
Acreage in Floodplain	346.821
Acreage in Wetland	186.281
Acreage in Natural Heritage Inventory	546.193
Acreage in Abandoned Mine Land	416.827
<b>Total Acreage of Developable Land</b>	<b>3092.432</b>

#### **Thorn Creek Watershed**

Total Acreage	4769.291
Acreage Over 20% Slope	1360.047
Acreage in Floodplain	251.532
Acreage in Wetland	61.979
Acreage in Natural Heritage Inventory	413.076
Acreage in Abandoned Mine Land	0.000
<b>Total Acreage of Developable Land</b>	<b>2682.657</b>

#### **Bonnie Brook Watershed**

Total Acreage	3797.013
Acreage Over 20% Slope	1023.727
Acreage in Floodplain	160.889
Acreage in Wetland	8.773
Acreage in Natural Heritage Inventory	0.000
Acreage in Abandoned Mine Land	71.006
<b>Total Acreage of Developable Land</b>	<b>2532.618</b>

It can be summarized from the above charts that there are 14,460 total acres in Oakland Township which are in watersheds which could be served by BASA. Approximately 8,308 acres, or 57 percent, of this land is developable. Of this developable land:

- 3092.432 acres of developable land, or 37.2%, is in the Pine Run/Connoquenessing Creek sewershed;
- 2682.657 acres of developable land, or 32.3%, is in the Thorn Creek watershed; and
- 2532.618 acres of developable land, or 30.5%, is in the Bonnie Brook watershed.

*Figure "A": Percent of Developable Land in Each Sewershed per Total Developable Lands Serviceable by BASA*

As development occurs in the Township, a portion of this will be single family dwellings or small developments which will likely be most economically served by conventional on-lot sewage. However, other development may take the form of larger PRD's (planned residential developments) or mobile home parks. In this case, the developer may wish to extend BASA's existing sewerage lines to serve the development (if Oakland Township, the developer and BASA are in agreement this is in the best interest for all parties and physically and economically feasible). It is assumed for estimating purposes that approximately two-thirds of all future development in the Township will come from larger development which will tie into BASA's sewerage system, while the remaining one-third would be served by on-lot systems.

Assuming 759 new housing units are developed in the next 20 years, and that two-thirds (506 housing units, or 506 EDU) of this development would tie in to BASA's collection system, the EDU estimate can be further broken down into sewersheds by multiplying 506 total EDU by the percent of developable land in each sewershed per total developable lands serviceable by BASA in all of Oakland Township (from Figure "A", above).

Pine Run/Connoquenessing Creek Sewershed

506 total EDU  $\times$  0.372  $\approx$  188 EDU from New Development

Thorn Creek Watershed

506 total EDU  $\times$  0.323  $\approx$  164 EDU from New Development

Bonnie Brook Watershed

506 total EDU x 0.305 ≈ 154 EDU from New Development

C. Current Needs

There are some cases of failing on-lot sewage systems that have been reported to Oakland Township. It is not economically feasible to extend public sewerage any great distance solely for the purpose of remedying the sewage problems of a single isolated structure. Should public sewage lines be extended (due to widespread problems in the area or larger-scale development) in close proximity to a structure experiencing problems, this structure could tie-in to the public system at that time. Other remedies may exist for coping with failing on-lot systems in isolated areas; the most economically feasible options should be considered and pursued on a case-by-case basis.

If development occurs as projected in Part 3, Section 3.B (above) and BASA sewerage lines are extended into the Township where appropriate, existing housing and businesses that are in close proximity to the sewage extensions may be required to tie in to BASA’s collection system. While it is not reasonable to project with any great accuracy which areas of the Township this might affect, areas having a higher probability of need are along the PA-68 and Route 38 corridors due to high density and proximity to the Connoquenessing Creek floodplain, respectively.

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

<b><i>Watershed</i></b>	<b><i>EDU Estimates from Existing Structures</i></b>
Pine Run/Connoquenessing Creek	30 EDU
Thorn Creek	98 EDU
Bonnie Brook	119 EDU



Adding these "existing structure" flow estimates on to the "new development" flow estimates presented in Part 3, Section 3.B, the total estimated EDU counts per watershed are as follows:

**Pine Run/Connoquenessing Creek Sewershed**

New Development EDU Estimate	188 EDU
Existing Structure EDU Estimate	30 EDU
<b>Total EDU Estimate</b>	<b>218 EDU</b>

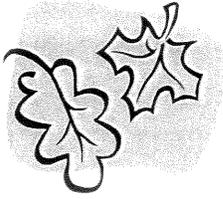
**Thorn Creek Watershed**

New Development EDU Estimate	164 EDU
Existing Structure EDU Estimate	98 EDU
<b>Total EDU Estimate</b>	<b>262 EDU</b>

