



VIA E-FILING

September 11, 2026

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
400 North Steet
2nd Floor, Room-N201
Harrisburg, PA 17120

**RE: Application of Aqua Pennsylvania, Inc. to Provide Water Service to an
Additional Portion of West Nantmeal Township, Chester County, Pennsylvania
Docket No. A-2026-_____**

Dear Secretary Homsher:

Please find enclosed here the **PUBLIC** Application of Aqua Pennsylvania, Inc. ("Aqua") For Approval to Begin to Offer, Render, Furnish and Supply Water Service to the Public in an Additional Portion of West Nantmeal Township, Chester County, Pennsylvania ("Application").

Aqua's Application contains CONFIDENTIAL information which is being separately filed via Federal Express to the Secretary's Bureau.

In accordance with the Pennsylvania Public Utility Commission ("PUC") regulations, 52 Pa. Code § 3.514(e), I have served a copy of Aqua's Application to the entities listed in the attached Certificate of Service.

If you have any questions regarding this filing, please contact me at 610-645-1130 or by email at astahl@aquaamerica.com.

Sincerely,



Alexander R. Stahl
Regulatory Counsel

Enclosure

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In re: Application of Aqua Pennsylvania, Inc.	:	
for approval to begin to offer, render,	:	
furnish and supply water service to the public in an	:	Docket A-2026-
additional portion of West Nantmeal Township,	:	
Chester County, Pennsylvania	:	

To the Pennsylvania Public Utility Commission (“Commission”):

1. The name and address of Applicant are:

Aqua Pennsylvania, Inc.
762 W. Lancaster Avenue
Bryn Mawr, PA 19010

(Hereinafter referred to as “Aqua” or “Applicant”).

2. The name, address and contact information of Applicant’s attorney are:

Alexander R. Stahl, Esq.
Regulatory Counsel
Aqua Pennsylvania, Inc.
762 W. Lancaster Avenue
Bryn Mawr, PA 19010
(610) 645-1130
Astahl@aquaamerica.com

3. Aqua is a regulated public utility company, duly organized and existing under the laws of the Commonwealth of Pennsylvania. Currently, Aqua furnishes service to approximately 560,000 customer accounts in Pennsylvania (representing a population of approximately 1.59 million people), as reflected in documents already on file with the Commission. Aqua’s existing service territory covers various Counties throughout Pennsylvania, including parts of Chester County.

4. By this Application, Aqua seeks Commission approval to provide water service to additional territory in West Nantmeal Township, Chester County, Pennsylvania (“Requested Territory”). The Requested Territory is shown on the map attached hereto as Attachment A.¹ The description of the Requested Territory is attached hereto as Attachment B.

There is a need for public water service in the Requested Territory. In particular, Hammell-O'Donnell Properties, LLC (“Builder”), which is not affiliated with Aqua, has requested Aqua to provide public water service for a new commercial / industrial development called Hammell-O'Donnell Business Park (the “Development”) which will consist of ten (10)² fully improved “build to suit” lots located along Chestnut Tree Road (S.R. 4025) in West Brandywine and West Nantmeal Townships, Chester County.³ The letter from Hammell-O'Donnell Properties requesting service to the Development is attached hereto as Attachment C. West Nantmeal Township has reviewed the proposed Development and approved a Resolution granting the Development Conditional Preliminary Plan Approval. The Board of Supervisors’ Resolution is attached hereto as Attachment D. The Chester County Planning Commission has reviewed the Development and confirmed the Development is consistent with their Rural Landscape designation as outlined in Landscapes3, the County’s Comprehensive Plan. The County’s September 2, 2025, review letter is attached hereto as Attachment E.

¹ The Requested Territory Map is being provided in PUBLIC and CONFIDENTIAL format.

² At the time of this application, Lots 1, 2 & 3 are proposed to be consolidated into one lot for a safety equipment fabrication company. Lot 4 will have a commercial landscaping supply company. Lot 5 will have the sewage pump station and an electrical materials supplier and used to store equipment. Lots 6 and 7 are proposed to be used by a local site contractor to store equipment / materials and operate a filling station to fill their water wagons. The final three lots are currently not accounted for.

³ As noted below in Paragraph 6, the Approach Main will extend from the intersection of Horseshoe Pike and Chestnut Tree Road, which is the intersection of West Nantmeal Township, Honey Brook Township, and West Brandywine Township. The Requested Territory is only in West Nantmeal Township, though the parcels to be served are in West Nantmeal Township and West Brandywine Township.

5. Wastewater Service will be provided by the Northwestern Chester County Municipal Authority (“NCCMA”).

6. Following approval of this Application, the Builder will enter into a Builder’s Extension Agreement to fund and install a water main extension that will extend from Aqua’s existing 12-inch ductile iron pipe (“DIP”) water main, located at the intersection of Horseshoe Pike (S.R. 0322) and Chestnut Tree Road in West Brandywine Township, along Chestnut Tree Road to the Development (the “Approach Main”) and then within the Development (the “Internal Main”). The Approach Main will require approximately 770 feet of 8-inch DIP, the Internal Main will consist of 40 feet of 8-inch high-density polyethylene (“HDPE”) main to cross two (2) Sunoco Pipelines, and 2,210 feet of 8-inch DIP. In addition, it is estimated that there are six (6) fire hydrants proposed within the Development. These fire hydrants will be Private fire hydrants, owned and maintained by Aqua, and billed to the Developer or Commercial Owners’ Association (“COA”). The proposed main extension design to serve the Development and the design engineer’s verification that the design is consistent with 52 Pa. Code §§ 65.17 and 65.18 are attached hereto as Attachment F.⁴ Attachment F in connection with the information in this Application describes the plant in service and system information as required by 52 Pa. Code § 3.514(a)(3)(i). A copy of Aqua’s standard Builder’s Extension Agreement, which will be utilized to serve the Development, is attached hereto as Attachment G.⁵

7. The preliminary estimated cost of the extension project, as estimated by the Builder, is \$565,972.00. The Builder’s estimated costs are attached hereto as Attachment H. The extension project costs are broken down by the following NARUC Major Plant Categories:

⁴ The proposed main extension design is being filed in PUBLIC and CONFIDENTIAL format.

⁵ The form of Builder’s Extension Agreement is being filed in PUBLIC and CONFIDENTIAL format.

8-inch DI Pipe and 8-Inch HDPE Pipe - Dr. Account – 101 (UPIS) – Subaccount 331
(Transmission and Distribution Mains) - \$434,072.00

Fire Hydrants – Dr. Account – 101 (UPIS) – Subaccount 335 (Hydrants) - \$63,000.00

Services - Dr. Account – 101 (UPIS) – Subaccount 333 (Services to Customers) -
\$68,900.00

Aqua is not constructing the facilities described in this paragraph (the Builder is constructing these facilities and contributing them to Aqua), and therefore, Aqua does not have sources of funds used to construct the facilities.

8. The Builder is planning to break ground for the Development sometime in the latter part of the 3rd quarter of 2026. The extension project could therefore conceivably start in the latter part of the 4th quarter of 2026 or in early 2027 following approval of this Application. The extension project is expected to take approximately four weeks to complete.

9. Within the Development, and at full build-out, Aqua estimates it will install one (1) 1-inch domestic meter, one (1) 1-1/2-inch domestic meter, and six (6) 2-inch domestic meters. Aqua's estimated cost to install the 1-inch domestic meter with radio frequency ("RF") is \$275.00, the estimated cost to install the 1-1/2-inch meter with RF is \$350.00, each 2-inch meter with RF estimated to cost \$400.00 (\$2,400.00 total for the 2-inch meters). In addition to the domestic meters, Aqua anticipates that when fully developed, seven (7) of the lots will require fire service. Aqua's estimated cost to install a 5/8-inch bypass meter with RF on each fire service's backflow preventer is \$200.00 (\$1,400.00 total for all seven). Aqua will fund the meter installations with cash on hand and will do a journal entry as a Debit to Plant / Meters, Credit to Cash.

10. The rates to be charged for water service in the Requested Territory shall be the same rates in effect from time to time for Aqua's Rate Zone 1. Each lot in the development will

have a separate water meter, to be installed by Aqua, and the owner of each lot will be responsible for payment of its individual water bills. Since the lots are “build to suit,” the future domestic water demands, monthly revenues and annual revenues are calculated in two ways. First by known and / or assumed uses and second by the estimated demands potentially proposed based on each lot’s square foot building footprint and the allowable commercial uses, which include business offices, banks or financial institutions, fabrication or finishing uses, food processing, government offices, hospital, medical, ambulatory and health care, manufacturing uses, municipal uses, printing and publishing facilities, research, warehousing, and distribution facilities, for the Development. The known / assumed lot uses are estimated to generate \$31,437.96 in domestic revenue and \$4,541.40 in fire service revenue. Aqua has estimated the potential lot uses to generate \$65,554.63 in domestic revenues and \$23,278.56 of fire service revenues. These two potential consumption and revenue scenarios are calculated and shown and attached hereto as Attachment I.

11. The incremental additional expenses that Aqua will incur related to the Development is \$332.17 per property which is the per customer operations and maintenance (“O&M”) rate approved in Aqua’s 2024 base rate case. Based on the eight total lots, the estimated additional expense to Aqua at full buildout would be \$2,697.36.

12. The extension project requires a Pennsylvania Department of Transportation (“PennDOT”) permit for the work in the intersection of Chestnut Tree Road (S.R. 4025) and Horseshoe Pike (S.R. 0322), where the tap will occur for the main extension, and the Approach Main along Chestnut Tree Road. For the Development, the Builder has obtained a National Pollution Discharge Elimination System (“NPDES”) permit No. PAD150381. The NPDES permit is attached hereto as Attachment J. The Pennsylvania Department of Environmental Protection (“PADEP”) has twice reviewed and approved an official Act 537 plan revision for the

Development. PADEP requires that a Sewage Facility Planning Module (“SFPM”) mailer application be required for each lot when service is requested to determine if sewage facilities planning is required for each of the proposed improvements. The Developer will be required to obtain a SFPM and a Water Quality Management (“WQM”) permit for construction of a proposed pump station. The costs for these permits, as provided by the Builder, is \$20,125.00. There are no other permits (i.e., stream crossing) required for the extension project.

13. The Development will be operated by personnel from Aqua’s Great Valley Division. The Development is situated in Aqua’s existing Honey Brook System, under Public Water Supply ID (“PWSID”) Number PA1150195. The existing territory for Aqua’s Honey Brook Division was approved under docket numbers A-212370F0015, A-212370F0052 and A-2019-3013427. The portion of the Development within West Brandywine Township and located in Aqua’s Friendship Water Division, PWSID Number PA1150137, was approved under Docket number A-212370F0037. In addition, the requested territory can receive supply from Aqua’s Spring Run Division under PWSID Number PA1150089. This Application only applies to the area of the Development in West Nantmeal Township. The area within West Brandywine Township is within Aqua’s current Service Territory.

14. Water supply to the Requested Territory will be provided from an integration of Aqua’s UGS North system (Friendship and Honey Brook systems) and Aqua’s Spring Run system. The Public Water Supply permits for these systems are attached hereto as Attachment K. UGS North operates with nine (9) well sources of supply. Collectively, these wells are permitted for a maximum withdrawal of 24.13 million gallons per month (“mgm”) under Delaware River Basin Commission (“DRBC”) docket number D-2023-033 CP-2. There are six (6) storage tanks located within this system that have a combined capacity of 2.15 million gallons. When needed, UGS

North can receive additional supply from the Spring Run system via an interconnect. Aqua's Spring Run system operates with eight (8) well sources of supply. Collectively, these wells are permitted for a maximum withdrawal of 52 mgm under DRBC docket number D-1989-040 CP-4. There are five (5) storage tanks located in this system with a combined capacity of 2.5 million gallons. The Spring Run system also receives supply from Aqua's Ingrams Mill Water Treatment plant, that is permitted for a maximum withdraw of 240 mgm, via an interconnection through West Bradford Township. On average, between January 2025 and December 2025, Ingrams Mill supplied an average of 7.45 mgm to Spring Run. The DRBC permits are attached hereto as Attachment L.

15. Between January 2025 and December 2025, the total-send out from Aqua's UGS North system, Spring Run system and Ingrams Mill plant was 612.7 million gallons or an average of 51.6 mgm. Aqua certifies that there is adequate capacity in Aqua's UGS North System to supply, treat, store and distribute the additional 0.2775 mgm requested for the Development.

16. The DEP Operators licenses of Kyle Roberts and Timothy Stanley are attached hereto as Attachment M.

17. No other corporation, partnership, or individual is now furnishing or has, to the best of Aqua's knowledge, corporate or franchise rights to furnish service similar to that proposed by Aqua in the Requested Territory. No competitive condition will be created by the approval of this Application, as proposed by Aqua. No municipally owned public water system is providing service in West Nantmeal Township, and, as stated above, the NCCMA provides wastewater service in West Nantmeal Township. Elverson Water Company, Inc. ("EWC") is certificated public utility that provides water service in West Nantmeal Township, but not in the Requested Territory and not within one mile of the Requested Territory. Nantmeal Warwick Sewer

Company, Inc. (“NWSC”) is a certificated public utility that provides wastewater service in West Nantmeal Township. Besides Aqua and NWSC, no other certificated water or wastewater public utility is within one mile of the proposed main extension to Aqua’s knowledge. Besides NCCMA, no other municipally owned water or wastewater utility is within one mile of the proposed main extension to Aqua’s knowledge.⁶ To Aqua’s knowledge, West Nantmeal Township does not have a mandatory connection ordinance for water service connections.

18. Aqua incorporates into this Application other information on file with the Commission which establishes the fact that Aqua is qualified to provide reasonable and adequate public water service. Aqua will supplement this Application with all additional information the Commission may require.

19. Approval of this Application is necessary and proper because there is a need for public water service in the Requested Territory, which is contiguous to Aqua’s existing territory, and Aqua is fit to provide that service. Economies of scale of an expanded customer base have a beneficial effect on existing customers. There is, moreover, a need for service and Aqua is fit to provide the service. More specifically, Aqua received a request to provide water service to the proposed Hammell O’Donnell Business Park and Aqua has existing main and provides service to existing properties proximate to the Development. No other water utility or authority exists to provide alternative service to the Development. Aqua is in the business to provide such service and offers its service based on its ability to provide the requested service.

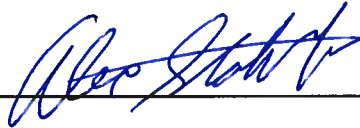
20. Aqua respectfully requests the Commission issue an Order and a Certificate of Public Convenience authorizing Aqua to furnish water service to the Requested Territory.

⁶ Other nearby water systems are mobile home parks.

WHEREFORE, the Aqua Pennsylvania, Inc. requests this Honorable Commission approve this Application and to issue a certificate of public convenience pursuant to Section 1102(a)(1) of the Public Utility Code (66 Pa. C.S. §1102 (a)(1)) authorizing Aqua Pennsylvania, Inc. to offer, render, furnish and supply public water service to the Requested Territory.

RESPECTFULLY SUBMITTED,

AQUA PENNSYLVANIA, INC.

By _____

Alexander R. Stahl, Esq.
PA Attorney ID No. 317012
Regulatory Counsel
Aqua Pennsylvania, Inc.
762 W. Lancaster Ave.
Bryn Mawr, PA 19010
610-645-1130
astahl@aquaamerica.com

Counsel for Aqua Pennsylvania, Inc.

Date: September 11, 2026

LIST OF ATTACHMENTS

Description

Attachments

Map of the Requested Territory (CONFIDENTIAL).....	A
Description of the Requested Territory	B
Letter from Hammell-O'Donnell Properties, LLC Requesting Service	C
West Nantmeal Township's Resolution.....	D
Chester County Planning Commission Review Letter	E
Preliminary Main Extension Plan (CONFIDENTIAL) and Design Engineer's Certification.....	F
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Current and Future Potential Revenue Calculations	I
NPDES Permit	J
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Aqua Operator Licenses	M

Attachment A

Map of the Requested Territory (CONFIDENTIAL)

Attachment B

*Description of the
Requested Territory*

HAMMELL O'DONNELL SUBDIVISION
Requested Territory Description

All that certain tract of land located within the Township of West Nantmeal, County of Chester, Pennsylvania, bound and described as follows:

Beginning at a point 800 feet northeast of the right-of-way line of Horseshoe Pike (S.R. 322) along the common boundary line of West Brandywine Township and West Nantmeal Township and Aqua Pennsylvania, Inc.'s ("Aqua") territory; thence

- a. From the point of beginning and continuing in a northeasterly direction along the common boundary line of West Brandywine and West Nantmeal Townships and Aqua's territory line, North 43 degrees 37 minutes 21 seconds east 1,824 feet to a point; thence
- b. Continuing in a Northwesterly direction, along the property line of the Hammell O'Donnell property, North 20 degrees 54 minutes 02 seconds West 848 feet to a point; thence
- c. Continuing in a Northeasterly direction, along the property line of Hammell O'Donnell, North 68 degrees 34 minutes 06 seconds East, 901 feet to a point; thence
- d. Continuing in a Northeasterly direction along the property line of Hammell O'Donnell, North 50 degrees 07 minutes 07 seconds East, 310 feet to a point; thence
- e. Continuing in a Northwesterly direction along the property line of Hammell O'Donnell, North 27 degrees 23 minutes 31 seconds West, 550 feet to a point; thence
- f. Continuing in a Southwesterly direction, along the property line of Hammell O'Donnell the following two courses and distances: (1) South 70 degrees 55 minutes 53 seconds West 1,486 feet and (2) South 72 degrees 01 minutes 49 seconds West 1,433 feet to a point, said point being on Aqua's existing territory line; thence
- g. Continuing in a Southeasterly direction, along the existing Aqua territory line the following two courses and distances: (1) South 17 degrees 47 minutes 52 seconds East 965 feet and (2) South 17 degrees 47 minutes 53 seconds East 1,242 feet to a point and aforementioned point and place of beginning.

Containing 111 acres of land, be the same more or less

Attachment C

*Letter from Hammell O'Donnell Properties, LLC
Requesting Service*

HAMMEL O'DONNELL PROPERTIES, LLC
(610) 883-3230
125 Lewis Mills Road, Honey Brook, PA 19344
hammelnurseries@me.com

June 10, 2026

Brenda L. Lewandowski
Manager, New Business
Aqua Pennsylvania, Inc.
762 W. Lancaster Avenue
Bryn Mawr, PA 19010

RE: Hammell O'Donnell Business Park – The Development located in West Nantmeal Township and West Brandywine Township, Chester County

Dear Ms. Lewandowski,

Hammell O'Donnell Properties has a project known as the Hammell O'Donnell Business Park located in West Nantmeal and West Brandywine Townships, Chester County. The project proposes a compilation of parcels for a proposed business park subdivision composed of 10 commercial/industrial building lots. Public water and sewer are proposed.

It is our current understanding that the Development is not situated within Aqua's existing service territory and that Aqua will be required to make an application to the Pennsylvania Public Utility Commission ("PUC") for additional territory to include the Development in its certificated service territory ("Requested Territory"). We hereby request that Aqua make an application to the PUC for the Requested Territory so it may service our Development. We will support you in your application to the PUC, and we will proceed to finalize the necessary agreements with Aqua to serve our Development.

Thank you for your cooperation in the matter.

Sincerely,



Jordan Hammell
Managing Member

Attachment D

West Nantmeal Resolution

**BEFORE THE BOARD OF SUPERVISORS
WEST NANTMEAL TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
TOWNSHIP OF WEST NANTMEAL, COUNTY OF CHESTER,
COMMONWEALTH OF PENNSYLVANIA, APPROVING THE
PRELIMINARY SUBDIVISION AND LAND DEVELOPMENT PLAN FOR
THE HAMMELL-O'DONNELL BUSINESS PARK SUBJECT TO
CONDITIONS LISTED HEREIN.**

WHEREAS, HAMMELL-O'DONNELL PROPERTIES, LLC ("Applicant") submitted a preliminary subdivision and land development plan dated May 30, 2023, last revised May 12, 2025, containing seventy-six (76) sheets and generally entitled "Preliminary Subdivision and Land Development Plan for Hammell-O'Donnell Business Park" prepared by Howell Engineering (the "Subdivision Plan");

WHEREAS, the Subdivision Plan proposes to create a 10-lot subdivision on 119.483 acres located in West Nantmeal and West Brandywine Townships identified as Chester County Tax Parcel Nos. 23-6-16, 23-6-16.4, 23-6-16.5, 29-1-1, 29-1-1.3 and 29-1-1.4. Lots 1-4 are located entirely within West Nantmeal Township. Lots 5-10 are bisected by the boundary line of West Nantmeal and West Brandywine Townships. Access to the 10 lots will be provided via a 28-foot wide curbed private road accessing Chestnut Tree Road (SR 4026). Public water service will be provided by Aqua Pennsylvania and public sewer service will be provided by the Northwestern Chester County Municipal Authority;

WHEREAS, on March 10, 2025, the Board of Supervisors granted a conditional use pursuant to Section 215-17.C(1) of the West Nantmeal Township Zoning Ordinance to allow the development of the Property as a business, professional office and industrial park subject to various conditions;

WHEREAS, on June 23, 2025, the West Nantmeal Township Planning Commission recommended that the Board grant preliminary subdivision and land development approval of the Subdivision Plan subject to various conditions;

WHEREAS, the Board is willing to grant preliminary plan approval subject to certain conditions set forth herein.

NOW, THEREFORE, this 11th day of August 2025, the West Nantmeal Township Board of Supervisors hereby GRANTS preliminary subdivision and land development approval of the Subdivision Plan subject to the following conditions:

1. Applicant shall comply with all items listed in the June 23, 2025 review memorandum prepared by Castle Valley Consultants, Inc., attached as **Exhibit A.**

2. Applicant shall comply with all items listed in the April 7, 2025, April 23, 2025 and July 11, 2025 review letters prepared by Bowman attached as **Exhibit B**. In order to comply with these letters if required by the Township Traffic Engineer, Applicant shall provide an updated traffic impact study as required by Sections 170-22.B.(4)(h) and 170-26 of the West Nantmeal Township Code. Applicant shall update the Subdivision Plan and HOP plans as indicated in the response letter prepared by TPD dated July 18, 2025. The traffic impact study shall evaluate any proposed phasing of off-site roadway/intersection improvements and include traffic signal warrants. Subject to the Township and Pennsylvania Department of Transportation's ("PennDOT") approval, Applicant shall design and install interim improvements to the intersection of Route 322 and Chestnut Street Road as depicted on the plans prepared by TPD titled "Offsite Intersection Interim Improvement Concept", dated July 16, 2025 (the "Interim Improvements.") The Interim Improvements must be installed by Applicant prior to the issuance of a use and occupancy certificate for the first use of a lot on the Subdivision Plan. Provided that security is not required by PennDOT, Applicant shall be required to post financial security in an amount recommended by the Township engineer for the Interim Improvements as part of the financial security for the proposed development.

3. As each lot in the Subdivision Plan applies to the Township for land development approval, the applicant for such lot shall be required to prepare and submit a traffic impact study that identifies the projected volume of traffic anticipated to be generated by the proposed development of that particular lot or lots. At the point where the cumulative proposed volume of traffic from the proposed development of any of the lots in the Subdivision Plan is equal to or exceeds 50% of the traffic estimated by Applicant in its updated traffic study, Applicant shall install the full intersection improvements required by PennDOT ("Ultimate Improvements"). The Township shall approve the design of the Ultimate Improvements. (For example, Applicant's traffic study dated 8/19/2024 estimated that the daily trips to the proposed subdivision and development of the Property would generate 2,304 trips. Once a traffic impact study that is submitted for any land development approval of any lot in the Subdivision Plan estimates that the anticipated traffic meets or exceeds 1,152 daily trips, Applicant shall be required to install the Ultimate Improvements.) Provided that security is not required by PennDOT, Applicant shall be required to post financial security in an amount recommended by the Township engineer for the Ultimate Improvements as part of the financial security for the proposed development.