**Bonnie Brook Watershed**

New Development EDU Estimate	154 EDU
Existing Structure EDU Estimate	119 EDU
<b>Total EDU Estimate</b>	<b>273 EDU</b>

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



**Oakland Township**

565 Chicora Road, Butler PA, 16001  
(724) 287-8067 office (724) 287-3979 fax

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**Oakland Township Planning Commission**

**James Zanella, Chairman**  
**John Broad**

**Craig McConnell, Secretary**  
**Charles Stephenson**

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September 11, 2007

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

RE: Act 537 Official Plan Revision:  
Special Sewage Study for Oakland Township

Dear Jeremy:

On August 21, 2007, Planning Commission members Craig McConnell and Charles Stephenson had an opportunity to meet and review the draft copy of the Special Sewage Study for Oakland Township.

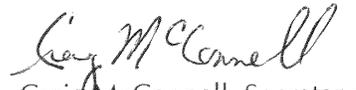
Since we are within the BASA service district, and the majority of Oakland Township lands can feed into the BASA system by gravity, we have to have the future option of connecting Oakland Township lands into the BASA collection system.

Although the material referenced by the Study does not represent an immediate need for Oakland Township, BASA should include a reserve amount of future connections for our township upon any re-construction of existing facilities servicing extension(s) into Oakland Township.

Sincerely,  
**OAKLAND TOWNSHIP**  
**PLANNING COMMISSION**

  
James Zanella, Chairman

  
Charles Stephenson, Chairperson

  
Craig McConnell, Secretary

  
John Broad, Chairperson

cc: Oakland Township Board of Supervisors

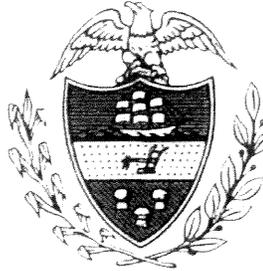
**Appendix H: Butler County  
Planning Commission Comments  
on Draft SPECIAL SEWAGE STUDY**

*Butler County Board of Commissioners*  
**Planning Commission**

124 W. Diamond Street, PO Box 1208, Butler, PA 16003-1208  
Phone 724.284.5300 Fax 724.284.5315 TDD 724.284-5473

**Commissioners**

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



**Director of Planning**

David P. Johnston

September 27, 2007

Oakland Township  
565 Chicora Road  
Butler, PA 16001

Dear Oakland Township Supervisors

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

Joel R. MacKay  
Planner

Cc: Olsen & Associates, LLC

# Appendix I: BASA Comments on Draft SPECIAL SEWAGE STUDY

**BUTLER AREA SEWER AUTHORITY**

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

**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 26, 2007

CERTIFIED MAIL, RETURN RECEIPT  
7005-1160-0002-1852-4819

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

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 Oakland Township, revised September, 2007, prepared by Olsen & Associates, LLC. The Authority received this draft report on September 26, 2007, as required by the Consent Order and Agreement (CO&A) dated October 13, 2006. The following review comments are submitted for consideration by the Township:

**SPECIFIC COMMENTS:**

**Maps on Pages 3, 9, 11, 25, 29, 30, and 32**

These maps are excellent in identifying the existing BASA sewer lines, existing land characteristics, and existing watersheds. It would be beneficial if the maps were adjusted in size such that the peripheral sanitary sewers in Center Township to the west and those in Summit Township/East Butler Borough to the south were also illustrated. This would aid in understanding the relationships of the existing sanitary sewers downstream of the Connoquenessing Creek, Thorn Creek, and Bonnie Brook Creek watersheds. Dialogue in the narrative discusses the possibility of extending these existing sewers into these watersheds. It would be helpful to be able to refer to the maps illustrating these sewers while reading the report.

**Page 26 – Section 2B: Description of Problems with the Existing Facilities:**

The locations of the small number of private or non-municipal on-lot facilities reported to the Oakland Township Supervisors as having sewage problems should be illustrated on the appropriate map(s) and similarly labeled.

**Page 28 – Section 3B: Future Development:**

Page 17 explains that there has been a linear increase in population from 1930 to 2000. Page 28 predicts a population growth three-times greater than that projected by the SPC for the year 2030.

Please discuss if the Township expects this growth to also be linear. Support these discussions by providing the five-year, ten-year and twenty-year population predictions in a chart.

**GENERAL COMMENTS:**

**BASA Letter dated January 2, 2007:**

It appears that this new report prepared by Olsen & Associates, LLC has taken into consideration comments listed in the Authority letter to Oakland Township on January 2, 2007.

**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.

**Municipal Responsibilities for Storm Water Management:**

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

BASA will wait for an appropriate number of copies of the DEP-approved Special Study from Oakland 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  
Center Township, Chairman of the Board of Supervisors  
Summit Township, Chairman of the Board of Supervisors  
Butler Township, Chairman of the Board of Supervisors  
Connoquenessing Township, Chairman of the Board of Supervisors  
David Johnston, Butler County Planning Commission  
Mr. Jeremy Olsen, Olsen & Associates, LLC

# Appendix J: Proof of Publication

Amended Appendix A-22-b

# Proof of Publication of Notice in Butler Eagle

Under Act No. 587, Approved May 16, 1929

State of Pennsylvania,  
County of Butler.

Donna Bobby 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

24th Day of September A.D. 2007

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

*Donna Bobby*

Butler Eagle

Sworn to and subscribed before me this 24th

Day of September 2007

\_\_\_\_\_  
Notary Public

My Commission Expires:

COMMONWEALTH OF PENNSYLVANIA  
Notary Seal  
Ronald A. Vogonich, Notary Public  
City Of Butler, Butler County  
My Commission Expires July 12, 2008  
Member, Pennsylvania Association Of Notaries

### Copy of Notice or Publication

**PUBLIC NOTICE**  
SPECIAL SEWAGE STUDY  
In accordance with the PaDEP's Consent Order and Agreement of October 13, 2006, Oakland Township will make its Special Sewage Study, a preliminary step in the revision of the Butler Area Sewer Authority's Act 537 plan, available for public comment. The document, as initially prepared, with appended comments from the Butler County Planning Commission and the Butler

Area Sewer Authority will be available for public viewing and (written) comments for a 30-day period at the Oakland Township Municipal Building, located at 565 Chicora Rd., Butler, PA 16001 during the Township's regular office hours. The document will also be available for viewing and comment at Olsen & Associates' office located at 126 S. Main St., Butler, PA 16001 from 8:00 A.M. to 5:00 P.M., Monday through Friday. The 30-day (written) comment period will be held from September 25, 2007 to October 24, 2007. The Special Sewage Study may be subject to further revision as a result of the comments of BASA and PaDEP.

### Statement of Advertising Costs

Olsen & Associates LLC

126 South Main Street

Butler PA 16001

TO BUTLER EAGLE, Dr.	
For publishing the notice or publication attached Hereto on the above stated dates	\$ 70.00
Probating same	\$ 2.00
Total	\$ 72.00

### Publisher's Receipt for Advertising Costs

The EAGLE PRINTING COMPANY, publisher of the BUTLER EAGLE, a newspaper of general circulation, hereby acknowledge receipt of the aforesaid notice and publication costs and certifies that the same have been duly paid.

EAGLE PRINTING CO., a Corporation, Publisher  
Of BUTLER EAGLE, a Newspaper of General Circulation.

# Appendix K: Comments to Proof of Publication

## **Public Comments Summary**

Oakland Township displayed its draft SPECIAL SEWAGE STUDY (with comments from the Oakland Township Planning Commission, the Butler County Planning Commission, and from the Butler Area Sewer Authority) from September 25, 2007 until October 24, 2007 in accordance with PaDEP requirements. No public comments were made during this time nor were public comments received prior to the public comment period.

The comment form prepared for written public comments appears on the next page.

PUBLIC NOTICE – SPECIAL SEWAGE STUDY

In accordance with the PaDEP's Consent Order and Agreement of October 13, 2006, Oakland Township will make its Special Sewage Study, a preliminary step in the revision of the Butler Area Sewer Authority's Act 537 plan, available for public comment. The document, as initially prepared, with appended comments from the Butler County Planning Commission and the Butler Area Sewer Authority will be available for public viewing and (written) comments for a 30-day period at the Oakland Township Municipal Building, located at 565 Chicora Road, Butler, PA 16001 during the Township's regular office hours. The document will also be available for viewing and comment at Olsen & Associates' office located at 126 S. Main St., Butler, PA 16001 from 8:00 AM to 5:00 PM, Monday through Friday. The 30-day (written) comment period will be held from September 25, 2007 to October 24, 2007. The Special Sewage Study may be subject to further revision as a result of the comments of BASA and PaDEP.

Name: \_\_\_\_\_

I am a resident of Oakland Township (circle one):      **YES**      **NO**

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Comments (*continue on back, if necessary*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_

# Appendix L: Township Responses to Comments

## **Municipal Responses to Public Comments**

Oakland Township displayed its draft SPECIAL SEWAGE STUDY (with comments from the Borough Council, the Butler County Planning Commission, and from the Butler Area Sewer Authority) from September 25, 2007 until October 24, 2007 in accordance with PaDEP requirements. No public comments were made during this time, nor were public comments received prior to the public comment period. Therefore Oakland Township had no responses.