4. Applicant shall obtain a Highway Occupancy Permit ("HOP") for the proposed road access onto Chestnut Tree Road, as well as any improvements to Chestnut Tree Road and the intersection of Chestnut Tree Road with Route 322 from PennDOT for both the Interim Improvements and the Ultimate Improvements.

5. Applicant shall obtain approval of the Act 537 Sewage Facilities Planning Module from the Northwestern Chester County Municipal Authority (the "Authority") and the Pennsylvania Department of Environmental Protection ("PaDEP") prior to final plan approval as required by Section 170-14.D.(5) of the West Nantmeal Township Code.

6. Upon receipt of Planning Module approval from the PaDEP, Applicant shall provide to the Township, Honey Brook Township, PennDOT and the Authority detailed plans for the sewer connection to the Authority's sewer system. Applicant shall obtain all necessary permits and approvals for the proposed pump station and force main as required by 170-14 of the West Nantmeal Township Code.

7. Applicant shall obtain a Highway Occupancy Permit (HOP) for any proposed stormwater management facilities to be built within Route 322. Applicant shall enter a Stormwater Management Operation and Maintenance Agreement with the Township in a form provided by the Township which obligates Applicant or its successors in title to perpetually maintain the stormwater management facilities built in the PennDOT right of way.

8. Applicant shall secure approval from Aqua PA for the expansion of the public water franchise area and shall secure all required approvals for the extension of water service to serve the Property as required by Section 170-42 of the West Nantmeal Township Code.

9. Applicant shall provide fire hydrants in number and location in accordance with the requirements of the Glenmoore Fire Department as required by Section 170-42.F.(8) of the West Nantmeal Township Code.

10. Applicant shall pay a park and recreation fee in an amount to be determined by the Board prior to release of the final plan for recording as required by ORDINANCE No. 46-1995.

11. Applicant shall obtain an NDPES Stormwater Discharge Permit from the PaDEP for the Post-Construction Stormwater Management Plan.

12. Applicant shall provide documentation of plan approval from West Brandywine Township. The final plans shall not be released until Applicant has secured written approval from West Brandywine Township.

13. Applicant shall revise the Subdivision Plan to extend the 20' access easement to the property line shared with Tax Parcel No. 23-7-12.

14. The proposed roads within the Business Park shall be privately owned and maintained by Applicant or its successors and assigns, which may include an association created by Applicant to own and maintain any common facilities. If Applicant creates an association to own and maintain the common facilities, a copy of the declaration creating the association shall be provided to the Township solicitor for review and approval prior to the release of final plans for recording.

The Board also grants approval of the following requested waivers:

- a. SECTION 170-22.A.(1) – PLAN SCALE – to allow the Subdivision Plan to be drawn at a scale of 1" = 50'.
- b. SECTION 170-22.B.(4)(A) – ROAD PROFILE SCALE - to allow for the road profile to be drawn at a scale of 1" = 50'.
- c. SECTION 170-39.E. – SIDE LOT LINE DIMENSIONS - to allow for side lot lines to be 39 feet in length.
- d. SECTION 170-46.F.(7) – PLANT LIST MODIFICATIONS - to allow adjustments of the approved plant list to include other commercially available species.
- e. SECTION 170-46.D. – BUFFER PLANTINGS - to provide plantings for Buffers D, E, and F. These buffers are located north of the Texas Eastern Pipeline Easement in an area that is restricted from future development. This waiver request shall be added to the Requested Waivers on Sheet 1.

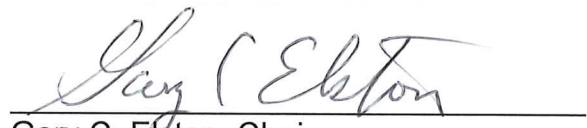
To the extent that any of the above conditions are determined to be invalid, the invalid condition(s) are severable and the invalidity shall not affect the validity of the remaining conditions imposed.

RESOLVED this 11th day of August, 2025.

ATTEST:


Deborah M. Kolpak, Secretary

**WEST NANTMEAL TOWNSHIP
BOARD OF SUPERVISORS**


Gary C. Elston, Chairman


Nelson R. Beam, Vice Chairman


Frank V. Daniel, Jr., Member

Exhibit A

June 23, 2025 Review Memorandum

Prepared By Castle Valley Consultants, Inc.



Castle Valley Consultants, Inc.

Engineers • Planners • Design Professionals

MEMORANDUM

TO: WEST NANTMEAL TOWNSHIP PLANNING COMMISSION
FROM: CRAIG KOLOGIE, AICP & THEODORE G. KOVEN, P.E.
SUBJECT: HAMMELL-O'DONNELL BUSINESS PARK SUBDIVISION AND LAND
DEVELOPMENT – PRELIMINARY PLAN REVIEW
DATE: JUNE 23, 2025

PROJECT DATA

Owner/Applicant: Hammell-O'Donnell Properties Inc.
Tax Parcel Number(s): 23-06-14, 23-06-16.04, 23-06-16.05, 29-01-01, 29-01-01.03, 29-01-01.04
Engineer: Howell Engineering
Plan Dated: May 30, 2023, last revised May 12, 2025

MATERIAL REVIEWED

1. Preliminary Subdivision and Land Development for Hammell-O'Donnell Business Park, West Nantmeal and West Brandywine Townships, Chester County, PA, prepared by Howell Engineering, consisting of 76 sheets, dated May 30, 2023, last revised May 12, 2025.
2. Post Construction Stormwater Management Report for Hammell-O'Donnell Business Park, West Nantmeal and West Brandywine Townships, Chester County, PA, prepared by Howell Engineering, dated August 13, 2024, last revised May 10, 2025.
3. Erosion & Sediment Control Report for Hammell-O'Donnell Business Park, West Nantmeal and West Brandywine Townships, Chester County, PA, prepared by Howell Engineering, dated May 10, 2025.

PROJECT DESCRIPTION

This subdivision and land development application proposes to create a 10-lot subdivision on 119.483 acres located in West Nantmeal and West Brandywine Townships. Lots 1-4 are located entirely within West Nantmeal Township. Lots 5-10 are bisected by the boundary line of West Nantmeal and West Brandywine Townships. Access to the lots will be provided via a 28-foot-wide curbed private road accessing Chestnut Tree Road (SR4026). Public water and sewer are proposed.

WAIVER REQUESTS

1. SECTION 170-22.A.(1) – PLAN SCALE

Section 170-22.A.(1) requires the plans be drawn at a scale of not less than 1"=50'.

The plan lists a waiver request to allow the plans to be drawn at a scale of 1 inch = 50 feet. The plans are in conformance with this requirement and a waiver request is not needed. Please remove from the Requested Waivers list on Sheet 1.

2. SECTION 170-22.B.(4)(A) – PROFILE SCALE

Section 170-22.A.(1) requires the plans be drawn at a scale of not less than 1"=50'. Section 170-22.B.(4)(A) states profiles shall be shown at horizontal scale of one inch equals 40 feet.

The plan lists a waiver request to allow road profiles to be drawn at a scale of 1 inch = 50 feet. We offer no objection to this request.

3. SECTION 170-39.E. – LOT LINES

This section states "wherever practicable, the side lot lines shall be perpendicular to straight street lines, and radial to curved street lines and cul-de-sac turnarounds."

The Applicant requests a waiver to allow the perpendicular portion of the side lot line to be 39-feet long for Lots 4/5 and 9/10. Also, the Applicant should note the side lot line for Lots 5/6 is perpendicular to the right-of-way along the cul-de-sac bulb – this area of non-compliance should be added to the waiver request. The Applicant's Engineer should discuss this waiver request with the Planning Commission.

4. SECTION 170-46.D – BUFFER PLANTINGS

This section requires that the number of proposed buffer plantings be in conformance with values in Table 170-46.D., Minimum Plant Standards.

The Applicant requests a waiver from providing plantings for Buffers D, E, and F. These buffers are located north of the Texas Eastern Pipeline Easement in an area that is restricted from future development. This waiver request should be added to the Requested Waivers on Sheet 1. We support this waiver request.

5. SECTION 170-46.F.(7) – PLANT LIST

This section contains the Township approved plant list.

The Applicant requests a waiver to allow for adjustment of the plant list to include other commercially available species. We support this waiver request, subject to the condition that all plant substitutions be reviewed and approved by the Township prior to the ordering and planting of the substitutions.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

1. SECTION 170-14.D.(5) – SEWAGE FACILITIES PLANNING MODULE

Section 170-14.D.(5) requires Preliminary Plan applications to include the following items: A Planning Module for Land Development as required by Pennsylvania Sewage facilities Act and/or the rules and regulations there under of the Pennsylvania Department of Environmental resources, concerning sewage facilities proposed to serve the subdivision and /or land development. All items of the Planning Module, except those requiring signatures of Township officials and those indicating approval or disapproval by the Township, shall be fully prepared and completed by the Applicant.

The Applicant is working with Honeybrook Township to incorporate the entire southern Limited Industrial District in the Act 537 Sewage Plan. The Township has granted an additional one (1) year extension to the Applicant to provide the planning modules as the details of the intermunicipal agreements are finalized.

The Act 537 Plan was amended by an intermunicipal sewer agreement dated September 21, 2017, and recorded in the Chester County Recorder of Deeds on December 26, 2017.

Planning Modules are currently under review by PaDEP, and the applicant is currently working with AQUA Pennsylvania and the Pennsylvania Utilities Commission to expand the public water franchise area, as required.

The Applicant shall provide proof of Act 537 Sewage Facilities Planning Approval from PA DEP and shall provide documentation of the AQUA Pennsylvania public water franchise area prior to final plan approval.

2. SECTION 170-22.A.(7) – PLAN LEGIBILITY

Section 170-22.A.(7) states, "Drafting shall be legible, not be freehand and must show the entire property boundary." The following comments are offered:

a. The NPDES Permit Boundary is still not clearly shown on the PCSM Plans. This line should be shown as a distinct linetype and should differ from the linetype for the site boundary.

b. The pipeline right-of-way/easement shall be labeled on the Plan.

3. SECTION 170-22.B.(4)(H) – TRAFFIC STUDY

This section states "A traffic impact study as required by and in accordance with this chapter."

The Applicant's Engineer has indicated that an updated Traffic study will be prepared by Traffic Planning and Design. Please refer to the review of the Highway Occupancy Permit and traffic related aspects of the land development plan prepared by Bowman under separate cover.

4. SECTION 170-27.B. – IMPROVEMENTS GUARANTEE

This section requires financial security be submitted in a form acceptable to the Township Solicitor prior to the release and recording of the final plan.

The Applicant's Engineer has acknowledged that the financial security agreement must be submitted for review and approval prior to recording the final plan.

5. SECTION 170-36 – MAINTENANCE GUARANTEE

This section requires financial security be submitted in a form acceptable to the Township Solicitor prior to the release and recording of the final plan.

Financial security must be submitted for review and approval prior to recording the final plan.

6. SECTION 170-40. – MONUMENTS AND LOT PINS

Section 170-40. describes the requirements for the setting of monuments and lot pins.

The Title Plan needs to show the monuments on the proposed Chestnut Tree Road right-of-way line.

7. SECTION 170-41 – SEWAGE TREATMENT AND DISPOSAL

This section contains requirements demonstrating adequate sewage treatment and disposal to serve the project.

Public sewer has been proposed on the plans as the means of sewage disposal. The plans show that the proposed 6" SDR26 PVC force main line will connect at the existing sanitary manhole (Cupola No. 637) along Horseshoe Pike (S.R. 322) in Honeybrook Township.

The plan set must be submitted to Northwestern Chester County Municipal Authority (NCCMA), for review and approval. The Applicant shall pay all costs associated with the construction of the force main and connection including road restoration and overlay as required by PennDOT according to an approved Highway Occupancy Permit. In addition, the Township may require financial security and maintenance agreement for sanitary sewers within right-of-way offered for dedication to the Township.

The Applicant's Engineer has acknowledged this requirement. Upon receipt of Planning Module approval, detailed plans for the sewer connection will be submitted to the Northwestern Chester County Municipal Authority, West Nantmeal Township, Honey Brook Township, and PennDOT for the appropriate permits and approvals of the proposed pump station and force main.

8. SECTION 170-42 – WATER SUPPLY

This section contains requirements demonstrating adequate sewage treatment and disposal to serve the project.

The Applicant has planned public water for the development and has indicated that submission to AquaPA for review and approval is pending. The Applicant has submitted a letter of water availability

dated April 26, 2006, from Aqua Pennsylvania Inc., which indicates that the development is not situated within Aqua Pennsylvania Inc.'s certificated service territory. In order to serve the development, an application to the Pennsylvania Public Utility Commission ("PUC") requesting additional territory approval to serve the development will need to be made by AquaPA.

The submitted preliminary plans show a connection of the proposed looped 12" DIP water main with the existing 12" CIP water main located along Horseshoe Pike (S.R. 322) in Honeybrook Township. The Applicant shall pay all costs associated with the application to the PUC and associated with the construction of the water line and connection including road restoration and overlay as required by PennDOT according to the HOP.

The applicant is currently working with AQUA Pennsylvania and the Pennsylvania Utilities Commission to expand the public water franchise area, as required. Please note that AQUA has stated that in accordance with Pennsylvania Utility Commission requirements, franchise area cannot be formally expanded until a project's subdivision and land development plans have been approved by the local municipality.

The applicant agrees to secure AquaPA approval for expanding the franchise area and shall secure any required approvals for the extension of water service to serve the site.

9. SECTION 170-42.F.(8). – FIRE HYDRANTS

This section requires that where public water supply is available, the Applicant shall install fire hydrants so that their location will be within a six hundred (600') radius of any house within the subdivision or land development. Fire hydrants shall each provide the number of gallons of water per minute at the number of pounds per square inch pressure sufficient, in both cases, to meet with the minimum fire flow recommendations of the ISO Agency (Insurance Service Organization).

Fire hydrants shall be provided in accordance with the requirements of the Glen Moore Fire Department. Fire hydrant detail(s) and specifications shall be included on the Plan. The Plan shall include a note to clarify that additional fire hydrants may be required for individual lot development. The Applicant shall provide WNT with all correspondence with the Glenmoore Fire Department. The applicant agrees to furnish written approval from the Fire Department prior to plan approval.

10. SECTION 170-43.B. – UTILITY NOTIFICATION

This section requires that the Applicant contact all applicable utilities and accurately determine the locations and depths of all underground utilities within the boundaries of the tract proposed for development, prior to excavation. A list of the applicable utilities and their phone numbers shall appear on the plans submitted for review, and proof of contract shall be presented to the Township prior to final plan approval.

Texas Eastern must provide an approval for any crossing of their lines. Texas Eastern approval of the proposed stormwater basin outfall crossing is being pursued, as required. A pipeline depth survey was completed on July 27, 2011, and the respective depths of the two Texas Eastern pipelines have been reflected on these revised plans. The basin outfall has been revised accordingly.

Documentation of approval from Texas Eastern for the proposed stormwater basin outfall discharge across their pipelines shall be provided prior to final plan approval. Documentation that this easement has been secured must be provided.

11. SECTION 170-46.D. – MINIMUM PLANT STANDARDS

This section requires that the number of proposed plantings be in conformance with the values published in Table 170-46D, Minimum Plant Standards.

Buffer C borders the Rural Residential District – thus a landscape buffer is required. The number of plantings for buffer C is insufficient.

12. SECTION 170-48.C.(2) – STREETLIGHTS

This Section states “poles and standards for streetlights with appropriate shielding and underground parkway cable service lines shall be furnished and installed by the applicant, when and wherever required by the Board, and shall be approved by the Board as to type and location along each right-of-way, spaced not more than 500 feet apart and each providing 0.2 footcandle of illumination.

The Board shall decide whether lighting shall be provided in conformance with the above requirement. The Applicant's Engineer has acknowledged this comment.

13. SECTION 170-48.C.(5) – STREET NAMES AND SIGNS

This section requires that street names shall be approved by the Board of Supervisors and duplication shall be avoided unless as a continuation of an existing street or project of same. The Applicant shall install sign posts, street names, plates, and such other signs as approved and required by the Board of Supervisors. At least one (1) street name sign shall be erected at each street intersection. With respect to cul-de-sacs, the Applicant shall also install, at each street intersection thereof, a “dead end” or “no outlet” sign.

Street signs have been provided as requested. The Applicant acknowledges that proposed road names are being considered and will be submitted to the Board for review and comment prior to final plan approval.

Street names shall be submitted to the Board for review and comment prior to final plan approval. The Chester County GIS/Emergency Services must also approve the street names. The Applicant's Engineer has acknowledged this comment.

14. SECTION 170-48.D.(1)(B) – SAFE SIGHT STOPPING DISTANCE

We defer to the Township Traffic Engineer and PennDOT with respect to safe stopping sight stopping distance for the proposed emergency access road and Chestnut Tree Road intersection. The Applicant's Engineer has acknowledged this comment.

15. SECTION 170-48. F(9) – SAFE INTERSECTION SIGHT DISTANCE

We defer to the Township Traffic Engineer and PennDOT with respect to safe intersection sight distance for the proposed emergency access road and Chestnut Tree Road intersection. The Applicant's Engineer has acknowledged this comment.

16. SECTION 170-50. – SIDEWALKS

Sidewalks shall be provided where recommended by the Township Planning Commission and required by the Board of Supervisors. The Applicant's Engineer has acknowledged this comment.

STORMWATER MANAGEMENT ORDINANCE COMMENTS

1. SECTION 158-14. – PERMIT REQUIREMENTS BY OTHER GOVERNMENTAL AGENCIES

Prior to final plan approval, the Applicant shall provide other permits/approvals including but not necessarily limited to PennDOT HOP and NPDES Permit for construction activities. Required approvals shall be listed on the Plan consistent with §158-26A(2).

2. SECTION 158-15. – EROSION AND SEDIMENT CONTROL

The Erosion and Sediment Control Plans need additional refinement. Please see the below comments:

- a. Swale construction details and specifications need to be shown on the plans.*
- b. A full size E&S drainage area plan needs to be provided to confirm the sediment basin drainage area. This should be included in the Erosion & Sediment Control Report as a separate exhibit.*

3. SECTION 158-18.J. – SITE SOILS EVALUATION

The provided Stormwater Infiltration Report indicates mottling at test pits 12-7-1 and 12-7-2 (within the proposed infiltration basin). Because of the cut depths within the infiltration basin, the required isolation distance cannot be met. Soils and test results at test pit 12-7-1 do not appear to be conducive to infiltration. The design of the infiltration basin should follow the existing contours and not have excessive changes in grade. It may be necessary to have more than one infiltration basin and/or utilize different types of BMPs. If the Applicant's Engineer decides to not revise the layout of the infiltration basin floor, then a dewatering pipe shall be provided beneath the floor with the end capped within the outlet structure.

4. SECTION 158-21.H. – HYDRAULIC COMPUTATIONS

Hydraulic computations to determine the capacity of pipes, culverts, and storm sewers shall be consistent with methods and computations contained in the Federal Highway Administration Hydraulic Design Series Number 5 (Publication No. FHWA-NHI-01-020 HDS No. 5, as amended). Hydraulic computations to determine the capacity of open channels shall be consistent with methods and computations contained in the Federal Highway Administration Hydraulic Engineering Circular

Number 15 (Publication No. FHWA-NHI-05-114 HEC 15, as amended). Values for Manning's roughness coefficient (n) shall be consistent with Table C-3 in Appendix C of the chapter.

The swale design needs further refinement. A number of the swales are extremely flat – all swales shall have a minimum slope of 2%. The swale numbers shall be indicated on the plan. It is recommended the swale analysis be based on a shear stress analysis for the initial matting placement and Retardance 'C' conditions. A drainage area plan showing the drainage area to each swale number needs to be provided.

5. SECTION 158-22.G. – EROSION PROTECTION AT POINTS OF DISCHARGE

A portion of this requirement states that adequate erosion protection and energy dissipation shall be provided along all open channels and at all points of discharge.

The drainage area to the infiltration basin discharge point will be significantly increased from the pre-development (1.5 acres) to post-development conditions (28 acres). The concern is that the discharge (68 cfs for 100-year storm) to this one portion of the Texas Eastern Pipeline Easement will be significantly increased and cause erosion within the pipeline easement. A post-development conditions stability analysis shall be performed immediately below this discharge point to demonstrate that erosive conditions do not exist. A shear stress analysis should be performed for the 100-year peak discharge from the infiltration basin.

6. SECTION 158-26.B.(8)(g) – PNDI AREAS

Areas that are part of the Pennsylvania Natural Diversity Inventory (PNDI) and a list of potential impacts and clearances received (for regulated activities involving one acre or more proposed earth disturbance).

The applicant agrees to provide the PNDI search report.

7. SECTION 158-26.C.(7) – PROJECT SCHEDULE

The applicant agrees to furnish an expected project time schedule.

8. SECTION 158-26.E. – COMPUTATIONS

Stormwater runoff design computations and documentation, such as hydrologic, hydraulic, and structural computations, assumptions, BMP loading ratios, etc., consistent with the guidelines and criteria presented in the PA BMP Manual (as amended) or other guidance acceptable to the Municipal Engineer, and used in the design of the BMPs, Conveyances and other features proposed to be utilized for stormwater management, or as otherwise necessary to demonstrate that the requirements of this chapter have been met, specifically including the requirements in §§ 158-13 and 158-16 through 158-21.

Pipe capacity calculations shall be provided for the 24-inch HDPE pipe between Manhole 43 and Endwall 44. The plans should show the existing outfall from the basin that will connect into Manhole 43, including all existing inverts, pipe information, etc. The Applicant's Engineer shall demonstrate the proposed pipe between Manhole 43 and Endwall 44 will not compromise the

functioning of the existing detention basin. The capacity of the proposed pipe extension shall equal or exceed the capacity of the existing outfall pipe.

9. SECTION 158-37. – OPERATION AND MAINTENANCE AGREEMENT

The applicant agrees to furnish an operation and maintenance agreement prior to final approval.

10. SECTION 158-38. – EASEMENTS AND DEED RESTRICTIONS

We recommend the proposed easements be shaded/hatched on the Easement Plans in order to allow for easier identification. This includes the easements on the site. The emergency access easement should not encroach into the wetlands buffer. Also, a portion of the drainage easement (near the infiltration basin outfall) is within 25-foot pipeline setback.

ADDITIONAL ORDINANCE COMMENTS

1. ORDINANCE NO. 46-1995 – PARK AND RECREATION FEE

This ordinance requires a park and recreation fee of \$2,500 per lot be paid in lieu of facilities for non-residential subdivisions of 5 acres or more.

The Applicant's Engineer acknowledges that the park and recreation fee must be submitted prior to recording the final plan.

2. ORDINANCE NO. 107 OF 2008 – TRANSPORTATION CAPITAL IMPROVEMENT FEE

This ordinance requires that the Applicant provide a Transportation Capital Improvements Fee calculated at a rate of \$377.55 per new weekday afternoon peak-hour trip.

The Applicant's Engineer acknowledges that the Transportation Capital Improvement Fee must be submitted prior to recording of the final plan.

GENERAL COMMENTS

1. The driveway return radii for the pump station driveway should be shown on Sheet 7.
2. The Texas Eastern Pipeline Easement and pipes should be labeled on Sheet 3 and other sheets.
3. The Stormwater Basin Sequence of Construction on Sheet 43 and the Stormwater Infiltration Basin Construction Specifications on Sheet 44 shall include the sediment basin conversion to an infiltration basin.
4. The extent of the (Raingarden) Seed Mix should be hatched on the PCSM Plans..
5. The Pipe – Emergency Access Profile (Sheet 60) needs to label the structures and invert elevations. The horizontal and vertical scales for this profile appear to be incorrect.

6. The Lot 5 building setback lines should not encroach into the sanitary easement and future access easement. The 20-foot wide future access easement shall be labeled on Sheet 7.
7. The following comments are offered on the General Site Sequence of Construction on Sheet 56:
 - a. The construction sequence should include steps for the sediment basin installation, topsoil stripping/stockpiling, curb, rip-rap aprons, and the conversion of the sediment basin to an infiltration basin.
 - b. The steps concerning the installation of the stormwater facilities, appear too early in the sequence. All work concerning the installation of the infiltration facilities should occur after all uphill areas are stabilized with 70% uniform vegetative cover.
8. It is not clear how vehicles will access for the maintenance of the proposed Stormwater Management Basin. The proposed means of access to the proposed Stormwater Management Basin should be identified on the plans.
9. The Stormwater BMP Manual recommends the topsoil within the floor of an infiltration basin be amended with compost. Sheet 43 should specify that the infiltration basin floor shall be planted with Ernst Raingarden Mix.
10. The truck turning maneuvers at the southern site entrance (Road 'A' and Chestnut Tree Road) shown on Sheet 66 are difficult to read. It is recommended the these truck turning templates be shown at an enlarged scale. The turning maneuvers on Sheet 67 are more legible but should be labeled as to whether they are entrance or exit movements.
11. Appropriate construction detail(s) of the proposed Stormwater Basin must be provided. The information provided lacks sufficient details to enable a contractor to build the infiltration basin. At a minimum, the following information should be provided on the construction detail or in the Stormwater Infiltration Basin Construction Specifications:
 - a. A detail regarding the sediment basin conversion to an infiltration basin.
 - b. The addition of topsoil and addition of compost for the preparation of the basin floor.
 - c. We recommend the infiltration BMP be provided with a perforated pvc dewatering pipe and shut-off valve or cap.
 - d. The Basin Outlet Structure Detail is generic and lacks sufficient detail. A cross-section (perpendicular view of the basin outlet structure) showing the wall, rectangular orifice, backfill and compaction, grading, rip-rap, level spreader, the limits of the 50-ft wetlands buffer, and the edge of the 25-ft. pipeline setback should be provided. Realistic profiles of the existing and proposed ground surface in this area should be provided in both views.
 - e. Construction details of the rip-rap and level spreader.
12. The proposed watermain sewer shown on the Road 'A' profiles should have a minimum clearance of 18-inches from the sanitary forcemain. The horizontal separation between the watermain and sanitary forcemain should be 10-feet unless adequate measures are provided to prevent cross contamination.

13. Site Location Map is missing from the Stormwater Report.

REQUESTED WAIVERS

1. SECTION 170-22.A.(1) – PLAN SCALE

A waiver is requested to allow for plans to be drawn at a scale of 1" = 50'.

We have no objection to this waiver request.

2. SECTION 170-22.B.(4)(A) – ROAD PROFILE SCALE

A waiver is requested to allow for road profiles to be drawn at a scale of 1" = 50'.

We have no objection to this waiver request.

3. SECTION 170-39.E. – SIDE LOT LINE DIMENSIONS

A waiver is requested to allow for side lot lines to be 39 feet in length.

We have no objection to this waiver request.

4. SECTION 170-46.F.(7) – PLANT LIST MODIFICATIONS

A waiver is requested to allow adjustments of the approved plant list to include other commercially available species.

We have no objects to plant lists substitutions with the understanding that all proposed substitutions must be reviewed and approved by the Township.

This letter should not be considered as our all-inclusive comments; future reviews may provide additional comments as additional information is provided by the applicant.

CAK & TGK

cc: Debi Kolpak, Township Secretary (via email only wntwp@ptd.net)
Kristin Camp, Esq, Township Solicitor (via email only kcamp@buckleyllp.com)
Ed Nespole, Howell Engineering (via email only enespoli@knowhowell.com)
John Yurick, PE, Bowman (via email only jyurick@bowman.com)
Michael Shiring, Esq, RRHC (via email only mikes@rrhc.com)

Exhibit B

April 7, 2025, April 23, 2025 and July 11, 2025

Review Letters Prepared by Bowman

Bowman

April 23, 2025

Ms. Deborah Kolpak
Secretary/Treasurer/Open Records Office
West Nantmeal Township
455 N. Manor Road
PO Box 234
Elverson, PA 19520

RE: Hammel-O'Donnell Properties, LLC Traffic Review #2
West Nantmeal Township, Chester County
Bowman Project No. 314294-24-001

Dear Ms. Kolpak:

Bowman Consulting Group (Bowman) completed a traffic review of the amended plans for the proposed business park development located at 150 Column Drive. The amended plan proposes a reduction in the number of lots within the business park from 15 lots to 11 lots. However, despite the lot change, it is proposed to maintain the same overall square footage of each land use within the business park, consisting of 150,000 square feet of general light industrial space, 150,000 square feet of warehousing space, and 96,000 square feet of office space. Access to the site is provided to Chestnut Tree Road (S.R. 4025) via Column Drive, which is proposed to be improved from a gravel driveway to an asphalt curbed driveway. This review is based on the following documents:

- *Preliminary Subdivision & Land Development Plan of Hammel-O'Donnell Business Park*, prepared by Howell Engineering, dated May 30, 2023, last revised March 10, 2025.
- Response to Castle Valley Consultants January 23, 2025 Review Letter, prepared by Howell Engineering, dated March 10, 2025.
- Response to Castle Valley Consultants November 15, 2024 Review Letter, prepared by Howell Engineering, dated March 10, 2025.

Based on our review of the above documents, we offer the following comments for the consideration of the applicant and Township. **It is noted that a response letter was not provided with the applicant's submission to address our prior traffic engineering review letter (dated November 18, 2024).**

1. The Traffic Evaluation is not a conventional Transportation Impact Study, but rather it is offered to summarize the expected site trip generation when comparing the prior plan (15 lots) to the currently proposed plan (11 lots). Although there is no change in the total square footage, the trip generation evaluation has been updated to reflect the latest data from the Institute of Transportation Engineers (ITE). The current ITE trip generation data is published in the 11th Edition of the *Trip Generation Manual*, whereas the previous study completed for this site was based on the 9th Edition. Additionally, the updated trip generation evaluation adheres to the guidance provided by PennDOT in their Strike-off Letter (August 24, 2024) regarding warehouse trip generation.

As a result of the updated trip generation evaluation, the site generates 716 less daily new trips, 90 less weekday morning peak hour new trips, and 93 less weekday afternoon peak hour new trips as compared to the prior traffic study for this site. The current updated estimate of the site trip generation reveals the development will generate 2,304 weekday daily new trips, 336 weekday morning peak hour new trips and 315 weekday afternoon peak hour new trips.

2. Our office did not review the original Transportation Impact Study for the previous plan (completed in April 2016), nor was it provided as part of the current submission for reference. While the trip generation associated with the currently proposed plan is less than the prior estimate, it is noted that the Transportation Impact Study for this site is over eight years old. Further, based on a review of the Traffic Impact Assessment for Honeybrook Residential study (prepared by TPD in 2022), we have concerns about the operations of the off-site US 322/Chestnut Tree Road intersection that may also impact the Column Drive site access. As such, we recommend:
 - a. It is recommended for the applicant to update the traffic analysis in order to verify the site access design and operations, as well as verify off-site traffic conditions and improvements (see Comment 3 below) based on current traffic volumes and known other area development traffic.
 - b. Confirm the needed off-site improvements from an operational and design (including truck turning maneuverability) perspective at the US 322/Chestnut Tree intersection. It is further recommended that these improvements be provided upon opening of the initial warehouse on site, unless the study can justify a later construction.
3. Since Chestnut Tree Road (S.R. 4025) is a state road, PennDOT review and approval of a Highway Occupancy Permit (HOP) for the proposed site access/frontage improvements is required. As such, we offer the following comments regarding the site access/frontage improvements, as well as any improvements requiring PennDOT HOP approval.
 - a. HOP plans were not provided for review as part of this submission. The Township should be copied on all communications and submissions to PennDOT relative to the HOP. The land development plans do not provide sufficient detail to conduct a complete review of the access/frontage improvements.
 - b. The HOP application letter states the applicant proposes to widen Chestnut Tree Road (S.R. 4025) and install subsurface stormwater facilities. These improvements are not depicted on the provided land development plans. PennDOT will require the Township to be the applicant for the stormwater improvements located in the PennDOT right-of-way, and therefore, the Township should strongly consider requiring a stormwater maintenance agreement with the applicant for the stormwater facilities located in the PennDOT right-of-way.
 - c. The land development plans show there is adequate sight distance for traffic movements exiting the primary site driveway. However, there are no sight distances shown for left-turn entering traffic looking ahead and behind. Furthermore, the land development plans do not

show the sight distances at the proposed emergency access. Access sight distances will also be reviewed as part of the PennDOT HOP application; however, this information should be shown on the land development plans.

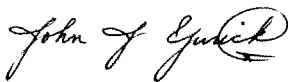
- d. The Traffic Evaluation letter states PennDOT previously required improvements to the unsignalized intersection of US 322 and Chestnut Tree Road (S.R. 4025) consisting of intersection realignment, additional turning lanes, and installation of a traffic signal when more than 200,000 square feet of space within the subject business park is constructed. The Traffic Evaluation letter states there is a proposed housing development in Honeybrook Township, for which PennDOT is requiring similar improvements to this intersection. In addition to our recommendation for an updated traffic study, we further recommend a coordination meeting with representatives from each of the pending developments, PennDOT, and the municipalities to provide a better understanding of the off-site improvement project scope, schedule, and responsibilities.
 - e. The HOP and traffic signal plans for the off-site intersection improvements have not been submitted to our office for review. The latest plans for the intersection should be provided to the Township for review. Further, it is unclear whether these improvements have already been approved and permitted by PennDOT at this time, or if further modifications will be required of the applicant (or others) by PennDOT.
 - f. As the US 322/Chestnut Tree Road (S.R. 4025) intersection is located at the municipal boundary of West Nantmeal Township, West Brandywine Township, and Honey Brook Township, the ownership and maintenance responsibilities of the traffic signal should be clarified.
4. SALDO Section 170-50 – Sidewalk is required by the ordinance when recommended by the Planning Commission and required by the Board of Supervisors. The Township should consider the need for sidewalk (or other pedestrian facilities) along Column Drive and the site frontage, as it may provide a recreational opportunity for employees of the business park, as well as provide for a connection to the proposed intersection improvements at US 322/Chestnut Tree Road.
 5. The following comments relate to the truck turning template evaluation shown on sheets 55 to 59.
 - a. The emergency access intersects with Chestnut Tree Road, north of the main site driveway (Column Drive). The emergency access extends into the site, connects with Lot 2, and then continues within the site to Column Drive. However, there is no detail provided regarding the design of an improved emergency access route within the site. Further detail is necessary regarding the design of the emergency access route, as well as accessibility for all lots, and the schedule for its construction as lots are developed.
 - b. The truck turning template is provided for a fire truck only; however, due to the nature of potential future land uses within the business park, we question whether the site design should be based on a larger tractor trailer truck. Provide additional information regarding the proposed uses and anticipated truck traffic, as well as any coordination with PennDOT on this subject.

- c. As individual lots are developed, truck turning templates should be provided for each land development to demonstrate safe and effective emergency vehicle and truck access to/from and within each lot.
 - d. It is noted that Chestnut Tree Road is restricted for trucks with trailers over 45 feet in length. We assume this restriction is intended for sections of Chestnut Tree Road north of the proposed site; however, this should be verified. We question whether truck restriction signage should be provided on the site access to restrict trucks to/from the north along Chestnut Tree Road.
 - e. The truck turning template on Sheet C07.7 depicts that the firetrucks wheel path is on the edge of the emergency path in multiple places due to multiple sharp turns. Increasing the horizontal radius of turns should be considered.
6. On-site parking for each individual lot will need to be reviewed and approved as each lot is developed. Based on the design of the main access drive (Column Drive), we recommend on-street parking should be prohibited and signed accordingly.
7. SALDO Section 170-26 – The development is located in West Nantmeal Township's Transportation Service Area, and therefore, a Transportation Impact Fee is applicable. The current fee is \$377.55 per new weekday afternoon peak hour trip. Based on the information provided in the Traffic Evaluation letter, the total Transportation Impact Fee is \$118,928.25; however, this should be verified as part of the land development application and proposed land use for each lot within the business park.
8. Our office has provided a Highway Occupancy Permit review letter dated April 7, 2025, which includes additional comments for the applicant based on information provided to PennDOT which has not been provided within the Land Development application such as a Traffic Impact Assessment. The Applicant should provide responses to the Township for both reviews.

Upon resubmission, the applicant's engineer should compose a response letter that describes how each comment has been addressed and where any revisions are located. Additional comments may follow upon receipt of future submissions.

If there are any questions or if additional clarification is required regarding any of the above comments, please do not hesitate to contact our office.

Sincerely,



John J. Yurick, P.E., PTOE, PTP
Senior Project Manager

JJY/rms

Ms. Deborah Kolpak
April 23, 2025
Project Number 314294-24-001

cc: Craig Kologie, PE, Castle Valley Consultants
Kristin S. Camp, Esquire, Buckley, LLP
Eric Ostimchuck, PE, PTOE, TPD Inc.
Denny Howell, PE, Howell Engineering, Inc.
Christopher J. Williams, PE, Bowman

V:\314294 - West Nantmeal Township\314294-24-001 (TRA) - Hammell-O'Donnell Business Park\Engineering\Correspondence\Review\2025-04-21 Traffic Review\Review\2025-04-23 Hammell-O'Donnell Review.docx

Bowman

April 7, 2025

Ms. Deborah Kolpak
Secretary/Treasurer/Open Records Office
West Nantmeal Township
455 N. Manor Road
PO Box 234
Elverson, PA 19520

RE: Hammell-O'Donnell Properties | HOP Traffic Review
West Nantmeal Township, Chester County
Bowman Project No. 314294-24-001

Dear Ms. Kolpak:

Bowman Consulting Group (Bowman) completed a traffic review of the PennDOT Highway Occupancy Permit (HOP) submission, including the amended plans for the proposed business park development located at 150 Column Drive. The amended plan proposes a reduction in the number of lots within the business park from 15 lots to 11 lots. However, despite the lot change, it is proposed to maintain the same overall square footage of each land use within the business park, consisting of 150,000 square feet of general light industrial space, 150,000 square feet of warehousing space, and 96,000 square feet of office space. Access to the site is provided to Chestnut Tree Road (S.R. 4025) via Column Drive, which is proposed to be improved from a gravel driveway to an asphalt curbed driveway. This review is based on the following documents:

- Supplemental Information, Meeting Minutes, & Review Letter, prepared by Traffic Planning and Design, Inc., dated October 30, 2024
- *Traffic Impact Assessment for Honeybrook Residential*, prepared by Traffic Planning and Design, Inc., last revised October 11, 2022
- *Highway Occupancy Permit Plan for Hammell-O'Donnell Business Park*, prepared by Commonwealth Engineers, Inc., last revised February 4, 2019.
- *Highway Occupancy Permit Application – EPS #352058 Response Letter*, prepared by Traffic Planning and Design, Inc., dated February 4, 2025
- *Preliminary Subdivision & Land Development Plan of Hammell-O'Donnell Business Park*, prepared by Howell Engineering, last revised January 29, 2025.
- *Sight Distance Exhibit*, prepared by Howell Engineering, last revised August 2, 2024.

Based on our review of the above documents, we offer the following comments for the consideration of the applicant and Township relative to the HOP submission:

1. Since Chestnut Tree Road (S.R. 4025) is a state road, PennDOT review and approval of a Highway Occupancy Permit (HOP) for the proposed site access/frontage improvements is required. As such, we

offer the following comments regarding the site access/frontage improvements, as well as any improvements requiring PennDOT HOP approval:

- a. The Township should be copied on all communications and submissions to PennDOT relative to the HOP.
- b. The updated sight distance exhibit depicts adequate sight distance for traffic movements exiting the primary site driveway. However, there are no sight distances shown for left-turn entering traffic looking ahead and behind. Access sight distances should be shown on both the HOP and land development plans.
- c. The emergency access shows that line of sight to the left has obstructions. A condition statement has been included stating that no use of the access is permitted without active traffic control by fire or standard police. We defer to PennDOT and the Township emergency official as this condition is not typical and it is preferred to provide adequate sight distance if the emergency driveway is being used for an incident that blocks the main access.
- d. The main site entrance truck exiting to the north on Chestnut Tree Road appears to show the truck encroaching into the southbound lane. The plans should be revised to show that no encroachment into the southbound lane is necessary to complete the movement, or the curb radius should be increased.
- e. The HOP and traffic signal plans for the off-site intersection improvements have not been submitted to our office for review. The latest plans for the intersection should be provided to the Township for review. Further, it is unclear whether these improvements have already been approved and permitted by PennDOT at this time, or if further modifications are required by PennDOT.
- f. The Applicant has indicated that they will facilitate a meeting between PennDOT, West Nantmeal Township, West Brandywine Township, Honey Brook Township, Honeybrook Residential Development, and the Hammell-O'Donnell Development to discuss the intersection of US 322/Chestnut Tree Road (S.R. 4025). We agree with the need for this meeting to clarify ownership and maintenance of responsibilities as well as a discussion to determine intersection alignment, additional turn lanes, and the conditions that need to be met relative to the off-site improvements.
- g. The Traffic Impact Study for the Honeybrook Residential depicts that the intersection of US 322/Chestnut Tree Road (S.R. 4025) will increase 28.3 seconds during opening year 2029 and 27.3 seconds during the design year 2034 for the PM peak hour with the Honeybrook residential development and the Hammell-O'Donnell development. Additional information on what is being done to mitigate this increase in delay should be provided. The need for a second southbound approach lane on Chestnut Tree Road (S.R. 4025) should be discussed as that approach operates at a Level-of-Service F with 128.3 seconds of delay.

- h. The provided TIS depicts that the southbound approach of S.R. 322 and Chestnut Tree Road operates at a Level-of-Service F during the PM peak hours and increases with the additional developments without further improvements. Additional mitigation measures should be provided so the delay is equal to or less than no-build conditions. It should also be noted that a 95th percentile queue length of 710 feet is depicted which extends past the proposed Hammell-O'Donnell Development and will create additional delays for vehicles exiting the property.
 - i. Based on the results of the submitted Traffic Impact Study, the planned off-site intersection improvements at US 322/Chestnut Tree Road appear that they may need to be provided in conjunction with the start of the proposed land development (and other projects) in contrast to the previously proposed schedule at partial build-out of the site.
 - j. Truck turning templates should be provided at the intersection of U.S 322 and Chestnut Tree Road to determine the location of the eastbound stop bar. Depending on the location of the stop bar, the driveway on the south side of U.S. 322 (Burkholder Manufacturing) may need to be included within the signal as a fourth leg. It should be noted that observations of the existing intersection have seen garbage trucks attempting a southbound right-turn movement have had to wait for a gap in both west- and eastbound traffic to complete the movement due to encroaching into the oncoming lane.
 - k. It was stated that a second HOP application (No. 361667) has been submitted for the maintenance of stormwater facilities installed within PennDOT's ROW but has not been provided. This application should be submitted to West Nantmeal Township for review, as the Township will be the applicant. The Township may wish to require a stormwater maintenance agreement by the developer for these facilities located within the PennDOT right-of-way.
2. The following comments relate to the truck turning template evaluation at the access and within the site:
- a. The truck turning template is provided for a fire truck only; however, due to the nature of potential future land uses within the business park, we question whether the access and site design should be based on a larger tractor trailer truck throughout Column Drive and around the cul-de-sac. Provide additional information regarding the proposed uses and anticipated truck traffic, as well as any coordination with PennDOT on this subject.
 - b. The truck turning template on Sheet C07.4 depicts that the firetrucks wheel path is on the edge of the emergency path in multiple places due to multiple sharp turns. Increasing the horizontal radius of turns should be considered.
3. The following comments are noted as they relate to the design of access roads:
- a. The plans should include stationing so the horizontal curves can be cross-referenced with the vertical curves for both the emergency path and Column Drive.

- b. A detail for the Proposed Paved Emergency Access should be provided.
 - c. The rolled curb should be continued through the Proposed Emergency Path onto Column Drive.
 - d. Based on the design of the main access drive (Column Drive), we recommend on-street parking should be prohibited and signed accordingly.
4. The traffic engineering comments contained in our prior land development traffic review letter, dated November 18, 2024, and subsequent review letters should be addressed in addition to the comments contained herein.

Upon resubmission of the HOP plans, the applicant's engineer should compose a response letter that describes how each comment has been addressed and where any revisions are located. Additional comments may follow upon receipt of future submissions.

If there are any questions or if additional clarification is required regarding any of the above comments, please do not hesitate to contact our office.

Sincerely,



John J. Yurick, P.E., PTOE, PTP
Senior Project Manager

JJY/rms

cc: Craig Kologie, PE, Castle Valley Consultants
Kristin S. Camp, Esquire, Buckley, LLP
Eric Ostimchuck, PE, PTOE, TPD Inc.
Denny Howell, PE, Howell Engineering, Inc.
Christopher J. Williams, PE, Bowman

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Bowman

July 11, 2025

Ms. Deborah Kolpak
Secretary/Treasurer/Open Records Office
West Nantmeal Township
455 N. Manor Road
PO Box 234
Elverson, PA 19520

RE: Hammel-O'Donnell Properties, LLC Traffic Review #1 (Update)
West Nantmeal Township, Chester County
Bowman Project No. 314294-24-001

Dear Ms. Kolpak:

Bowman Consulting Group (Bowman) has prepared this letter to summarize the status of our traffic review associated with the land development for the proposed business park development located at 150 Column Drive. To date, the status of our traffic review includes:

1. **Land Development Traffic Review** – Since our April 23, 2025 traffic review letter, no revised land development plans or response letter has been provided to our office for review. It is noted that our office has had discussions with the applicant's traffic engineer regarding several items in our prior review letter.
2. **HOP Traffic Review** – The applicant is concurrently seeking an amended Highway Occupancy Permit (HOP) from PennDOT and our office is also reviewing those plans. Since our April 7, 2025 HOP review letter, no revised HOP plans or response letter has been provided to our office for review. It is noted that our office has had discussions with the applicant's traffic engineer and PennDOT regarding several items in our prior review letter and the Department's review.
3. **Off-site Intersection Interim Improvement Layout** – Based on coordination with the applicant's traffic engineer and PennDOT, it was discussed that the applicant should investigate providing an interim improvement to accommodate the anticipated truck traffic at the US 322/Chestnut Tree Road (SR 4025) intersection prior to the full scope required improvements (i.e., signalization and turning lanes). This improvement includes increasing the radius of the northwestern corner of the intersection (on the Charles B. and Betty F. Kalemjian parcel) for which right-of-way has already been acquired by the applicant. A conceptual layout and traffic analysis for the interim conditions have been submitted to our office for review.

New Review Comments

Based on our review of the conceptual layout plans and traffic analysis (Submitted Item # 3 listed above) for the proposed interim condition, we offer the following comments:

1. The proposed interim improvements appear to accommodate the truck turning maneuvers for southbound US 322 right-turn movements to Chestnut Tree Road and vice versa. We noted that a previous intersection layout discussed during a meeting depicted a westbound channelized right-turn lane with a painted median. That version may have provided a more perpendicular approach for Chestnut Tree Road by shifting the lanes slightly farther to the west and reducing the radius needed in the northwest corner for truck southbound right-turn movements. Utilizing an updated version of that layout should be considered to create the more perpendicular approach and painted median.
2. The stop sign placement on the Chestnut Tree Road approach is located approximately 35' from the edge of the travel lane and may have sight distance issues due to trees. Utilizing the layout mentioned in Comment 1 may alleviate some of the issues with the proposed stop sign placement.
3. Consideration of the ultimate off-site intersection design should be given so that the two utility poles within the right-of-way agreement do not need to be relocated more than once, if possible.
4. Based on our prior observations, and with the proposed intersection getting even wider, the striping at this intersection is integral to keep the intersection safe particularly defining the double yellow line (and a potential painted median). Our office suggests that the applicant be responsible for maintaining the striping updated during the interim conditions until the ultimate traffic signal and additional improvements are installed.
5. The traffic analysis depicts that queuing does not reach the proposed site driveway, but it does depict 259.1 seconds of delay for the southbound Chestnut Tree Road approach to US 322. Further, it is noted that this traffic analysis did not include traffic associated with other nearby developments (e.g., Honeybrook Residential and A+J manufacturing). Accordingly, the need for the full-scope of off-site intersection improvements may be necessary prior to the previously condition of approval at 50 percent build out of the Hammel-O'Donnell project.

Prior Review Comments

Land Development Traffic Review

1. For clarity, the applicant should provide a response letter indicating how (and where) each of the outstanding comments has been addressed relative to our prior review of the latest land development submission. Our April 23, 2025 traffic review letter is attached.
2. It is noted that the interim improvements proposed at the US 322/Chestnut Tree Road (SR 4025) intersection will facilitate truck turning maneuvers. The applicant (and/or others) shall still be responsible for the full scope improvements at this off-site intersection either upon 50 percent build-out of the site (as per the prior approval) or sooner as needed due to other area developments.

3. We reiterate that the land development plans and HOP plans should be consistent including but not limited to access design, sight distances, and stormwater/drainage facilities along the site frontage.

PennDOT HOP Traffic Review

4. For clarity, the applicant should provide a response letter indicating how (and where) each of the outstanding comments has been addressed relative to our prior review of the latest PennDOT HOP plan submission. Our April 7, 2025 PennDOT review letter is attached.
5. We recommend that (at a minimum) a conceptual layout of the ultimate off-site intersection improvements be prepared and reviewed by PennDOT and various municipalities to preliminarily assess feasibility prior to HOP approval and be made a condition of approval for land development.
6. The applicant should continue to copy the Township and our office on all PennDOT submissions, correspondence, and meetings.
7. The applicant should provide the Township a copy of any secured PennDOT HOP permits and approved plans.

If there are any questions or if additional clarification is required regarding any of the above comments, please do not hesitate to contact our office.

Sincerely,



John J. Yurick, P.E., PTOE, PTP
Senior Project Manager

JJY/rms

cc: Craig Kologie, PE, Castle Valley Consultants
Kristin S. Camp, Esquire, Buckley, LLP
Eric Ostimchuk, PE, PTOE, TPD Inc.
Denny Howell, PE, Howell Engineering, Inc.
Christopher J. Williams, PE, Bowman

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Attachment E

*Chester County Planning Commission
Review Letter*



THE COUNTY OF CHESTER



COMMISSIONERS

Josh Maxwell
Marian D. Moskowitz
Eric M. Roe

Matthew J. Edmond, AICP
Executive Director

PLANNING COMMISSION

Government Services Center, Suite 270
601 Westtown Road
P. O. Box 2747
West Chester, PA 19380-0990
(610) 344-6285 Fax (610) 344-6515

September 2, 2025

Deborah M. Kolpak, Secretary/Treasurer
West Nantmeal Township
455 North Manor Road, PO Box 234
Elverson, PA 19520

Re: Preliminary Subdivision - Hammell-O'Donnell Business Park
West Nantmeal Township - SD-05-25-18512

Dear Ms. Kolpak:

A preliminary subdivision plan entitled "Hammell-O'Donnell Business Park", prepared by Howell Engineering, dated September 9, 2018 and last revised on March 10, 2025, was received by this office on August 18, 2025. This plan is reviewed by the Chester County Planning Commission in accord with the provisions of Section 502 of the Pennsylvania Municipalities Planning Code. We offer the following comments on the proposed Subdivision for your consideration.

PROJECT SUMMARY:

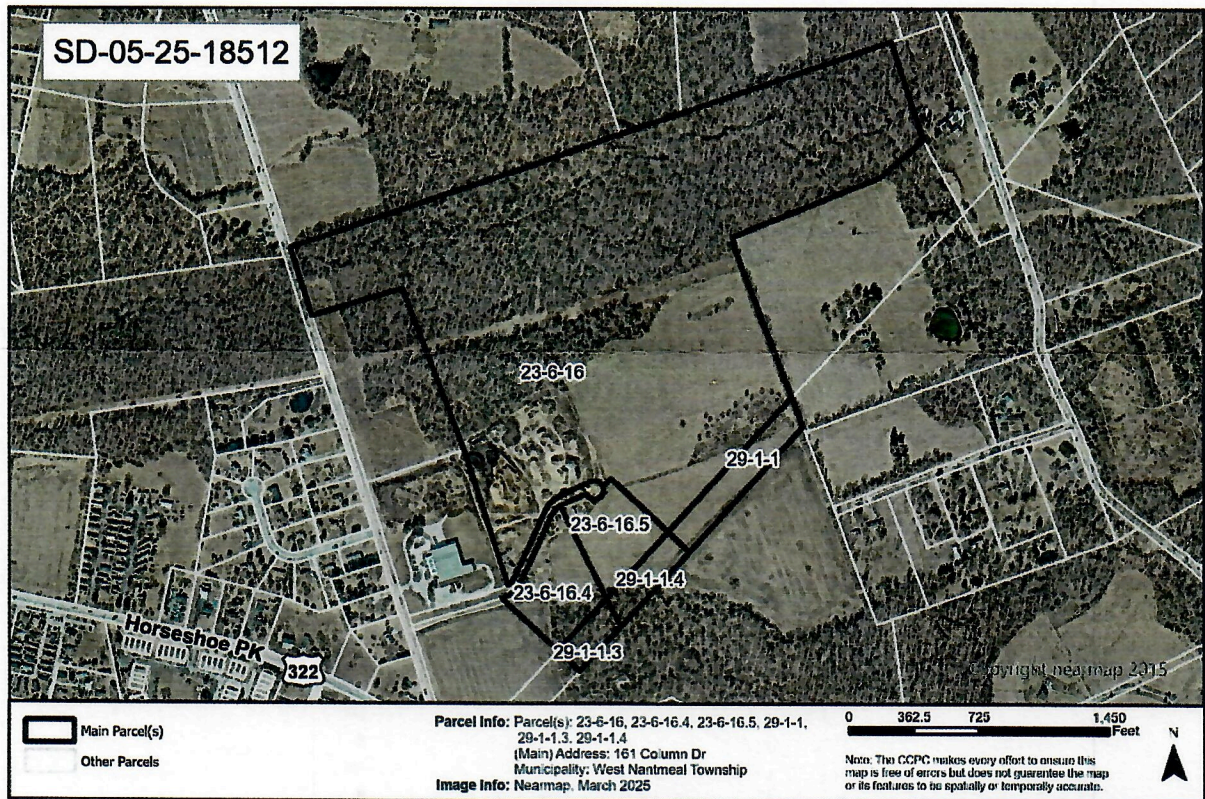
Location:	East of Chestnut Tree Road (State Route 4025), at the end of Column Drive; A portion of the site to the south is located in West Brandywine Township
Site Acreage:	125.80 acres
Lots:	10 lots
Proposed Land Use:	Office/Industrial Park
UPI#:	23-6-16.5, 23-6-16.4, 29-1-1.4, 29-1-1.3, 29-1-1, 23-6-16

PROPOSAL:

The applicant proposes the reconfiguration of six lots into ten lots for proposed professional office and industrial uses, which will all be served by public water and public sewer facilities. Six of the ten proposed lots are bisected by the municipal boundary separating West Nantmeal Township to the north and West Brandywine Township to the south. The northern portion of the site located in the West Nantmeal Township LI Limited Industrial zoning district, and the southernmost portion of the site is located in the West Brandywine Township LI Limited Industrial district.

This plan was submitted by West Nantmeal Township. We understand that both West Nantmeal and West Brandywine Townships have requested that the applicant submit individual applications to each Township due to the location of the municipal boundary passing through the site.

RECOMMENDATION: The County Planning Commission recommends that the issues raised in this letter should be addressed and all West Nantmeal Township and West Brandywine Township issues should be resolved before action is taken on this subdivision plan.



COUNTY POLICY:

LANDSCAPES:

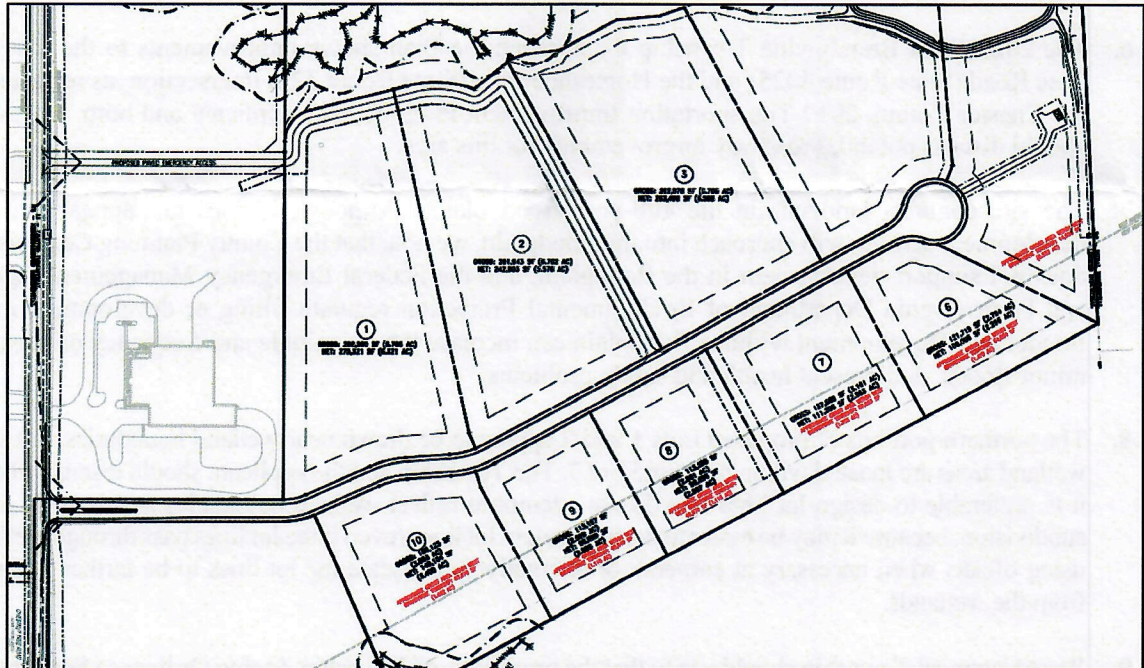
1. The site is located within the **Rural Landscape** designation of [Landscapes3](#), the 2018 County Comprehensive Plan. This landscape consists of open and wooded lands with scattered villages, farms and residential uses. The vision for the **Rural Landscape** is the preservation of significant areas of open space, critical natural areas, and cultural resources with a limited amount of context sensitive development permitted to accommodate residential and farm needs. The proposed subdivision is consistent with the objectives of the **Rural Landscape** because it is located near commercial land uses.

WATERSHEDS 2045:

2. **Watersheds 2045**, the County-wide integrated water resources plan and Act 167 Stormwater Management Plan, indicates the proposed development is located within the **Upper Brandywine Creek** watershed. The **Watersheds 2045** plan's highest priority objectives within this watershed are:
 - protecting first order streams, riparian corridors, and existing woodlands;
 - reducing stormwater runoff; mitigating flood risks;
 - implementing source water protection measures; and
 - promoting and expanding water-based recreational opportunities and access.

Watersheds 2045 can be accessed at www.chesco.org/watersheds2045.

Land disturbance and land development activities that occur within Chester County must comply with the **County-wide Act 167 Stormwater Management Plan for Chester County, PA** (August 2022) and the associated Act 167 stormwater management ordinance standards adopted by each municipality.



*Detail of Hammell-O'Donnell Business Park
Preliminary Subdivision Plan*

PRIMARY ISSUES:

3. Both West Nantmeal and West Brandywine Townships should consider whether a roadway connection should be provided from the West Nantmeal portion of the site to the West Brandywine portion, because both municipalities have placed the respective portions of the site within similar zoning districts. An internal roadway connection will also avoid the need for another roadway connection to Horseshoe Pike (State Route 322) in West Brandywine Township.
4. The County Planning Commission's Multimodal Circulation Handbook (2016 Update), which is available online at <https://chescoplanning.org/Guides/Multimodal/>, classifies Chestnut Tree Road (State Route 4025) as a minor collector. The Handbook (page 183) recommends a 80-foot-wide right-of-way for minor collector roads to accommodate future road and infrastructure improvements. We recommend that the applicant and the Township contact PennDOT to determine the appropriate right-of-way to be reserved for this section of Chestnut Tree Road and that it be offered for dedication to PennDOT.
5. The Act 247 referral form that was submitted with the plan indicates that a Homeowners' Association will be created. Ownership, maintenance, use provisions, restrictions, and liability responsibilities associated with any commonly held amenities should be written into the Homeowners' Association (HOA) document. The HOA document should include provisions which allow the Township to intervene and maintain common owned facilities, determine the schedule for HOA formation, timing for construction of common facilities, and determine the schedule for transfer of ownership from the

Page: 4

Re: Preliminary Subdivision - Hammell-O'Donnell Business Park

West Nantmeal Township - SD-05-25-18512

developer to the HOA of common facilities. The HOA document should be submitted as part of the application to the municipality to be reviewed by an attorney versed in homeowners' association documents to evaluate the document for its completeness and compliance. We also recommend that the HOA document allows rooftop solar installations and other energy efficiency and environmental conservation actions.

6. The 2020 West Brandywine Township Comprehensive Plan shows improvements to the Chestnut Tree Road (State Route 4025) and the Horseshoe Pike (State Route 322) intersection, as reflected by the Chester County 2019 Transportation Improvement Program. The applicant and both Townships should discuss potential roadway improvements for this area.
7. The site contains land within the 100-year flood plain. Although it does not appear that any development activity will encroach into the floodplain, we note that the County Planning Commission does not support development in the floodplain, and the Federal Emergency Management Agency and Pennsylvania Department of Environmental Protection regulate filling or development in the floodplain. Development within a floodplain can increase the magnitude and frequency of normally minor floods, and present health and safety problems.
8. The northern portions of proposed Lots 1 and 2 appear to be drawn near wetland boundaries, but some wetland areas are located within proposed Lot 3. The Township and the applicant should discuss whether it is preferable to design lot lines that do not attempt to reflect wetland boundaries at this stage of the subdivision, because it may be easier to design straight lot lines (even if the lot lines pass through wetlands using offsets when necessary at corners), or alternatively re-locate the lot lines to be farther separated from the wetlands.
9. West Nantmeal Township should verify that the provisions of Township Zoning Ordinance Section 215-20 **Wetlands and Hydric Soil Overlay District**, Section D.(2) are observed: "A fifty-foot buffer zone shall be applied to all areas that have been delineated as wetlands, as measured from the perimeter of the wetlands area. No encroachment or earth disturbance activities shall be permitted within the required buffer zone."
10. Woodlands are located in the northern portion of the site, which are separated from the proposed lots by wetlands. Mature trees and shrubs reduce the volume and impacts of stormwater runoff by intercepting precipitation, increasing evapotranspiration, and stabilizing soil through root growth. The applicant and the Township should discuss how the sensitive environmental features in this portion of the site will be protected. Alternatively, the northern portion of the site could be deed-restricted from further development.
11. The proposed subdivision appears to be in proximity to a Texas Eastern gas transmission pipeline. Applicants should be aware that the actual location of the pipeline may not always be within the center of the easement or right-of-way. To minimize risks before and during construction, the project designer should contact the Pennsylvania One Call Center at 811 or <https://www.pa1call.org/>, consistent with the provisions of Section 4(2) of Act 287 (Underground Utility Protection Act), prior to finalizing the design. The PA One Call Center should also be contacted at least 3 business days, but not more than 10 days, prior to any excavation. More information about pipeline safety can be found at the Chester County Pipeline Information Center at: <http://www.chescoplanning.org/pic/introduction.cfm>.

Page: 5

Re: Preliminary Subdivision - Hammell-O'Donnell Business Park
West Nantmeal Township - SD-05-25-18512

ADMINISTRATIVE ISSUES:

12. The applicant should contact the office of the Chester County Conservation District (telephone #610-455-1360) for information and clarification on erosion control measures. The provisions of the Commonwealth Erosion Control Regulations may apply to the project and may require an Earth Disturbance Permit or a National Pollutant Discharge Elimination System permit for discharge of stormwater from construction activities. Additional information on this topic is provided online at: <https://www.chesco.org/284/ErosionStormwater>.
13. A Pennsylvania Department of Transportation permit is required for new or revised access on to Chestnut Tree Road (State Route 4025) and should be identified on the final plan as required by Section 508(6) of the Municipalities Planning Code.
14. A minimum of four copies of the plan should be presented at the Chester County Planning Commission for endorsement to permit recording of the final plan in accord with the procedures of Act 247, the Pennsylvania Municipalities Planning Code, and to meet the requirements of the Recorder of Deeds, the Assessment Office, and West Nantmeal and West Brandywine Townships.

This report does not review the plan for compliance with all aspects of your ordinance, as this is more appropriately done by agents of West Nantmeal and West Brandywine Townships. However, we appreciate the opportunity to review and comment on this plan. The staff of the Chester County Planning Commission is available to you to discuss this and other matters in more detail.

Sincerely,



Wes Bruckno
Senior Review Planner

cc: Dale Barnett, West Brandywine Township
Howell Engineering
Hammell O'Donnell Properties LLC
Chester County Conservation District
Anthony Antonelli, District Permits Manager, PennDOT
Francis J. Hanney, PennDOT

Attachment F

*Preliminary Main Extension Plan (CONFIDENTIAL) and
Design Engineer's Certification*



August 24, 2026

David McIntyre
AQUA Pennsylvania Incorporated
762 Lancaster Ave
Bryn Mawr, PA 19010

Re: Hammell O'Donnell Business Park Subdivision and Land
Development – AQUA PUC Expansion and Water Main Extension

Dear Mr. McIntyre:

The plans, as submitted to the best of my knowledge, were completed in compliance with 52 PA. Code Sections 65.17 and 65.18. Should any deficiencies be discovered the plans shall be revised accordingly.

If you have any questions or require any additional information, please do not hesitate to contact me.

Sincerely,

HOWELL ENGINEERING

A handwritten signature in black ink that reads "Denny Howell III". The signature is written in a cursive, flowing style with a horizontal line extending from the end.

Denny L. Howell, III, P.E.

Principal Engineer

Attachment G

Form of Builder's Extension Agreement (CONFIDENTIAL)

Attachment H

Construction Estimate



Date: 5/1/2026

Re: Hammell / O'Donnell - Aqua Estimated Cost

WATER LINE CONSTRUCTION			Subtotal	\$565,972
Onsite				
8" D.I.P.	2250 LF	\$72.50	\$163,125	
8" Gate Valve and Box	1 EA	\$3,000.00	\$3,000	
Fire Hydrants 8" - Complete	6 EA	\$10,500.00	\$63,000	
8" X 2" Blow Offs	1 EA	\$3,000.00	\$3,000	
MAV	2 EA	\$850.00	\$1,700	
Flow Points	2 EA	\$1,750.00	\$3,500	
Fittings	8 EA	\$850.00	\$6,800	
Thrust Blocks	15 EA	\$200.00	\$3,000	
Duck Unders	6 EA	\$1,500.00	\$9,000	
Stone Bedding	850 Tons	\$20.00	\$17,000	
Testing	1 LS	\$2,500.00	\$2,500	
Domestic Services				
1" Service	1 EA	\$1,900.00	\$1,900	
1.5" Service	1 EA	\$2,800.00	\$2,800	
2" Service	6 EA	\$3,800.00	\$22,800	
Fire Services				
4" Service	1 EA	\$5,000.00	\$5,000	
6" Service	7 EA	\$5,200.00	\$36,400	
Offsite				
8" DIP	770 LF	\$85.00	\$65,450	
8" Gate Valves	4 EA	\$3,000.00	\$12,000	
8" x 8" Tees	1 EA	\$1,500.00	\$1,500	
8" X 2" Blow Offs	1 EA	\$3,000.00	\$3,000	
MAV	1 EA	\$850.00	\$850	
Fittings	4 EA	\$850.00	\$3,400	
Thrust Blocks	5 EA	\$200.00	\$1,000	
Stone Backfill	900 Tons	\$20.00	\$18,000	
Temp Asphalt	10 Tons	\$120.00	\$1,200	
Perm Paving - Full Depth	430 SY	\$158.00	\$67,940	

Full Lane Mill and Overlay	860 SY	\$35.59	\$30,607
Traffic Control	6 Days	\$1,750.00	\$10,500
Tie into Existing	1 EA	\$3,500.00	\$3,500
Testing	1 LS	\$2,500.00	\$2,500

Attachment I

Current and Future Potential Revenue Calculations

Hammell O'Donnell Business Park
Consumption and Revenue for known Lot uses

Domestic Service

Lots 1-3 (J-Tech)	Lot 4 – Sweetwater	Lot 5 (A) – Phillips Electric	Lot 5(B) – Pump Station	Lot 7 – Lyons and Hohl Filling station
Gallons Per Day: 3,500	Gallons Per Day: 350	Gallons Per Day: 125	Gallons Per Day: 300 (Assumes odor control)	Gallons Per Day: 535 (assumes 2000 gal truck / filled twice weekly / 30 days)
105,000 gallons per month	10,500 gallons per month	3,750 gallons per month	9,000 gallons per month	16,000 gallons / month
105 x 1000 gallons	10.5 x 1000 gallons	3.75 x 1000 gallons	9 x 1000 gallons	16 x 1000 gallons
\$179.10 Base Rate	\$125.80 Base Rate	\$22.40 Base Rate	\$65.30 Base Rate	\$179.10 Base Rate
\$169.00 Consumption Chg – 1 st	\$169.00 Consumption Chg –1 st	<u>\$63.38 Consumption Chg</u> – 1 st	<u>\$152.10 Consumption Chg</u> – 1 st	\$169.00 Consumption Chg – 1st
\$345.96 Consumption Chg – 2 nd	<u>\$7.42 Consumption Chg</u> – 2 nd	\$85.78 Total monthly revenue	\$217.40 Total monthly revenue	\$89.09 Consumption Chg – 2nd
<u>\$883.20 Consumption Chg</u> - 3 rd	\$305.22 Total monthly revenue	\$1,029.30 Total annual revenue	\$2,608.60 Total annual revenue	\$437.19 Total monthly revenue
\$1,577.26 Total monthly revenue	\$3,626.69 Total annual revenue			\$5,246.26 Total annual revenue
\$18,927.11 Total annual revenue				

Fire Service

6-Inch Fire Service	4-inch Fire Service
0 Gallons per month	0 Gallons per month
0 x 1000 gallons	0 x 1000 gallons
\$260.28 Base Rate	\$118.17 Base Rate
\$0.00 Consumption Chg	\$0.00 Consumption Chg
\$260.28 Total Monthly revenue	\$118.17 Total Monthly revenue
\$3,123.36 Total Annual revenue	\$1,418.04 Total Annual revenue

Estimated Total Domestic Water Annual Revenue: \$31,259.98

Estimated Total Fire Water Annual Revenue: \$4,541.40

Monthly Service Charge Domestic

5/8-inch meter rate: \$22.40
1-inch meter rate: \$65.30
1-1/2” Meter rate: \$128.80
2” meter rate: \$179.10

Monthly Consumption Charge

1st Consumption Chg: up to 10,000 gallons - \$16.90 / 1,000 gallons
2nd Consumption Chg: Next 23,300 gallons - \$14.848 / 1,000 gallons
3rd Consumption Chg: next 300,000 gallons - \$12.318 / 1,000 gallons
4th Consumption Chg: over 330,300 gallons - \$11.276 / 1,000 gallons

Monthly Service Charge Fire

4-inch rate: \$118.17
6-inch rate: \$260.28

Monthly Consumption Charge - Fire

All Gallons: \$16.2640 / 1,000 gallons

Hammell O'Donnell Business Park
Consumption and Billing for Potential Future Lot uses
Domestic Service

Lots 1-3 (J-Tech)	Lot 4 – Sweetwater	Lot 5(A) – Office / Medical (10K sf)	Lot 5(B) – Pump Station	Lot 6 – Office / Medical (25.4k sf)
Gallons Per Day: 3,500	Gallons Per Day: 350	Gallons Per Day: 400	Gallons Per Day: 300 (Assumes odor control)	Gallons Per Day: 1,016
105,000 gallons per month	10,500 gallons per month	12,000 gallons per month	9,000 gallons per month	30,480 gallons / month
105 x 1000 gallons	10.5 x 1000 gallons	12 x 1000 gallons	9 x 1000 gallons	30.48 x 1000 gallons
\$179.10 Base Rate	\$125.80 Base Rate	\$125.80 Base Rate	\$65.30 Base Rate	\$179.10 Base Rate
\$169.00 Consumption Chg – 1 st	\$169.00 Consumption Chg –1 st	\$169.00 Consumption Chg – 1 st	<u>\$152.10 Consumption Chg – 1st</u>	\$169.00 Consumption Chg – 1st
\$345.96 Consumption Chg – 2 nd	<u>\$7.42 Consumption Chg – 2nd</u>	<u>\$29.70 Consumption Chg – 2nd</u>	\$217.40 Total Monthly revenue	<u>\$304.09 Consumption Chg – 2nd</u>
<u>\$883.20 Consumption Chg - 3rd</u>	\$305.22 Total monthly revenue	\$324.50 Total monthly revenue	\$2,608.60 Total annual revenue	\$652.19 Total monthly revenue
\$1,577.26 Total monthly revenue	\$3,626.69 Total annual revenue	\$3,893.95 Total annual revenue		\$7,826.24 total annual revenue
\$18,927.11 Total annual revenue				

Lot 7 – Office / Medical (22.2 sf)	Lot 8 – Office / Medical (18k sf)	Lot 9 – Office / Medical (19.8k sf)	Lot 10 Office / Medical (29.6k sf)
Gallons per day: 888	Gallons per day: 720	Gallons per day: 792	Gallons per day: 1184
26,640 gallons per month	21,600 gallons per month	23,760 gallons per month	35,520 gallons per month
26.64 x 1000 gallons	21.6 x 1000 gallons	23.76 x 1000 gallons	35.52 x 1000 gallons
\$179.10 Base Rate	\$179.10 Base Rate	\$179.10 Base Rate	\$179.10 Base Rate
\$169.00 Consumption Chg – 1 st	\$169.00 Consumption Chg – 1 st	\$169.00 Consumption Chg – 1 st	\$169.00 Consumption Chg – 1 st
<u>\$247.07 Consumption Chg – 2nd</u>	<u>\$172.24 Consumption Chg – 2nd</u>	<u>\$204.31 Consumption Chg – 2nd</u>	\$345.96 Consumption Chg – 2 nd
\$595.17 Total monthly revenue	\$520.34 Total monthly revenue	\$552.41 Total monthly revenue	<u>\$27.35 Consumption Chg – 3rd</u>
\$7,142.05 Total yearly revenue	\$6,244.04 Total yearly revenue	\$6,628.90 Total yearly revenue	\$721.40 Total monthly revenue
			\$8,656.85 Total yearly revenue

Assumptions for lots 5(A), 6, 7, 8, 9 10):

- 1. Projected Allowable Building Footprint estimates 20% of the net area will consist of building
- 2. Assuming each 10,000 SF of building will require 400 gpd

FIRE SERVICES (6 -inch fire services for all buildings except lot 4)

Lot #	Projected SF building footprint	Flow / 10,000 SF (gpd)	Total Anticipated Flow(gpd)	6-Inch Fire Service	4-inch Fire Service
5A	10,000	400	400	0 Gallons per month	0 Gallons per month
6	25,400	400	1,016	0 x 1000 gallons	0 x 1000 gallons
7	22,200	400	888	\$260.28 Base Rate	\$118.17 Base Rate
8	18,000	400	720	\$0.00 Consumption Chg	\$0.00 Consumption Chg
9	19,800	400	792	\$260.28 Total Monthly revenue	\$118.17 Total Monthly revenue
10	29,600	400	1,184	\$3,123.36 Total Annual revenue	\$1,418.04 Total Annual revenue
				7 Total Units	1 Total Unit
				\$21,863.52 Total annual revenue	\$1,418.04 Total annual revenue

Estimated Total Domestic Water Annual Revenue: \$65,554.63

Estimated Total Fire Water Annual Revenue: \$23,278.56

Attachment J

NPDES Permit



**AUTHORIZATION TO DISCHARGE UNDER THE
 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
 INDIVIDUAL PERMIT FOR DISCHARGES OF
 STORMWATER ASSOCIATED WITH CONSTRUCTION ACTIVITIES**

NPDES PERMIT NO: PAD150381

In compliance with the provisions of the Clean Water Act, 33 U.S.C.A. §§ 1251--1387 and the Clean Streams Law, as amended, 35 P.S. §§ 691.1--691.1001,

**Hammell O'Donnell Properties, LLC
 125 Lewis Mills Road
 Honey Brook, PA 19344**

(permittee) is authorized to discharge from a project site known as **Hammell O'Donnell Business Park**, located in **West Nantmeal & West Brandywine Townships, Chester County** to **Indian Run (HQ-CWF, MF)** in accordance with the effluent limitations, monitoring and reporting requirements, best management practices (BMPs), stormwater control measures (SCMs) and other conditions set forth in Parts A, B, and C herein.

THIS PERMIT SHALL BECOME EFFECTIVE ON OCTOBER 9, 2025

THIS PERMIT SHALL EXPIRE AT MIDNIGHT ON OCTOBER 8, 2030

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. (40 CFR 122.41(a))
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. (40 CFR 122.41(b), 122.21(d))

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 will be automatically continued and will remain fully effective and enforceable against the discharger until DEP takes final action on the pending permit application. (25 Pa. Code §§ 92a.7(b), (c))

ISSUANCE DATE:

OCTOBER 9, 2025

**Christian E. Strohmaier
 Managing Director**

Chester County Conservation District

PART A

EFFLUENT LIMITATIONS, MONITORING AND REPORTING REQUIREMENTS

I. DEFINITIONS

Antidegradation Best Available Combination of Technologies (ABACT) means environmentally sound and cost-effective treatment, land disposal, pollution prevention and stormwater re-use BMPs that individually or collectively manage the difference in the net change in stormwater volume, rate, and quality for storm events up to and including the 2 year/24 hour storm when compared to the stormwater rate, volume, and quality prior to the earth disturbance activities to maintain and protect the existing quality of the receiving surface waters of this Commonwealth. (25 Pa. Code § 102.1)

Accelerated Erosion means the removal of the surface of the land through the combined action of human activities and the natural processes, at a rate greater than would occur because of the natural process alone. (25 Pa. Code § 102.1)

Best Management Practices (BMPs) means activities, facilities, measures, planning, or procedures used to minimize accelerated erosion and sedimentation and manage stormwater to protect, maintain, reclaim, and restore the quality of waters and the existing and designated uses of waters of this Commonwealth before, during, and after earth disturbance activities. (25 Pa. Code § 102.1)

Clean Fill means uncontaminated, nonwater-soluble, nondecomposable, inert solid material used to level an area or bring an area to grade. The term does not include materials placed in or on the waters of the Commonwealth. Although the placement of clean fill in or on waters of the Commonwealth cannot be managed under this policy, placement of clean fill in or on waters of the Commonwealth may be approved under a separate DEP authorization. The term includes only those materials that are identified as "fill," as the term is defined in this policy. The term does not include fill that has been blended, mixed or treated with the purpose of meeting the definition of "clean fill" and that without being blended, mixed or treated would fail to meet the numeric limits identified in the definition of "uncontaminated material" contained in this policy.

Clean Streams Law means the Act of June 22, 1937, P.L. 1987, No. 394, as amended. (35 P.S. §§ 691.1--691.1001)

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

Combined Sewer System means a sewer system that has been designed to serve as both a sanitary sewer and a storm sewer. (25 Pa. Code § 92a.2)

Co-Permittee means a person identified on the Authorization to Discharge page of this permit as responsible for the discharges of stormwater associated with construction activity who is jointly and individually responsible together with the permittee for compliance with all terms and conditions of this permit and applicable laws.

County Conservation District (CCD) means a conservation district, as defined in Section 3(c) of the Conservation District Law (3 P.S. § 851(c)), which has the authority under a delegation agreement executed with DEP to administer and enforce all or a portion of the erosion, sediment, and stormwater management program in this Commonwealth. (25 Pa. Code § 102.1)

Critical Stages means the installation of underground treatment BMPs, structurally engineered BMPs, or other BMPs or components thereof as deemed appropriate by DEP or a CCD and that require the oversight of a licensed professional or designee.

DEP means the Department of Environmental Protection.

Designated uses means those uses specified in 25 Pa. Code §§ 93.4(a) and 93.9a--93.9z for each water body or segment, whether or not they are being attained, to be achieved as part of Pennsylvania's water quality standards. (25 Pa. Code § 93.1)

Designee means a licensed professional as defined in this permit or someone acting on behalf of a licensed professional who has knowledge, skill, experience, training and education in the field of engineering, landscape

architecture, geology, or land surveying that is beyond that possessed by a layperson and upon which a licensed professional can rely upon to provide oversight of critical stages of PCSM Plan implementation. A designee must be independent from the operator co-permittee(s) responsible for the construction or installation of SCMs on a project site.

Dewatering means the act of draining accumulated stormwater and/or groundwater from building foundations, vaults, and trenches, or other similar points of accumulation.

Disturbed area means unstabilized land area where an earth disturbance activity is occurring or has occurred. (25 Pa. Code § 102.1)

Earth Disturbance Activity means a construction or other human activity which disturbs the surface of the land, including land clearing and grubbing, grading, excavations, embankments, land development, agricultural plowing or tilling, operation of animal heavy use areas, timber harvesting activities, road maintenance activities, oil and gas activities, well drilling, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials. (25 Pa. Code § 102.1)

Environmental Due Diligence means investigative techniques, including visual property inspections, electronic database searches, review of ownership and use history of property, Sanborn maps, environmental questionnaires, transaction screens, analytical testing, and environmental assessments or audits.

EPA means the United States Environmental Protection Agency.

Erosion means the natural process by which the surface of the land is worn away by water, wind, or chemical action. (25 Pa. Code § 102.1)

Erosion and Sediment Control Plan (E&S Plan) – A site-specific plan consisting of both drawings and a narrative that identifies BMPs to minimize accelerated erosion and sedimentation before, during, and after earth disturbance activities. (25 Pa. Code § 102.1)

Exceptional Value Waters means surface waters of high quality which satisfy 25 Pa. Code § 93.4b(b) (relating to antidegradation). (25 Pa. Code § 93.1)

Existing uses means those uses actually attained in the water body on or after November 28, 1975, whether or not they are included in Pennsylvania's water quality standards. (25 Pa. Code § 93.1)

Impaired Waters means surface waters that fail to attain one or more of its designated uses under 25 Pa. Code Chapter 93 and is listed in Categories 4 and 5 of Pennsylvania's Integrated Report.

Integrated Water Quality Monitoring and Assessment Report (Integrated Report) means DEP's report on the conditions of Pennsylvania's surface waters to satisfy Sections 305(b) and 303(d) of the Clean Water Act when approved by EPA.

Intermittent stream means a body of water flowing in a channel or bed composed primarily of substrates associated with flowing water which, during periods of the year, is below the local water table and obtains its flow from both surface runoff and groundwater discharges. (25 Pa. Code § 102.1)

High Quality Waters means surface waters having quality which exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water by satisfying 25 Pa. Code § 93.4b(a). (25 Pa. Code § 93.1)

Infiltration-based SCM means an SCM that principally functions by allowing stormwater to infiltrate through the bottom and/or sides of the SCM to the subsurface environment.

Licensed Professional means professional engineers, landscape architects, geologists, and land surveyors licensed to practice in the Commonwealth. (25 Pa. Code § 102.1)

Long-Term Operation and Maintenance (O&M) means the routine inspection, maintenance, repair, or replacement of a BMP to ensure proper function for the duration of time that the BMP is needed. (25 Pa. Code § 102.1)

Municipal Separate Storm Sewer System (MS4) means all separate storm sewers that are defined as “large” or “medium” or “small” municipal separate storm sewer systems pursuant to 40 CFR §§ 122.26(b)(4), (b)(7), and (b)(16), respectively, or designated under 40 CFR § 122.26(a)(1)(v). (25 Pa. Code § 92a.32(a) and 40 CFR § 122.26(b)(18))

Municipality means a county, city, borough, town, township, school district, institution, or authority, or another public body created by or pursuant to State Law. For the purposes of this definition, town includes an incorporated town. (25 Pa. Code § 102.1)

Notice of Termination (NOT) – A request, on a form provided by DEP, to terminate coverage under a General NPDES Permit for Discharges of Stormwater Associated with Construction Activities. (25 Pa. Code § 102.1)

Non-discharge alternative – Environmentally sound and cost effective BMPs that individually or collectively eliminate the net change in stormwater volume, rate, and quality for stormwater events up to and including the 2-year/24-hour storm when compared to the stormwater rate, volume, and quality prior to the earth disturbance activities to maintain and protect the existing quality of the receiving surface waters of this Commonwealth. (25 Pa. Code § 102.1)

Non-Stormwater Discharges means discharges that do not originate from storm events, which may include, but are not limited to, discharges of air conditioner condensate, non-contact cooling water, pavement wash water, external building washdown, irrigation water, or uncontaminated ground water or spring water.

Off-Site Construction Support Activities or Off-Site Support Activities means activities providing support for construction and earth disturbance activities covered by this permit, including but not limited to concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas (spoil), borrow areas, stockpiling of topsoil, transfer of topsoil to other locations, and turnaround areas.

Operator or Operator Co-Permittee means a person who has one or more of the following: (i) oversight responsibility of earth disturbance activity on a project site or a portion thereof who has the ability to make modifications to the E&S Plan, PCSM Plan or site specifications, (ii) day-to-day operational control over earth disturbance activity on a project site or a portion thereof to ensure compliance with the E&S Plan or PCSM Plan. (25 Pa. Code § 102.1)

Owner means a person who holds the legal title to the land subject to construction activity. This term also includes the person who held legal title to the land subject to construction activity at the time such activity was commenced on a site.

PCSM SCM means an SCM that is designed and implemented to satisfy the requirements of 25 Pa. Code § 102.8(g).

Perennial stream means a body of water flowing in a channel or bed composed primarily of substrates associated with flowing waters and capable, in the absence of pollution or other manmade stream disturbances, of supporting a benthic macro-invertebrate community which is composed of two or more recognizable taxonomic groups of organisms which are large enough to be seen by the unaided eye and can be retained by a United States Standard No. 30 sieve (28 meshes per inch, 0.595 mm openings) and live at least part of their life cycles within or upon available substrates in a body of water or water transport system. (25 Pa. Code § 102.1)

Permittee means a person who has coverage under this permit.

Permanent Stabilization means long-term protection of soil and water resources from accelerated erosion. (25 Pa. Code § 102.1)

Person – Any operator, individual, public or private corporation, partnership, association, municipality or political subdivision of this Commonwealth, institution, authority, firm, trust, estate, receiver, guardian, personal representative, successor, joint venture, joint stock company, fiduciary; Department, agency or instrumentality of state, federal, or local government, or an agent or employee thereof; or any other legal entity. Whenever used in any clause prescribing and imposing a penalty, or imposing a fine or imprisonment or both, the term "person" may not exclude the members of an association and the directors, officers, or agents of a corporation. (25 Pa. Code § 102.1)

Point Source means any discernable, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, Concentrated Aquatic Animal Production Facility (CAAP), Concentrated Animal Feeding Operation (CAFO), landfill leachate collection system, or vessel, or other floating craft, from which pollutants are or may be discharged. (25 Pa. Code § 92a.2)

Post-Construction Stormwater means stormwater associated with a project site after the earth disturbance activity has been completed and the project site is permanently stabilized.

Post-Construction Stormwater Management Plan (PCSM Plan) means a site-specific plan consisting of both drawings and a narrative that identifies BMPs to manage changes in stormwater runoff volume, rate, and water quality after earth disturbance activities have ended and the project site is permanently stabilized. (25 Pa. Code § 102.1)

Preparedness, Prevention, and Contingency Plan (PPC Plan) means a written plan that identifies an emergency response program, material and waste inventory, spill and leak prevention and response, inspection program, housekeeping program, security and external factors, and that is developed and implemented at the construction site to control potential discharges of pollutants other than sediment into waters of this Commonwealth. (25 Pa. Code § 102.1)

Project Site means the entire area of activity, development, lease, or sale including: (i) the area of the earth disturbance activity; (ii) the area planned for the earth disturbance activity; and (iii) Other areas which are not subject to earth disturbance activity. (25 Pa. Code § 102.1)

Record Drawings means drawings that wholly and accurately depict as-built conditions of a project site following completion of an earth disturbance activity including but not limited to land covers, structures, grades, and SCMs and components thereof.

Regulated Fill means fill, as the term is defined in DEP's Management of Fill Policy (DEP ID No. 258-2182-773), that has been affected by release of a regulated substance and is not "uncontaminated material," as the term is defined in this policy. The term does not include fill that has been blended, mixed or treated with the purpose of meeting the definition of "regulated fill" and that without being blended, mixed or treated would fail to meet the regulated fill concentration limits, as the term is defined in this policy.

Snowmelt means the conversion of snow into overland stormwater and ground water flow as a result of warmer temperatures.

Stabilization means the proper placing, grading, constructing, reinforcing, lining, and covering of soil, rock, or earth to ensure their resistance to erosion, sliding, or other movement. (25 Pa. Code § 102.1)

Stormwater means runoff from precipitation, snowmelt, surface runoff, and drainage. (25 Pa. Code § 102.1)

Stormwater Control Measure (SCM) means any natural feature or manmade structure designed or utilized to reduce or manage the volume, pollutant load, and/or the peak rate of stormwater runoff. SCMs are BMPs that are implemented to treat stormwater from impervious surfaces and/or post-construction stormwater.

Structural PCSM SCM means a PCSM SCM that is a manmade structure used to manage post-construction stormwater, including but not limited to infiltration-based SCMs.

Surface Waters means perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps, and estuaries, excluding water at facilities approved for wastewater treatment such as wastewater treatment impoundments, cooling water ponds, and constructed wetlands used as part of a wastewater treatment process. (25 Pa. Code § 102.1)

Total Maximum Daily Load (TMDL) means the sum of the individual wasteload allocations for point sources, load allocations for nonpoint sources and natural quality, and a margin of safety expressed in terms of mass per time, toxicity, or other appropriate measures. (25 Pa. Code § 96.1)

Toxic Pollutant (Toxics) 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. (25 Pa. Code § 92a.2)

Wasteload Allocation (WLA) means the portion of a surface water's loading capacity that is allocated to existing and future point source discharges. (25 Pa. Code § 96.1)

Waters of this Commonwealth means rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth. (25 Pa. Code § 102.1)

Wetlands means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (25 Pa. Code § 105.1)

II. EFFLUENT LIMITATIONS

A. This permit establishes effluent limitations through the implementation of BMPs, including E&S BMPs and PCSM SCMs, to reduce the discharge of pollutants in stormwater discharges associated with construction activities. All stormwater discharges must comply with all applicable requirements established in accordance with 25 Pa. Code Chapters 91-96, 102, and 105 of DEP's rules and regulations. Permittees must implement BMPs exceeding those identified in approved E&S and PCSM Plans to protect and maintain water quality when notified in writing to do so by DEP/CCD.

B. BMPs and SCMs.

1. The permittee must design, install, and maintain E&S BMPs and PCSM SCMs, as identified in the approved E&S and PCSM Plans, respectively, to minimize the discharge of pollutants. At a minimum, such BMPs and SCMs must be designed, installed, and maintained to: (25 Pa. Code § 102.11(c) and 40 CFR § 450.22(c))
 - a. Control stormwater volume and velocity to minimize soil erosion in order to minimize pollutant discharges.
 - b. Control stormwater discharges, including both peak flow rates and total stormwater volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.
 - c. Minimize the amount of soil exposed during construction activity.
 - d. Minimize the disturbance of slopes exceeding 15%.
 - e. Minimize sediment discharges from the site. The design, installation and maintenance of E&S BMPs must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site.
 - f. Provide and maintain natural buffers around surface waters of the Commonwealth, direct stormwater to vegetated areas and maximize stormwater infiltration to reduce pollutant discharges, unless infeasible.
 - g. Avoid or minimize soil compaction in all areas where SCMs utilizing infiltration to manage stormwater is proposed. If the areas planned for infiltration SCMs are compromised through compaction or other means, the permittee must conduct soil testing to verify that the SCM will perform as designed and implement measures to decompact the soils, as applicable.
 - h. Preserve topsoil unless the intended function of a specific area of the project site dictates that the topsoil be disturbed or removed.

2. Site Stabilization. (25 Pa. Code § 102.22)

a. Temporary Stabilization.

- (i) Upon temporary cessation of an earth disturbance activity or any stage or phase of an activity where a cessation of earth disturbance activities will exceed four (4) days, the site must be immediately seeded, mulched, or otherwise protected from accelerated erosion and sedimentation pending future earth disturbance activities.
- (ii) For an earth disturbance activity or any stage or phase of an activity to be considered temporarily stabilized, the disturbed areas must be covered with one of the following:
 - (1) A minimum uniform coverage of mulch and seed, with a density capable of resisting accelerated erosion and sedimentation.
 - (2) An acceptable BMP which temporarily minimizes accelerated erosion and sedimentation.

b. Permanent Stabilization – Upon final completion of an earth disturbance activity or any stage or phase of an activity, the site must immediately have topsoil restored, replaced, or amended, seeded, mulched or otherwise permanently stabilized and protected from accelerated erosion and sedimentation.

- (i) E&S BMPs must be implemented and maintained until the permanent stabilization is completed. Once permanent stabilization has been established, the temporary E&S BMPs must be removed or converted to PCSM SCMs. Any areas disturbed in the act of removing temporary E&S BMPs must be permanently stabilized upon completion of the temporary E&S BMP removal or conversion activity.
- (ii) For an earth disturbance activity or any stage or phase of an activity to be considered permanently stabilized, the disturbed areas must be covered with one of the following:
 - (1) A minimum uniform 70% perennial vegetative cover, with a density capable of resisting accelerated erosion and sedimentation.
 - (2) An acceptable BMP which permanently minimizes accelerated erosion and sedimentation.

c. The permittee may not utilize seed mixtures containing invasive species or species that may be harmful to native plant communities.

3. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed as follows: (25 Pa. Code § 102.11(c) and 40 CFR § 450.22(e))

- a. The permittee must utilize upland vegetated areas of the project site to infiltrate construction dewatering water prior to discharge, to the extent feasible.
- b. For construction dewatering water that cannot be infiltrated in accordance with paragraph 3.a, above, construction dewatering water must be treated by an approved series of two or more BMPs prior to discharge to surface waters to reduce discharges with visual turbidity, unless the permittee can document that the outflow from a single BMP will achieve a turbidity of 50 Nephelometric Turbidity Units (NTUs) or less and receives written approval from DEP/CCD.
- c. The permittee must notify in writing DEP/CCD at least seven (7) days prior to discharges if the permittee has reason to believe that dewatering water may contain pollutants other than sediment. The permittee must collect sample(s) of the dewatering water and analyze the water for the pollutants specified by DEP/CCD when notified by DEP/CCD in writing. If the dewatering water is found by the permittee or DEP/CCD to contain concentrations of pollutants exceeding numeric water quality criteria under Chapter 93 or may otherwise adversely affect surface waters, DEP/CCD may require the permittee to cease discharging and submit an application for an individual permit.

- d. The permittee must use an oil-water separator or suitable filtration device that is designed to remove oil, grease, or other products if dewatering water is found to contain those materials.
 - e. The permittee must collect and dispose of materials and substances collected by filtration devices and backwash from these devices off-site unless otherwise authorized by DEP/CCD.
4. The permittee must design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to: (25 Pa. Code § 102.11(c) and 40 CFR § 450.22(f))
- a. Prevent the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated or otherwise controlled prior to discharge.
 - b. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the project site to precipitation and to stormwater. Minimization of exposure is not required in cases where the exposure to precipitation and to stormwater will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of stormwater contamination (such as final products and materials intended for outdoor use).
 - c. Prevent the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures. The permittee must prepare and implement a Preparedness, Prevention, and Contingency (PPC) Plan when storing, using, or transporting materials including: fuels, chemicals, solvents, pesticides, fertilizers, lime, petrochemicals, wastewater, wash water, core drilling wastewater, cement, sanitary wastes, solid wastes, or hazardous materials onto, on, or from the project site during earth disturbance activities. The PPC Plan must be available upon request by DEP/CCD. (25 Pa. Code § 102.5(l))
5. The permittee may not discharge the following:
- a. Wastewater from washout of concrete. (25 Pa. Code § 102.11(c))
 - b. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials. (25 Pa. Code § 102.11(c))
 - d. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance. (25 Pa. Code § 102.11(c))
 - e. Soaps or solvents used in vehicle and equipment washing. (25 Pa. Code § 102.11(c))
 - f. Floating solids, scum, sheen or substances that result in observed deposits in the receiving water, and foam or substances that produce an observable change in the color, taste, odor or turbidity of the receiving water. (25 Pa. Code § 92a.41(c))
 - g. Substances in concentration or amounts sufficient to be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life. (25 Pa. Code § 93.6(a))
6. The permittee shall utilize outlet structures that withdraw water from the surface when discharging from basins and impoundments, unless infeasible. (25 Pa. Code § 102.11(c) and 40 CFR § 450.22(h))

III. MONITORING, REPORTING, AND RECORDKEEPING

- A. When stormwater samples are collected and analyzed or measurements are taken under this permit, the permittee must ensure:
1. Samples and measurements taken for the purpose of monitoring are representative of the monitored activity. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(j)(1))
 2. Records of monitoring information includes: (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(j)(3))
 - a. The date, exact place, and time of sampling or measurements.
 - b. The individual(s) who performed the sampling or measurements.
 - c. The date(s) analyses were performed.
 - d. The individual(s) who performed the analyses.
 - e. The analytical techniques or methods used.
 - f. The results of such analyses.
 3. Monitoring is conducted according to test procedures approved under 40 CFR Part 136 unless another method is required under 40 CFR Subchapters N or O. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(j)(4))
 4. Sampling and analysis of samples meet proper quality assurance and quality control (QA/QC) procedures. (25 Pa. Code §§ 92a.3(c), 92a.41(a), 92a.61(i) and 40 CFR §§ 122.41(e), 122.41(i)(3), 122.41(i)(4))
- B. Records Retention.
1. The permittee must retain all records of monitoring activities and results, copies of all plans and reports required by this permit, and records of all data used to complete the application for this permit for at least three (3) years from the date of the Notice of Termination (NOT) approval. The permittee must submit such records to DEP/CCD or EPA upon request. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(j)(2))
 2. The permittee must retain a physical or electronic copy of the following documents on-site during earth disturbance activities at all times, and must make this information available for review and inspection by DEP/CCD or EPA during all stages of the earth disturbance activity: this permit, the application submitted for permit coverage, all attachments to the application, and the E&S Plan, PCSM Plan, and PPC Plan, as applicable.
- C. Inspection and Oversight Requirements. (25 Pa. Code § 102.4(b)(5)(x))
1. Site Inspections – The permittee must conduct visual site inspections throughout the duration of construction and until the NOT has been approved by DEP/CCD (unless otherwise approved in writing by DEP/CCD), at the following frequencies:
 - Routine Inspections must be conducted weekly.
 - Post-Storm Event Inspections must be conducted within 24 hours after the conclusion of each measurable storm event (i.e., precipitation in an amount of 0.25 inch or greater over a 24-hour period) or the occurrence of snowmelt sufficient to cause a discharge.
 - Corrective Action Inspections must be conducted anytime the permittee observes a deficiency in implementation of the E&S or PCSM Plans.
 - a. The permittee must document each site inspection on DEP's Chapter 102 Visual Site Inspection Report (3800-FM-BCW0271d) or alternative document or electronic form that collects and retains identical information. All requested information on the Visual Site Inspection Report must be completed as instructed. The permittee must take color photographs of E&S BMPs and PCSM SCMs on the project site at least monthly, unless otherwise approved in writing by DEP/CCD, and when deficiencies in BMPs and SCMs are identified. The photographs must have a date and time stamp and be made available for DEP/CCD review upon request.
 - b. The permittee must make Visual Site Inspection Reports available upon request during inspections, submit and provide copies of Visual Site Inspection Reports to DEP/CCD upon request, and submit

Visual Site Inspection Reports to DEP/CCD as part of the notification requirements identified in Paragraph III.D.3, below.

- c. Effective December 8, 2025, site inspections must be performed and Visual Site Inspection Reports must be completed by qualified personnel that are trained and experienced in E&S BMP and PCSM SCM construction, function, and maintenance and are familiar with the E&S and PCSM Plans for the project site. A person is qualified when one or more of the following conditions are satisfied:
 - (i) They have completed the Qualified Site Inspector Training Program in DEP's Clean Water Academy initially and every two years thereafter;
 - (ii) They hold active certification as a Certified Professional in Erosion and Sediment Control (CPESC) or as a Certified Erosion, Sediment, and Stormwater Inspector (CESSWI) from a recognized organization; or
 - (iii) They can demonstrate to the satisfaction of DEP/CCD that they have qualifications equivalent to or exceeding those identified in Paragraphs (i) or (ii). If this option is selected, the person must submit documentation of their training and experience to DEP/CCD and receive written approval from DEP/CCD prior to conducting site inspections, unless waived by DEP/CCD.

For site inspectors satisfying Paragraph (i) or (ii), the permittee must provide documentation (e.g., completion certificate) of the inspector's qualifications upon the request of DEP/CCD.

- d. To determine if a storm event of 0.25 inch or greater has occurred on a project site, the permittee must either maintain a rain gauge on-site or obtain storm event information from a weather station that is representative of the project site location.

2. Licensed Professional Oversight of Critical Stages (25 Pa. Code § 102.8(k))

- a. The permittee must ensure that a licensed professional or a designee is present on-site and is responsible for oversight of critical stages of implementation of approved PCSM SCMs, unless the project meets the requirements of 25 Pa. Code § 102.8(n) and does not include PCSM SCMs. The critical stages that must receive licensed professional oversight are identified in the approved PCSM Plan.
- b. The permittee must document the implementation of each structural PCSM SCM using DEP's SCM Construction Certification Form (3800-FM-BCW0271j) and submit the completed form to DEP/CCD within 30 days of the completion of SCM construction, as determined by a licensed professional. The form must be signed by the licensed professional responsible for oversight of critical stages.

D. Reporting and Fee Requirements.

1. Annual Report.

- a. The permittee shall submit a complete Annual Report to the CCD by December 7 each year using DEP's Annual Report template (3800-PM-BCW0405e). The Annual Report must address activities under this permit for the reporting period of October 1 – September 30.
- b. The first annual report is due on December 7, 2026 and shall cover the period from permit issuance to 2026. Following the first annual report, the reporting period shall thereafter be October 1 – September 30, and the report shall be due by December 7.
- c. The permittee must submit the Annual Report to DEP/CCD in electronic format upon receipt of written notification from DEP/CCD.

2. Annual Fee. (25 Pa. Code § 92a.62)

- a. Permittees shall pay an annual fee in accordance with 25 Pa. Code § 92a.62. As of the effective date of this permit, the facility covered by the permit is classified in the **Chapter 102 Individual NPDES Permit** fee category, which has an annual fee of **\$500**.

- b. Invoices for annual fees will be mailed to permittees approximately three months prior to the due date. In the event that an invoice is not received, the permittee is nonetheless responsible for payment. Permittees may contact DEP's Bureau of Clean Water at 717-787-6744 with questions related to annual fees. The fee identified above is subject to change if DEP publishes changes to 25 Pa. Code § 92a.62.
- c. Payment for annual fees shall be remitted to DEP at the address below or through DEP's electronic payment system (www.depgreenport.state.pa.us/NPDESpay) by the due date specified on the invoice. Checks, if used for payment, should be made payable to the Commonwealth of Pennsylvania.

PA Department of Environmental Protection
Bureau of Clean Water
Re: Chapter 92a Annual Fee
P.O. Box 8466
Harrisburg, PA 17105-8466

- d. This section does not apply to any Federal or State agency or independent State commission that provides funding for program administration by DEP through terms and conditions of a mutual agreement and is exempt from fees in accordance with 25 Pa. Code § 102.6(b)(4).
3. Unanticipated Non-Compliance or Potential Pollution Reporting
- a. Immediate Reporting – The permittee must immediately report any incident causing or threatening pollution in accordance with the requirements of 25 Pa. Code §§ 91.33 and 92a.41(b) listed below:
 - (i) If, because of an accident or other activity or incident, a toxic substance or another substance is discharged which would endanger downstream users of the water receiving the discharge or would otherwise result in pollution or create a danger of pollution or would damage property, the permittee must immediately notify DEP by telephone of the location and nature of the danger. Verbal notification to DEP is required as soon as possible, but no later than four (4) hours after the permittee becomes aware of the incident causing or threatening pollution. Emergency response phone numbers for DEP are available on DEP's website (www.dep.pa.gov, select "Report an Incident").
 - (ii) The permittee must immediately notify known downstream users of the waters of the Commonwealth to which the substance was discharged if notice is reasonably possible. Notice must include the location and nature of the danger.
 - (iii) The permittee must 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, must remove the residual substances contained thereon or therein from the ground and from the affected waters of this Commonwealth to the extent required by applicable law.
 - b. The permittee must report any non-compliance to DEP/CCD which may endanger health or the environment in accordance with the requirements of 40 CFR § 122.41(l)(6) (incorporated by 25 Pa. Code § 92a.3(c)). These requirements include the following obligations:
 - (i) 24-Hour Reporting – The permittee must verbally report any non-compliance with this permit to DEP/CCD that may endanger health or the environment within 24 hours from the time the permittee becomes aware of the circumstances.
 - (ii) Written Report – A written submission must also be provided to DEP/CCD within five (5) days of the time the permittee becomes aware of any non-compliance that may endanger health or the environment. The written submission must contain a description of the non-compliance and its cause; the period of non-compliance, including exact dates and times, and if the non-compliance 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 non-compliance. The written submission must include a Visual Site Inspection Report that documents the incident.

- (iii) Waiver of Written Report – DEP/CCD may waive the written report on a case-by-case basis if the associated verbal report has been received within 24 hours from the time the permittee becomes aware of the circumstances that may endanger health or the environment. Unless such a waiver is expressly granted in writing by DEP/CCD, the permittee must submit a written report in accordance with this paragraph.

3. Other Non-Compliance

The permittee must identify all instances of non-compliance not reported under paragraph D.3.b of this section on the Visual Site Inspection Report. The reports must contain the information listed in paragraph D.3.b.(ii) of this section. (25 Pa. Code § 92a.3(c) and 40 CFR § 122.41(l)(7))

E. Signatory Requirements.

1. Applications, reports, and other information submitted to DEP/CCD must be signed and certified by either of the following applicable persons, in accordance with 40 CFR § 122.22 (incorporated by 25 Pa. Code § 92a.22):
 - For a corporation – by a president, secretary, treasurer, or vice president in charge of a principal business function of the corporation or a duly authorized representative.
 - 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.
2. If signed on behalf of a corporation by a duly authorized representative of the permittee, the authorization must meet the following:
 - The authorization must be made in writing by a person described in Paragraph 1, above, consistent with the corporation's delegation procedures and must be attached to the application or otherwise be submitted to DEP/CCD.
 - The authorization must specify either an individual or a position having responsibility for the operation of the regulated system, facility, or activity consistent with the corporation's delegation procedures, such as the position of manager, operator, superintendent, or position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the corporation.
3. Changes in Signatory Authorization – If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the project site, a new authorization satisfying the requirements of Paragraphs 1 and 2, above, must be submitted to DEP/CCD prior to or together with any reports or information to be signed by an authorized representative.

- F. Planned Changes to Physical Facilities – The permittee must give notice to DEP/CCD as soon as possible but no later than 30 days prior to planned physical alterations or additions to the permitted project site or activity. An application or other written submission to DEP/CCD providing equivalent information can be used to satisfy the notification requirements of this section.

Notice is required when:

1. The alteration or addition to a permitted facility or activity may meet one of the criteria for determining whether a facility or activity is a new source in 40 CFR § 122.29(b). (25 Pa. Code § 92a.41(a) and 40 CFR § 122.41(l)(1)(i))
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. (25 Pa. Code § 92a.41(a) and 40 CFR § 122.41(l)(1)(ii))

This may include:

- a. The construction of additional impervious surfaces not reported in the application.
- b. Increases in earth disturbance compared to the original planned limit of disturbance.

- c. Modifications to the design standards, BMPs, or SCMs used for the project.
 - d. Proposals to eliminate structural or non-structural BMPs or SCMs planned for in the original design or reduce the dimensions and/or capacities of structural BMPs or SCMs that may affect performance of those BMPs or SCMs.
 - e. Proposed site alterations that would allow new stormwater flows from off-site to flow onto the site.
3. The planned change may result in non-compliance with permit requirements. (25 Pa. Code § 92a.41(a) and 40 CFR § 122.41(l)(2))

G. Monitoring

DEP/CCD may require additional monitoring where an increased risk of potential water pollution is present, or water pollution is suspected to be occurring from a construction activity subject to this permit, or for any reason in accordance with 25 Pa. Code § 92a.61 (relating to monitoring). The permittee or co-permittee must commence such monitoring upon notification from DEP/CCD. (25 Pa. Code § 92a.61(b))

PART B

STANDARD CONDITIONS

I. MANAGEMENT REQUIREMENTS

A. Compliance

The permittee must comply with all conditions of this permit. Any permit non-compliance constitutes a violation of the Act and Clean Streams Law and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or denial of a permit renewal application. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(a))

B. Permit Modification, Termination, or Revocation and Reissuance

1. DEP may modify, terminate, or revoke and reissue this permit during its term. (25 Pa. Code §§ 92a.3, 92a.41(a), 92a.72 – 92a.75 and 40 CFR § 122.41(f))
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 non-compliance, does not stay any permit condition. (25 Pa. Code §§ 92a.3, 92a.41(a) and 40 CFR § 122.41(f))
3. In the absence of DEP action to modify or revoke and reissue this permit, the permittee must 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. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(a)(1))
4. DEP may terminate coverage under this permit for the reasons specified at 40 CFR § 122.64(a). (25 Pa. Code §§ 92a.74(c) and 40 CFR § 122.64(a))

C. Requirement to Submit NOT (25 Pa. Code §§ 102.7, 92a.74(c), 92a.76 and 40 CFR § 122.64(c))

The permittee or a co-permittee must submit a complete NOT form to the DEP/CCD office that approved coverage, utilizing DEP's NOT for Chapter 102 Permits form (3800-PM-BCW0229b), when the project site has been permanently stabilized, all temporary E&S BMPs have been removed, and construction of all approved PCSM SCMs have been completed, in accordance with 25 Pa. Code § 102.7. An operator co-permittee may submit the NOT only when documentation is provided with the NOT that the permittee or co-permittee is unable or unwilling to sign the NOT.

1. The permittee or co-permittee must submit the NOT electronically when required by DEP in writing.
2. The permittee and co-permittee must continue complying with the terms and conditions of this permit until the NOT is approved by DEP/CCD.
3. Until the permittee or co-permittee has received written approval of the NOT from DEP/CCD, the permittee and co-permittee remains responsible for compliance with the terms and conditions of this permit, including the submission of annual reports and long-term operation and maintenance (O&M) of all PCSM SCMs on the project site in accordance with 25 Pa. Code § 102.8(m).
4. The permittee must retain a copy of record drawings required by 25 Pa. Code § 102.8(l) as part of the approved PCSM Plan and must provide a copy of the record drawings to the persons identified as responsible for the long-term O&M of PCSM SCMs.

D. Duty to Provide Information

1. The permittee must provide to DEP/CCD, within a reasonable time, any information which DEP/CCD may request to determine whether cause exists for modifying, revoking and reissuing, or terminating coverage under this permit, or to determine compliance with this permit. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(h))

2. The permittee must provide to DEP/CCD copies of records required to be kept by this permit upon request. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(h))
 3. Other Information – Where the permittee becomes aware that it failed to submit any relevant facts in an application or submitted incorrect information in an application or in any report to DEP/CCD, it must promptly submit the correct and complete facts or information. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(l)(8))
- E. Proper Operation and Maintenance (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(e))
1. The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances), including BMPs, which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes adequate laboratory controls such as appropriate quality assurance procedures. The permittee must properly operate and maintain backup or auxiliary facilities or similar systems installed by the permittee, as necessary to achieve compliance with the terms and conditions of this permit.
 2. Removed Substances – Solids, sediments, and other pollutants removed in the course of treatment or control of stormwater must be disposed of in accordance with federal and state law and regulations, to prevent any pollutant in these materials from adversely affecting public health or the environment.
 3. Reduction, Loss, or Failure of BMP or SCM – Upon the reduction, loss, or failure of any E&S BMP or PCSM SCM, the permittee and co-permittee(s) must initiate the repair or replacement of the BMP or SCM as follows:
 - Immediately upon discovery if the reduction, loss, or failure of a BMP or SCM has resulted in or is likely to result in sediment or other pollutants flowing off the project site and/or discharging to surface waters. Completion of the repair or replacement of the BMP or SCM must occur within 24 hours unless otherwise required by DEP/CCD.
 - Within 24 hours of discovery for all other situations where there is a reduction, loss, or failure of a BMP or SCM. Completion of the repair or replacement of the BMP or SCM must occur within seven (7) days unless otherwise required by DEP/CCD.
- F. Duty to Mitigate

The permittee must take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(d))

II. PENALTIES AND LIABILITY

A. Violations of Permit Conditions

DEP may take an enforcement action to restrain violations, to impose criminal or civil penalties, to withhold a permit, or to seek other remedies or relief as authorized by law against a permittee that violates any condition or limitation of this permit, or any rule, regulation or order issued by DEP pursuant to the Clean Streams Law.

In addition, EPA may take an enforcement action to restrain violations, to impose criminal or civil penalties, or to seek other remedies or relief as authorized by the Clean Water Act against a permittee that violates any condition or limitation of this permit, or any rule, regulation or order issued by EPA pursuant to the Clean Water Act.

B. Falsifying Information

The permittee or any person who engages in the conduct described below may, upon conviction, be punished by a fine and/or imprisonment pursuant to 18 Pa.C.S. § 4904, or 40 CFR §§ 122.41(j)(5) or (k)(2). (25 Pa. Code §§ 92a.3(c), 92a.41(c))

- 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 non-compliance).

C. Liability

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

Nothing in this permit will 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

The permittee may not maintain as a defense 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. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(c))

III. OTHER RESPONSIBILITIES

A. Right of Entry

The permittee must allow authorized representatives of DEP/CCD and EPA to conduct the following activities upon the presentation of credentials and other documents as may be required by law (35 P.S. §§ 691.5(b) and 305, 25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR § 122.41(i)(2)):

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; (40 CFR § 122.41(i)(1))
2. To have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit; (40 CFR § 122.41(i)(2))
3. To inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and (40 CFR § 122.41(i)(3))
4. To sample or monitor at reasonable times, for the purposes of ensuring permit compliance or as otherwise authorized by the Clean Water Act or the Clean Streams Law, any substances or pollutants at any location. (40 CFR § 122.41(i)(4))

B. Transferring Permit Coverage

1. Transfer Requests by Permittees. (25 Pa. Code § 92a.71 and 40 CFR § 122.61(b))
 - a. If the permittee (i.e., the person identified on the permit application as the applicant) decides to transfer permit coverage to another person prior to submission of an NOT to terminate coverage, the permittee must submit an application to DEP/CCD to transfer permit coverage at least 30 days prior to the proposed date of transfer, using DEP's Application for NPDES or WQM Permit Transfer form (3800-PM-BCW0041) (Transfer Application). Permit coverage will be transferred automatically to the proposed permittee on the date specified in the Transfer Application if all of the following conditions are satisfied:
 1. The Transfer Application is signed by the existing and proposed permittees and contains a specific date for transfer of permit responsibility, coverage and liability between the permittees.
 2. DEP/CCD does not notify the existing permittee and the proposed permittee in writing prior to the transfer date of its intent to modify or revoke and reissue this permit.

3. The proposed permittee is in compliance with existing DEP/CCD issued permits, regulations, orders and schedules of compliance, or has demonstrated that any non-compliance with the existing permits has been resolved by an appropriate compliance action or by the terms and conditions of the permit (including compliance schedules set forth in the permit), consistent with 25 Pa. Code § 92a.51 (relating to schedules of compliance) and other appropriate DEP regulations.
- b. If the transfer does not occur automatically as specified in Paragraph B.1.a of this section, permit coverage may be transferred by the existing permittee to a proposed permittee only if both parties request a modification of permit coverage, using the Transfer Application, and DEP/CCD approves the modification or revokes and reissues the permit coverage. Permit coverage may be transferred both during the term of this permit and during a period of administrative extension of this permit.
- c. In the event DEP/CCD does not approve transfer of this permit, the proposed permittee must submit a new application.
- d. Transfer of a portion of a project site is not authorized under this permit unless otherwise approved by DEP.
- e. If the transfer of permit coverage will coincide with a transfer of property containing PCSM SCM(s), the Transfer Application must include a New Property Owner Notification Form (3800-FM-BCW0271i) signed by the existing and proposed permittees.

C. Amending Permit Coverage

The permittee must notify DEP/CCD of any planned change to earth disturbance activities, BMPs, SCMs, or any other change that may affect permit coverage, including planned changes identified in Part A III.F of this permit, at least 30 days prior to implementing the change. DEP/CCD will notify the permittee whether the submission of an application to amend permit coverage is required. The permittee may not proceed to implement the proposed change until the permittee receives written approval for the amendment from DEP/CCD, when applicable.

D. Property Rights

The approval of coverage under this permit does not convey any property rights, or any exclusive privilege. (25 Pa. Code §§ 92a.3(c), 92a.41(a) and 40 CFR 122.41(g))

E. 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. (25 Pa. Code §§ 92a.3(c), 92a.41(a)(2) and 40 CFR § 122.41(b))

F. Other Laws

The approval of coverage under this permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local laws or regulations.

PART C

OTHER CONDITIONS

I. GENERAL

- A. The permittee is authorized to discharge stormwater associated with construction activities from its project site, alone or in combination with authorized non-stormwater discharges, at discharge points identified in the application submitted for coverage under this permit.
- B. Authorized Non-Stormwater Discharges – The following non-stormwater discharges associated with construction activities are authorized under this permit provided that, with the exception of water used to control dust and to irrigate vegetation in stabilized areas, these discharges are not routed to areas of exposed soil on the project site and that the permittee complies with any applicable requirements for these discharges under the permit:
- Discharges from emergency firefighting activities;
 - Potable water – including water line flushings, fire suppression system flushings, and fire hydrant flushings – that does not contain measurable concentrations of Total Residual Chlorine (TRC), and where appropriate control measures are implemented to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention, settlement);
 - Uncontaminated condensate from air conditioners, coolers/chillers, and other compressors (if treatment through an oil/water separator is provided) and from the outside storage of refrigerated gases or liquids;
 - Irrigation and dust control drainage;
 - Landscape water if such water does not contain pesticides, herbicides or fertilizers;
 - Pavement wash waters, other than wash waters used on newly sealed pavement (sealant applied within the prior week), where: no detergents or hazardous cleaning products are used; the wash waters do not come into contact with oil and grease deposits, sources of pollutants associated with industrial activities, or any other toxic or hazardous materials; and appropriate control measures are implemented to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention, settlement);
 - Routine external building washdown or power wash water that does not contain detergents or hazardous cleaning products (e.g., those containing bleach, hydrofluoric acid, muriatic acid, sodium hydroxide, nonylphenols) and where appropriate control measures are implemented to minimize discharges of mobilized solids and other pollutants (e.g., filtration, detention, settlement);
 - Uncontaminated ground water or spring water;
 - Foundation or footing drains where flows are not contaminated with process materials; and
 - Construction dewatering water that complies with the construction dewatering discharge requirements of Part A II.B.3 of this permit.
- C. The permittee must handle, recycle and/or dispose of building materials and wastes, collected screenings, slurries, sludges, and other solids generated in the course of treatment or control of stormwater runoff in compliance with state and federal law, including the Solid Waste Management Act (35 P.S. §§ 6018.101, et seq.), 25 Pa. Code Chapters 271-285 (relating to municipal waste), 287-299 (relating to residual waste), Chapters 261a, 262a, 263a, and 270a (related to identification of hazardous waste, requirements for generators and transporters, hazardous waste requirements for generators and transporters, and hazardous waste permit programs), the Clean Streams Law, the federal Clean Water Act, and 40 CFR Part 257 (related to criteria for classification of solid waste disposal facilities and practices) and in a manner that prevents any pollutant from such materials from adversely affecting the environment.

The permittee is responsible to obtain or ensure 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 construction activities, stormwater management, and treatment.

- D. No new discharge may be commenced under this permit until the applicant demonstrates compliance with and/or completes all of the following:
1. A complete application package (3800-PM-BCW0408b and required attachments) has been submitted, as determined by DEP/CCD, in accordance with the requirements of this permit and the application instructions.

2. The applicant has received a permit, signed by the appropriate DEP manager.
3. The applicant has obtained all other state and local permits and approvals arising out of the earth disturbance activities reported in the application, including but not limited to sewage planning approval required by the Pennsylvania Sewage Facilities Act, 35 P.S. §§ 750.1 et seq. (Act 537), if applicable.
4. The permittee has recorded a legal instrument disclosing planned post-construction stormwater management (PCSM) stormwater control measure(s) (SCM(s)) on applicable properties with the Recorder of Deeds and has received written authorization from DEP/CCD to schedule a pre-construction meeting, except as specified in Part C II.B of this permit.
5. A pre-construction meeting has been held unless waived by DEP/CCD, in writing.

II. INITIAL RECORDING

If the approved PCSM Plan includes PCSM SCMs that will be located on non-Commonwealth and non-federal property, the permittee must record a legal instrument with the Recorder of Deeds for each property that will contain SCMs that identifies the planned SCMs, provides access for long-term O&M of the SCMs, and provides notice that the responsibility for long-term O&M of the SCMs is a covenant that runs with the land.

- A. The permittee must provide a copy of the recorded instrument, all attachments or exhibits to the instrument, and proof of recording to DEP/CCD prior to the pre-construction meeting, unless the project is conducted for the benefit of a public utility, as defined in the Public Utility Code (66 Pa.C.S.A. § 102), or otherwise approved by DEP/CCD in writing. The permittee may not schedule the pre-construction meeting or commence the earth disturbance activity until DEP/CCD receives this documentation and determines it is complete. Upon written authorization from DEP/CCD, the permittee may schedule the pre-construction meeting.
- B. For public utility projects and other projects for which written approval is obtained from DEP/CCD to provide the recorded documentation following the pre-construction meeting, the permittee must provide a copy of the recorded instrument, all attachments or exhibits to the instrument, and proof of recording to DEP/CCD within 45 days of permit issuance.
- C. The permittee must record the following documentation under this section:
 1. An instrument that is consistent with DEP's Sample Instrument for the Declaration of Restrictions and Covenants, available on DEP's website (www.dep.pa.gov/constructionstormwater, select E&S Resources).
 2. Approved PCSM Plan Drawing(s) identifying the SCMs or other documentation that identifies the location of the SCMs on the relevant properties; the planned size (length, width, depth) of the SCMs; depictions of the inlet and outlet structures of the SCMs, as applicable; construction materials and media, as applicable; and the planned vegetation for the SCMs, as applicable.
 3. Long-Term O&M Plans for the SCMs, if separate from the documentation in Paragraph II.C.2, above.

III. PRE-CONSTRUCTION MEETING

Upon notification from DEP/CCD that the recorded instrument is complete, if applicable, the permittee must schedule and hold a pre-construction meeting unless the permittee has been notified otherwise in writing by DEP/CCD. The permittee must invite the agency approving coverage under this permit to attend the pre-construction meeting and provide at least seven (7) days' notice of the pre-construction meeting to all invited attendees. The permittee must also invite to the pre-construction meeting co-permittees, operators, municipal representative(s), licensed professionals or designees, and all others responsible for implementing or monitoring the earth disturbance activity and implementation of E&S, PCSM and PPC Plans and critical stages of implementation of the approved PCSM Plan.

IV. NOTIFICATION OF PERIMETER CONTROL BMPs

Upon the installation of all perimeter sediment control BMPs and at least three (3) days prior to proceeding with the bulk earth disturbance activities, the permittee or co-permittee shall provide notification to DEP or CCD by phone or electronic mail.

V. E&S PLANS

- A. The permittee must implement an approved E&S Plan that meets the requirements of 25 Pa. Code § 102.4(b) and contains E&S BMPs that will be designed, implemented and maintained to minimize the potential for accelerated erosion and sedimentation and achieve the effluent limitations set forth in Part A of this permit.
- B. The E&S Plan, including construction sequencing and O&M of BMPs, must be implemented at all times.
- C. The permittee must make the approved E&S Plan available for review and inspection by DEP/CCD and EPA during all stages of earth disturbance activities.

VI. PCSM PLANS

- A. The permittee must implement an approved PCSM Plan that meets the requirements of 25 Pa. Code § 102.8 and contains PCSM SCMs that will be designed, implemented and maintained to achieve the effluent limitations set forth in Part A of this permit.
- B. The PCSM Plan, including construction sequencing and O&M of SCMs, must be implemented at all times.
- C. The permittee must make the approved PCSM Plan available for review and inspection by DEP/CCD and EPA during all stages of earth disturbance activities.

VII. LONG-TERM OPERATION AND MAINTENANCE OF PCSM SCMs

- A. The permittee or co-permittee is responsible for long-term O&M of PCSM SCMs unless a different person is identified in the NOT and that person has agreed to long-term O&M of PCSM SCMs. A permittee or co-permittee that fails to transfer long-term O&M of the PCSM SCMs or otherwise fails to comply with this requirement remains jointly and severally responsible with the landowner for long-term O&M of the PCSM SCMs located on the property. (25 Pa. Code §§ 102.8(m)(1), 102.8(m)(5))
- B. The permittee or co-permittee must record a final instrument with the Recorder of Deeds for each non-Commonwealth and non-federal property containing PCSM SCMs when changes are made following the initial recording. The instrument must identify the implemented SCMs, provide access for long-term O&M of the PCSM SCMs, and provide notice that the responsibility for long-term O&M for the SCMs is a covenant that runs with the land. The final recording must amend the original recording as referenced in Part C II of this permit, as applicable. The permittee or co-permittee must provide a copy of the final instrument, all attachments or exhibits to the instrument, and proof of recording to DEP/CCD with the NOT. The permittee or co-permittee must record the following documentation under this section at a minimum, when applicable:
 - 1. An instrument that is consistent with DEP's Sample Instrument for the Declaration of Restrictions and Covenants, available on DEP's website (www.dep.pa.gov/constructionstormwater, select E&S Resources).
 - 2. Documentation that identifies the location of the SCMs on the relevant properties; the planned size (length, width, depth) of the SCMs; depictions of the inlet and outlet structures of the SCMs, as applicable; construction materials and media, as applicable; and the vegetation for the SCMs, as applicable; or otherwise record drawings as identified at 25 Pa. Code § 102.8(l).
 - 3. Long-Term O&M Plans for the SCMs, if separate from the documentation in Paragraph VII.B.2, above.

- C. If a parcel, lot, road, or other real property containing or planned to contain a PCSM SCM is sold during the term of permit coverage, the permittee must provide the new property owner with 1) record drawings or other plans identifying the SCM; 2) a long-term O&M Plan for the SCM; and 3) a completed New Property Owner Notification form (3800-FM-BCW00271i). The permittee must submit copies of completed New Property Owner Notification forms to DEP/CCD and to the municipality where the SCM is located within 30 days of the date of transfer of the property.
1. If a permittee submits to DEP/CCD a New Property Owner Notification form containing the signature of the first owner of a lot containing PCSM SCMs that is acquired from the permittee, the permittee is not obligated to obtain the signatures of any future lot owner unless the permittee failed to record a legal instrument disclosing the PCSM SCMs on the lot.
 2. If the new property owner or subsequent property owners enter into an agreement for a separate party to be responsible for long-term O&M and do not disclose this to the permittee, it is not the permittee's responsibility to disclose this to DEP/CCD.
 3. If there are increases in impervious area on a lot following its sale, in which a New Property Owner Notification form was submitted, the permittee is not responsible for identifying the increase in impervious area if SCMs were designed to manage the maximum allowable impervious under an ordinance or the planned impervious with a factor of safety of at least 10%.
- D. For Commonwealth-owned or federally-owned property, a covenant that runs with the land is not required until the transfer of the land containing a PCSM SCM to a non-Commonwealth or non-federal entity occurs. Upon transfer of the Commonwealth-owned or federally-owned property containing the PCSM SCM, the deed must comply with 25 Pa. Code § 102.8(m). (25 Pa. Code § 102.8(m)(3))
- E. The person responsible for performing long-term O&M may enter into a written agreement with another person, including a CCD, nonprofit organization, municipality, authority, private corporation, or other person, to transfer the responsibility for PCSM SCMs or to perform long-term O&M and provide notice thereof to DEP/CCD. (25 Pa. Code § 102.8(m)(4))
- F. The recorded instrument must provide for access to the PCSM SCMs in addition to information on inspection, repair, replacement, and routine maintenance to ensure proper function and operation of the PCSM SCMs.
- G. For PCSM SCMs that discharge to an MS4, the permittee must specify in the long-term O&M plan that copies of all inspection reports must be submitted by the person responsible for long-term O&M to the municipality or other entity that owns or operates the MS4.

VIII. PREPAREDNESS, PREVENTION, AND CONTINGENCY PLANS

If toxic, hazardous, or other polluting materials will be on site, the permittee or co-permittee(s) must develop a PPC Plan for use while those materials are on-site in accordance with 25 Pa. Code §§ 91.34 (relating to activities utilizing pollutants) and 102.5(l). The PPC Plan must identify areas which may include waste management areas, raw material storage areas, fuel storage areas, temporary and permanent spoils storage areas, maintenance areas, and any other areas that may have the potential to cause non-compliance with the terms and conditions of this permit due to the storage, handling, or disposal of any toxic or hazardous substances such as oil, gasoline, pesticides, herbicides, solvents, or concrete wash waters. BMPs must be developed and implemented for each identified area. Names and contact information within the PPC Plan must be kept up to date. The PPC Plan must be made available for review at the request of DEP/CCD.

IX. IMPORTED FILL AND SITE CONTAMINATION

A. Imported Fill.

1. With the exception of sites enrolled in DEP's Land Recycling and Remediation Standards Act (Act 2) Program and sites with DEP Waste Management General Permit (WMGR096) approval to use regulated fill, all fill material imported to the site must meet the definition of clean fill, as defined in DEP's Management of Fill Policy. Regulated fill used on Act 2 sites must comply with the standards established by the Act 2 Program. Regulated fill used outside of Act 2 sites must comply with DEP Waste Management General Permit WMGR096.

2. For areas not enrolled in the Act 2 Program, the permittee must comply with DEP's Management of Fill Policy (Document No. 258-2182-773) if fill is imported to the site, and comply with the following when using fill at the site to level an area or bring it to grade:
 - a. The permittee must conduct environmental due diligence to determine whether the fill has been affected by a release of a regulated substance. If due diligence was conducted prior to submitting the permit application and circumstances have not changed between the due diligence and the use of the fill, due diligence does not need to be repeated.
 - b. If due diligence results in evidence of a release, as defined in DEP's Management of Fill Policy, the permittee must test the material to determine whether it qualifies as clean fill, and if so, DEP's electronic Form FP-001 (Certification of Clean Fill) must be completed, retained by the permittee and be made available to DEP/CCD upon request. If the fill does not qualify as clean fill, but meets the regulated fill standards, it may be used in accordance with an approval for coverage under DEP Waste Management General Permit WMGR096.

B. On-Site Soil Contamination.

1. For sites enrolled in the Act 2 Program, if the results of soil sampling in the area of earth disturbance activities demonstrate newly discovered soil contamination with concentrations of regulated substances exceeding the residential or non-residential medium-specific concentrations (MSCs), whichever is applicable, the permittee or operator co-permittee must notify DEP/CCD by phone within 24 hours of receiving the sampling results. Earth disturbance activities in areas of newly discovered contamination need not cease after notification to DEP/CCD unless so directed by DEP/CCD.
2. For areas not enrolled in the Act 2 Program, if the permittee or operator co-permittee discovers during earth disturbance activities wastes or other materials or substances that have or have likely caused soil contamination with concentrations of regulated substances exceeding the residential or non-residential MSCs, whichever is applicable, the permittee must notify DEP/CCD by phone within 24 hours. Earth disturbance activities in areas of newly discovered contamination need not cease after notification to DEP/CCD unless so directed by DEP/CCD.

C. On-Site Groundwater Contamination.

If the results of sampling performed on groundwater encountered during earth disturbance activities demonstrate that the groundwater is contaminated by one or more pollutants at concentrations exceeding water quality criteria contained in 25 Pa. Code Chapter 93, that were not previously disclosed to DEP/CCD, the permittee or operator co-permittee must notify DEP/CCD by phone within 24 hours of receiving the sampling results. Contaminated groundwater may not be pumped or otherwise diverted to surface waters unless specifically authorized by the DEP Clean Water Program.

X. INFILTRATION SCMs

- A. The permittee must protect the infiltration surface for any area on a project site that will be used for infiltration-based SCMs. The surface must be protected from compaction, fines, and sediment unless it is used as an E&S BMP.
- B. Effective December 8, 2025, the permittee must complete confirmation testing for infiltration capacity to verify that infiltration SCMs will perform as designed anytime 1) the area of an infiltration SCM has not been protected, as determined by a licensed professional or DEP/CCD, and 2) an E&S BMP will be converted to a PCSM SCM and used for infiltration. Confirmation testing is a critical stage of SCM construction that must be overseen by a licensed professional or designee.
- C. Confirmation testing for infiltration capacity may be performed by 1) a simulated runoff test using a ponding depth of no less than six (6) inches within the SCM; 2) inspection during and after a storm event that produces a ponding depth of no less than six (6) inches within the SCM; or 3) infiltration testing using acceptable methods from the Pennsylvania Stormwater BMP Manual (363-0300-002), as amended and updated. The testing or inspection must be performed after major earthwork is complete, after permanent stabilization of the

SCM's drainage area, and, where an E&S BMP is being converted to a PCSM SCM, prior to placing soil media or stone in an SCM.

- D. The permittee may not proceed to complete construction of the SCM until a licensed professional evaluates the confirmation testing and notifies the permittee that the infiltration SCM meets the purpose and intent of the approved PCSM Plan, without overflowing at the storm event the SCM is designed to manage, and will protect waters of the Commonwealth.
- E. If the licensed professional determines that the SCM will not function as designed, the permittee shall implement corrective measures under the direction of the licensed professional and retest. If the licensed professional recommends changes to the dimensions, location, or type of SCM, the permittee must notify DEP/CCD prior to implementing the changes to determine the possible need for an amendment to the approved PCSM Plan and permit coverage. If an amendment is required, the permittee may not proceed with implementing the changes until written approval is obtained.
- F. Where confirmation testing for infiltration capacity is completed, the permittee must report the results of the testing on the SCM Construction Certification form that is required by Part A III.C.2.b of this permit.

XI. IMPLEMENTATION OF PERMIT REQUIREMENTS

- A. Prior to commencement of construction activities or commencement of work on the project site, the permittee and co-permittee(s) must ensure that the following personnel understand the requirements of, and their specific responsibilities under, this permit:
 - Personnel responsible for the installation, maintenance, and/or repair of E&S BMPs and PCSM SCMs and implementation of the PPC Plan.
 - Personnel responsible for the application and storage of treatment chemicals (if applicable).
 - Personnel responsible for conducting inspections.
 - Personnel responsible for taking corrective actions.
- B. The permittee and co-permittees are responsible for ensuring that all activities on the project site comply with the requirements of this permit.
- C. All personnel must have access at all times during earth disturbance activities to an electronic or paper copy of this permit, the approved copies of the E&S, PCSM and PPC Plans, and other relevant documents or information that must be kept with these plans.

XII. OTHER REQUIREMENTS

- A. Cessation of Earth Disturbance Activities.

The permittee must cease earth disturbance activities resulting in stormwater discharges during construction upon written notification from DEP/CCD in the form of an order or inspection report, and may not resume such activities until authorized to do so by DEP/CCD. DEP/CCD may require cessation of earth disturbance activities where required plans are not in place, where plans are significantly deficient and could result in environmental harm, where potential or actual harm is identified during on-site inspections, or for other reasons pursuant to applicable law.

- B. Compliance and Enforcement.

- 1. A person aggrieved by an action of a CCD must request an informal hearing with DEP within 30 days following the notice of the action. DEP will schedule the informal hearing and make a final determination within 30 days of the request. Any final determination by DEP under the informal hearing may be appealed to the Environmental Hearing Board (EHB) in accordance with established administrative and judicial procedures. (25 Pa. Code § 102.32(c))

2. For enforcement action taken under this permit, DEP/CCD may collect or recover, from the responsible party, costs and expenses involved in taking enforcement action and initiating cost recovery actions. DEP/CCD may collect the amount in the same manner as civil penalties are collected under Section 605 of The Clean Streams Law (35 P.S. § 691.605). (25 Pa. Code § 102.32(d))

C. Non-Stormwater Discharges.

Except as set forth in Part C I.B of this permit, non-stormwater discharges are not authorized under this permit. The permittee must cease any non-stormwater discharge upon receipt of written notification from DEP/CCD that the discharge is not authorized under this permit.

D. Off-Site Support Activities.

The permittee may utilize only those off-site support activities meeting the following criteria:

1. The off-site support activities have been identified in the application and are eligible for coverage under this permit.
2. If the off-site support activities have not been identified in the application for permit coverage, the permittee has notified DEP/CCD of the identification of the off-site support activities, prior to their use, and DEP/CCD has approved an amendment of the permittee's coverage under this permit.
3. A written E&S Plan that includes all off-site support activities has been developed, submitted for review, and approved by DEP/CCD.

E. Off-Site Discharges.

The permittee must ensure that E&S BMPs and PCSM SCMs are installed and maintained for all off-site discharges to areas other than surface waters, as applicable, including but not limited to swales, ditches, and the ground surface.

F. Archaeological Specimens.

The permittee and its agents must visually inspect for archaeological specimens, as the term is defined in the Pennsylvania State History Code (37 Pa. C.S.A., §§ 101 *et seq.*), during earth disturbance activities, and must immediately cease earth disturbance activities upon discovery of archaeological specimens. Upon discovery the permittee must immediately notify DEP/CCD and the Pennsylvania Historical and Museum Commission (PHMC) (Phone: (717) 783-8947).

G. Threatened and Endangered Species Protection.

1. If applicable, the permittee and co-permittee(s) must comply with the provisions of any Habitat Conservation Plan approved by the jurisdictional resource agencies to protect state or federal threatened and endangered species.
2. If any potential impact to federal or state threatened or endangered species is identified on the Pennsylvania Natural Diversity Inventory (PNDI) receipt, the permittee must implement any avoidance/mitigation measures indicated on the PNDI receipt and/or other measures determined necessary by the resource agencies in a clearance letter, determination or other correspondence to resolve potential species impacts and ensure compliance with applicable federal and State laws pertaining to the protection of state or federal threatened and endangered species.
3. When conducting earth disturbance activities, the permittee and co-permittees have a continuing obligation to ensure compliance with applicable state and federal laws pertaining to the protection of state or federal threatened and endangered species.

H. Antidegradation Requirements.

The permittee shall implement a non-discharge alternative and/or the ABACT E&S BMPs and PCSM SCMs identified in Antidegradation Analysis Module 3 (3800-PM-BCW0406c) and the approved E&S and PCSM

Plans to satisfy antidegradation implementation requirements of 25 Pa. Code §§ 93.4c, 102.4(b)(6) and 102.8(h).

I. Riparian Buffer Implementation Requirements.

1. The permittee shall maintain an existing riparian buffer or riparian forest buffer, convert a riparian buffer to a riparian forest buffer or establish a new riparian buffer or riparian forest buffer (either on the project site or at a separate off-site location within the same drainage list as the project site) in accordance with Riparian Buffer Module 4 (3800-PM-BCW0406d) and the approved PCSM Plan to satisfy riparian buffer requirements of 25 Pa. Code § 102.14 or Section 402(c) of Pennsylvania's Clean Streams Law.
2. An existing, converted or newly established riparian forest buffer must meet the requirements set forth in 25 Pa. Code § 102.14(b).
3. The permittee shall comply with the mandatory requirements for all riparian buffers at 25 Pa. Code § 102.14(c).
4. The permittee shall provide for permanent protection of riparian buffers in accordance with 25 Pa. Code § 102.14(g).
5. The permittee shall submit the Chapter 102 Riparian Buffer Tracking Form, or equivalent, to DEP/CCD within one year of establishment or protection of the riparian buffer.

J. Sinkholes.

The permittee shall notify DEP/CCD immediately by phone if a sinkhole(s) develops on the project site. Within five days following the notification, the permittee shall submit a plan drawing showing the location of the sinkhole(s), photographs, the method of repair, and how E&S BMPs and/or PCSM SCMs will be modified as a result, if applicable.

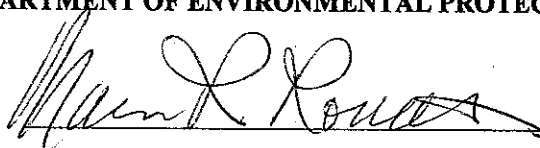
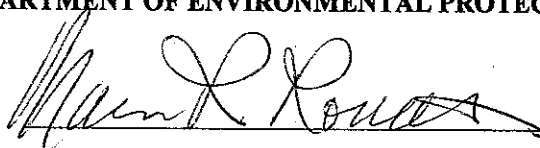
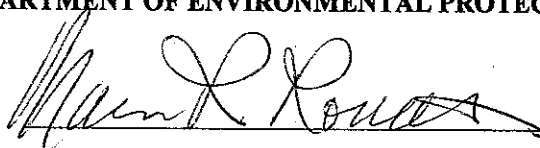
Attachment K

Public Water Supply Permits

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

PUBLIC WATER SUPPLY PERMIT

No. 1511508

A. PERMITTEE: (Name and Address) Aqua Pennsylvania Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010	B. PROJECT/PLANT LOCATION Municipality <u>Honey Brook Township</u> County <u>Chester County</u>																											
C. THIS PERMIT APPROVES FOR: 1. ☐ CONSTRUCTION 2. ☒ OPERATION OF FACILITIES AS INDICATED BELOW: Approved Under Construction Permit No. _____																												
<table style="width: 100%;"><thead><tr><th style="text-align: left; width: 33%;">Source</th><th style="text-align: left; width: 33%;">Facilities</th><th style="text-align: left; width: 33%;">BVRB</th></tr></thead><tbody><tr><td>☐ Well(s)</td><td>☐ Impoundment</td><td>☐ Bottled Water System</td></tr><tr><td>☐ Spring(s)</td><td>☐ Settling</td><td>☐ Bulk Water Hauling System</td></tr><tr><td>☐ Surface Water</td><td>☐ Filtration</td><td>☐ Vended Water System</td></tr><tr><td>☐ Finished Water</td><td>☐ Iron and Manganese Treatment</td><td>☐ Retail Water Facility</td></tr><tr><td></td><td>☐ Softening</td><td></td></tr><tr><td></td><td>☐ Fluoridation</td><td></td></tr><tr><td></td><td>☐ Distribution Facility</td><td></td></tr><tr><td></td><td>☒ Other <u>4-log Treatment of Viruses</u></td><td></td></tr></tbody></table>		Source	Facilities	BVRB	☐ Well(s)	☐ Impoundment	☐ Bottled Water System	☐ Spring(s)	☐ Settling	☐ Bulk Water Hauling System	☐ Surface Water	☐ Filtration	☐ Vended Water System	☐ Finished Water	☐ Iron and Manganese Treatment	☐ Retail Water Facility		☐ Softening			☐ Fluoridation			☐ Distribution Facility			☒ Other <u>4-log Treatment of Viruses</u>	
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KNOWN AS <u>Certification of 4-log Treatment of Viruses at Honeybrook System Entry Points 101 and 102</u>																												
LIMIT OF AUTHORIZATION YOU ARE HEREBY AUTHORIZED TO CONSTRUCT OR OPERATE, AS INDICATED ABOVE, PROVIDED THAT FAILURE TO COMPLY WITH CHAPTER 109 OF THE RULES AND REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEPARTMENT) OR THE TERMS OR CONDITIONS OF THIS PERMIT SHALL VOID THE AUTHORITY GIVEN TO THE PERMITTEE BY THE ISSUANCE OF THE PERMIT. THE PLANS, SPECIFICATION, REPORTS, AND SUPPORTING DOCUMENTS SUBMITTED AS PART OF THE PERMIT APPLICATION BECOME PART OF THE PERMIT. NO DEVIATIONS FROM APPROVED PLANS OR SPECIFICATIONS AFFECTING THE TREATMENT PROCESS OR QUALITY OF WATERS SHALL BE MADE WITHOUT WRITTEN APPROVAL FROM THE DEPARTMENT. THIS PERMIT IS ISSUED BY THE DEPARTMENT UNDER THE AUTHORITY OF THE PENNSYLVANIA SAFE DRINKING WATER ACT, THE ACT OF MAY 1, 1984 (P.L. 206, NO. 43). OPERATION SHALL COMPLY WITH THE PROVISIONS OF CHAPTER 109 ADOPTED UNDER THE AUTHORITY IN SECTIONS 4 AND 6(e) OF THE PENNSYLVANIA SAFE DRINKING WATER ACT. THIS PERMIT IS SUBJECT TO THE ATTACHED SPECIAL CONDITIONS <u>I</u>																												
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Public Water Supply Permit No. 1511508
Aqua Pennsylvania
Honey Brook Township, Chester County

This permit is subject to the following Special Condition(s):

I. This certification is based on the following:

PWS ID No.	Source Name	Source ID	Entry Point ID	Minimum Chlorine Residual (mg/L)	Minimum Temperature (°C)	Maximum Flow Rate (gpm)
1150195	Grandstaff Well 1	001	101	0.40	10.0	250
	Grandstaff Well 2	002				
	Deer Run Well 3DR	003 -	102	0.70	10.0	120

Re 30 (GJS11WSM)60-26



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

March 18, 2016

Mr. Tony L. Fernandes
Manager of Water Resources Engineering
Aqua Pennsylvania, Inc.
762 West Lancaster Avenue
Bryn Mawr, PA 19010

Re: Aqua PA Friendship
PWS ID No. 1150137
Public Water Supply Permit No. 1515527
APS No. 878158, AUTH No. 1085891
West Brandywine Township
Chester County

Dear Mr. Fernandes:

Enclosed is Public Water Supply Permit No. 1515527 for operation of Friendship Well No. 4 at the Friendship Well Station. This permit is being issued in response to an application received by the Department of Environmental Protection (DEP) on August 19, 2015. Your facilities will be periodically inspected by representatives from DEP to ensure compliance with the regulations.

Your attention is directed to the three (3) special conditions included as part of this permit. This includes the well abandonment procedures for Well No. 1.

With the replacement of Friendship Well No. 1 with Friendship Well No. 4, Permit No. 1511507, certifying 4-log treatment of viruses for the Aqua PA Friendship water system, is hereby rescinded. The certification of 4-log treatment of viruses at Entry Points 101, 102, 103, 104, 105, and 106 is now incorporated as part of this permit.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717.787.3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800.654.5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717.787.3483. This

paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717.787.3483) FOR MORE INFORMATION.

Please study the permit carefully and direct any questions to Mr. Robert Woolston at 484.250.5128 of the Safe Drinking Water program, Southeast Regional Office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Zahra Nucci".

Zahra Nucci, P.E.
Regional Manager
Safe Drinking Water

Enclosures: Permit

cc: Mr. Bonasera, P.G. - East Latitude, LLC
Re (GJS16SDW)42-10



PUBLIC WATER SUPPLY PERMIT

No. 1515527

A. PERMITTEE: (Name and Address)

Aqua Pennsylvania, Inc.
762 West Lancaster Avenue
Bryn Mawr, PA 19010

B. PROJECT/PLANT LOCATION

Address 12 Beachwood Drive, West Brandywine, PA 19320

Municipality West Brandywine Township

County Chester

C. THIS PERMIT APPROVES FOR:

1. ☐

CONSTRUCTION

2. ☒

OPERATION OF FACILITIES

AS INDICATED BELOW:

Approved Under Construction Permit No. _____

Source

- ☒ Well(s)
☐ Spring(s)
☐ Surface Water
☐ Finished Water

- ☐ Impoundment
☐ Settling
☐ Filtration
☐ Iron and Manganese Treatment
☐ Softening
☐ Fluoridation
☐ Distribution Facility

Facilities

- ☐ General Corrosion Control
☐ Corrosion Control for Lead/Copper
☐ Disinfection
☐ Pump Station(s)
☐ Transmission Lines
☐ Finished Water Storage
☒ Other 4-log Treatment of Viruses

BVRB

- ☐ Bottled Water System
☐ Bulk Water Hauling System
☐ Vended Water System
☐ Retail Water Facility

KNOWN AS Aqua PA Friendship Well No. 4 and Certification of 4-log Treatment of Viruses at Entry Points 101, 102, 103, 104, 105, and 106 for the Aqua PA Friendship Water System

LIMIT OF AUTHORIZATION

YOU ARE HEREBY AUTHORIZED TO CONSTRUCT OR OPERATE, AS INDICATED ABOVE, PROVIDED THAT FAILURE TO COMPLY WITH CHAPTER 109 OF THE RULES AND REGULATIONS OF DEP OR THE TERMS OR CONDITIONS OF THIS PERMIT SHALL VOID THE AUTHORITY GIVEN TO THE PERMITTEE BY THE ISSUANCE OF THE PERMIT.

THE PLANS, SPECIFICATION, REPORTS, AND SUPPORTING DOCUMENTS SUBMITTED AS PART OF THE PERMIT APPLICATION BECOME PART OF THE PERMIT.

NO DEVIATIONS FROM APPROVED PLANS OR SPECIFICATIONS AFFECTING THE TREATMENT PROCESS OR QUALITY OF WATERS SHALL BE MADE WITHOUT WRITTEN APPROVAL FROM DEP.

THIS PERMIT IS ISSUED BY DEP UNDER THE AUTHORITY OF THE PENNSYLVANIA SAFE DRINKING WATER ACT, THE ACT OF MAY 1, 1984 (P.L. 206, NO. 43). OPERATION SHALL COMPLY WITH THE PROVISIONS OF CHAPTER 109 ADOPTED UNDER THE AUTHORITY IN SECTIONS 4 AND 6(e) OF THE PENNSYLVANIA SAFE DRINKING WATER ACT.

THIS PERMIT IS SUBJECT TO THE ATTACHED SPECIAL CONDITIONS I, II, and III

PERMIT ISSUED

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Date

MAR 18 2016

By

Zahra Nucci

Zahra Nucci, P.E.

Regional Manager

Title

Safe Drinking Water

Public Water Supply Permit No. 1515527
Aqua Pennsylvania, Inc.
West Brandywine Township, Chester County

This permit is subject to the following Special Condition(s):

- I. All wells located on the site shall be accurately identified with obvious markings indicating the well's number and designated active/permitted or inactive/unpermitted as applicable. The well number and designation shall be affixed to each well in a legible, conspicuous, and permanent manner.
- II. The certification of 4-log treatment of viruses at Entry Points 101, 102, 103, 104, 105, and 106 are based on the following operational parameters:

PWS ID No.	Source Name	Source ID	Entry Point ID	Minimum Chlorine Residual (mg/L)	Minimum Temperature (°C)	Maximum Flow Rate (gpm)
1150137	Friendship Well No. 2	002	101	0.4	10	120
	Friendship Well No. 4	013				
	Kimberwick Well No. 3	003	102	0.4	10	93
	Kimberwick Well No. 4	004				
	Kimberwick Well No. 5	005				
	Kimberwick Well No. 6	006				
	Well 7B	007	103	0.4	10	113
	Well 8C	008				
	Culbertson Run Well	009	104	0.4	10	75
	Cross Keys Well	010	105	0.7	10	75
	Locust Knoll Well	011	106	0.55	10	62

- III. A well abandonment plan shall be submitted to DEP and approved prior to the abandonment of Well No. 1.

Re 30 (GJS16SDW)42-10b



pennsylvania

DEPARTMENT OF ENVIRONMENTAL
PROTECTION

March 18, 2016

Mr. Tony L. Fernandes
Manager of Water Resources Engineering
Aqua Pennsylvania, Inc.
762 West Lancaster Avenue
Bryn Mawr, PA 19010

Re: Aqua PA Friendship
PWS ID No. 1150137
Public Water Supply Permit No. 1515527
APS No. 878158, AUTH No. 1085891
West Brandywine Township
Chester County

Dear Mr. Fernandes:

Enclosed is Public Water Supply Permit No. 1515527 for operation of Friendship Well No. 4 at the Friendship Well Station. This permit is being issued in response to an application received by the Department of Environmental Protection (DEP) on August 19, 2015. Your facilities will be periodically inspected by representatives from DEP to ensure compliance with the regulations.

Your attention is directed to the three (3) special conditions included as part of this permit. This includes the well abandonment procedures for Well No. 1.

With the replacement of Friendship Well No. 1 with Friendship Well No. 4, Permit No. 1511507, certifying 4-log treatment of viruses for the Aqua PA Friendship water system, is hereby rescinded. The certification of 4-log treatment of viruses at Entry Points 101, 102, 103, 104, 105, and 106 is now incorporated as part of this permit.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717.787.3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800.654.5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717.787.3483. This

paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717.787.3483) FOR MORE INFORMATION.

Please study the permit carefully and direct any questions to Mr. Robert Woolston at 484.250.5128 of the Safe Drinking Water program, Southeast Regional Office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Zahra Nucci".

Zahra Nucci, P.E.
Regional Manager
Safe Drinking Water

Enclosures: Permit

cc: Mr. Bonasera, P.G. - East Latitude, LLC
Re (GJS16SDW)42-10



PUBLIC WATER SUPPLY PERMIT

No. 1515527

A. PERMITTEE: (Name and Address)

Aqua Pennsylvania, Inc.
762 West Lancaster Avenue
Bryn Mawr, PA 19010

B. PROJECT/PLANT LOCATION

Address 12 Beachwood Drive, West Brandywine, PA 19320

Municipality West Brandywine Township

County Chester

C. THIS PERMIT APPROVES FOR:

1. ☐

CONSTRUCTION

2. ☒

OPERATION OF FACILITIES

AS INDICATED BELOW:

Approved Under Construction Permit No. _____

Source

- ☒ Well(s)
☐ Spring(s)
☐ Surface Water
☐ Finished Water

- ☐ Impoundment
☐ Settling
☐ Filtration
☐ Iron and Manganese Treatment
☐ Softening
☐ Fluoridation
☐ Distribution Facility

Facilities

- ☐ General Corrosion Control
☐ Corrosion Control for Lead/Copper
☐ Disinfection
☐ Pump Station(s)
☐ Transmission Lines
☐ Finished Water Storage
☒ Other 4-log Treatment of Viruses

BVRB

- ☐ Bottled Water System
☐ Bulk Water Hauling System
☐ Vended Water System
☐ Retail Water Facility

KNOWN AS Aqua PA Friendship Well No. 4 and Certification of 4-log Treatment of Viruses at Entry Points 101, 102, 103, 104, 105, and 106 for the Aqua PA Friendship Water System

LIMIT OF AUTHORIZATION

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THIS PERMIT IS SUBJECT TO THE ATTACHED SPECIAL CONDITIONS I, II, and III

PERMIT ISSUED

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Date

MAR 18 2016

By

Zahra Nucci

Zahra Nucci, P.E.

Regional Manager

Title

Safe Drinking Water

Public Water Supply Permit No. 1515527
Aqua Pennsylvania, Inc.
West Brandywine Township, Chester County

This permit is subject to the following Special Condition(s):

- I. All wells located on the site shall be accurately identified with obvious markings indicating the well's number and designated active/permited or inactive/unpermited as applicable. The well number and designation shall be affixed to each well in a legible, conspicuous, and permanent manner.
- II. The certification of 4-log treatment of viruses at Entry Points 101, 102, 103, 104, 105, and 106 are based on the following operational parameters:

PWS ID No.	Source Name	Source ID	Entry Point ID	Minimum Chlorine Residual (mg/L)	Minimum Temperature (°C)	Maximum Flow Rate (gpm)
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	Friendship Well No. 4	013				
	Kimberwick Well No. 3	003	102	0.4	10	93
	Kimberwick Well No. 4	004				
	Kimberwick Well No. 5	005				
	Kimberwick Well No. 6	006				
	Well 7B	007	103	0.4	10	113
	Well 8C	008				
	Culbertson Run Well	009	104	0.4	10	75
	Cross Keys Well	010	105	0.7	10	75
	Locust Knoll Well	011	106	0.55	10	62

- III. A well abandonment plan shall be submitted to DEP and approved prior to the abandonment of Well No. 1.

Re 30 (GJS16SDW)42-10b

Attachment L

DRBC Permits

Delaware River Basin Commission

25 State Police Drive | P.O. Box 7360
West Trenton | New Jersey | 08628-0360
www.drbc.net

Project Review

NOTICE OF COMMISSION ACTION

Date: September 14, 2016

Docket No. D-2003-033 CP-2

Project Sponsor:

Aqua Pennsylvania, Inc.
Attention: Michael Pickel, P.E., Senior Manager,
Environmental Affairs
762 West Lancaster Avenue
Bryn Mawr, Pennsylvania 19010

Project Description:

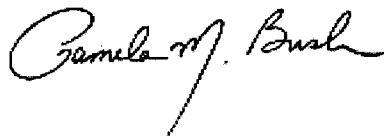
Aqua Pennsylvania, Inc.
UGS North and Honey Brook Systems Groundwater Withdrawal
and Interconnection
East Brandywine, West Brandywine, Caln and Honey Brook
Townships, Chester County, Pennsylvania

Action by Commission:

This action is incorporated in the Commission's *Comprehensive Plan* for the Delaware River Basin and approved pursuant to Section 3.8 of the *Delaware River Basin Compact*. See docket for terms and conditions.

Explanatory Note:

This action has been taken by the Commission in accordance with its responsibilities under Sections 3.8, 11.1 and 11.2 of the *Delaware River Basin Compact*. The Commission maintains a comprehensive water resources plan for the Delaware River Basin and reviews water resources projects proposed by other public and private agencies. Review of projects enables the Commission to prevent conflicts among water users and to protect the integrity of the *Comprehensive Plan*.



Pamela M. Bush, J.D., M.R.P.
Commission Secretary/Assistant General Counsel

DOCKET NO. D-2003-033 CP-2

DELAWARE RIVER BASIN COMMISSION

Aqua Pennsylvania, Inc.

**UGS North and Honey Brook Systems Groundwater Withdrawal and Interconnection
East Brandywine, West Brandywine, Caln and Honey Brook Townships, Chester County,
Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted by East Latitude on behalf of Aqua Pennsylvania, Inc. (Aqua) to the Delaware River Basin Commission (DRBC or Commission) on February 26, 2013 with supplemental application material submitted on June 29, 2016 for the approval of an allocation of groundwater and an interconnection and review of two previously approved groundwater withdrawal projects (Application). The two groundwater withdrawal projects include the UGS North system and the Honey Brook System which are described in DRBC Dockets Nos. D-2003-33 CP and D-2000-48 CP, respectively. Because these systems have been physically interconnected, Docket D-2003-033 CP-2 consolidates all sources utilized by the two water systems into one docket approval. Pennsylvania Department of Environmental Protection (PADEP) issued the most recent Public Water Supply Permit No. 1515527 on March 18, 2016 for the Friendship System.

The Application was reviewed for continued inclusion in the Comprehensive Plan and for approval under Section 3.8 of the *Delaware River Basin Compact*. The Chester County Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on August 10, 2016.

A. DESCRIPTION

1. **Purpose.** The purpose of this docket is to renew the approval of an existing groundwater withdrawal of up to 24.13 million gallons per month (mgm) from 14 existing wells including one replacement well and up to 15.5 mgm of water from an existing interconnection with Downingtown Municipal Water Authority (DMWA) for continued use in the docket holder's interconnected UGS North and Honey Brook public water systems. This docket consolidates and combines the total allocations contained in two separate DRBC approvals issued for the two systems with no increase in the total allocations previously approved by these dockets.

2. **Location.** The UGS North System also referred to as the Friendship System is comprised of 11 wells located in East and West Brandywine Townships and three (3) wells located in Honey

Brook Township, Chester County, Pennsylvania. The Honey Brook system was formerly a satellite water system, but was interconnected to the UGS North system in 2001. The wells in East and West Brandywine Townships are completed in felsic and intermediate gneiss in the drainage areas of Culbertson Run and Beaver Creek in the East Branch Brandywine Watershed and the three (3) wells located in Honey Brook Township, Chester County, Pennsylvania are completed in graphitic gneiss within the West Branch Brandywine Creek Watershed.

Specific location information has been withheld for security reasons.

3. **Area Served.** The project wells serve customers in portions of East Brandywine, West Brandywine, Caln and Honey Brook Townships, all in Chester County, Pennsylvania, as delineated on a map entitled “UGS North System Service Area” dated May 26, 2015 submitted with the application. For purposes of this Docket, the Service Area shall also include such additional portion of these Townships that the Pennsylvania Public Utilities Commission authorizes API to serve through its UGS Northern Division system, but shall not include any areas outside these Townships unless this Docket is amended to expand the Service Area. In 2013, the UGS North System served approximately 51% of the population in East Brandywine Township, 25% of the population in West Brandywine Township, 81% of the population in Honey Brook Township and 4% of the population in Caln Township. Individual private wells and a few very small community water systems serve the remainder of residences in East Brandywine, West Brandywine and Honey Brook Townships. In addition to Aqua, DMWA, Pennsylvania American Water Company and individual private wells provide water service in Caln Township. For the purpose of defining Area Served, the Application is incorporated herein by reference consistent with conditions contained in the DECISION section of this docket.

4. **Physical features.**

a. **Design criteria.** The UGS North system currently serves water to an estimated population of approximately 7,200 persons via 2,660 residential, 79 commercial, 13 institutional and 744 other/fire/residential fire/unmetered fire connections, with an average and maximum demand of 0.563 mgd and 0.816 mgd, respectively. The docket holder projects the 10-year average and maximum water demand to increase to 0.961 mgd and 1.26 mgd, respectively. The 39.63 mgm total system allocation for all sources (groundwater and the water transferred from DMWA) should be sufficient to meet the projected future system demands.

b. **Facilities.** The existing project wells have the following characteristics:

WELL NO.	DEPTH	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY	YEAR DRILLED
Cross Keys	200'	Unknown / 8"	70 gpm	Unknown

WELL NO.	DEPTH	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY	YEAR DRILLED
Culbertson Run	300'	Unknown / 12"	75 gpm	Unknown
Kimberwick No. 1	400'	Unknown / 6"	93 gpm	Unknown
Kimberwick No. 2	300'-400'	Unknown / 6"		Unknown
Kimberwick No. 3	300'-400'	Unknown / 6"		Unknown
Kimberwick No. 4	300'-400'	Unknown / 6"		Unknown
Friendship No. 4	unknown	Unknown / 6"	120 gpm	Unknown
Friendship No. 2	95'	Unknown / 6"		Unknown
Locust Knoll	340'	Unknown / 8"	62 gpm	1974
Kay Well B	705'	63' / 8"	65 gpm	2000
Kay Well C	605'	35' / 8"	80 gpm	2000
Deer Run	330'	37' / 8"	95 gpm	1998
Grandstaff Well 1	288'	46' / 8"	28 gpm	1988
Grandstaff Well 2	200'	56' / 8"	150 gpm	1988

All water service connections are metered.

All withdrawals are metered. The Friendship No. 2 and 4 and the Kimberwick Wells share common meters. Individual source metering is required by this docket (see Condition C.II.i.).

Prior to entering the distribution system, all water is treated by chlorination. Water at several of the wells is treated for corrosion control, pH adjustment and iron and manganese removal.

All project wells are located outside the 100-year floodplains.

Kay Wells B and C have not been used since 2007. These wells will be used in the future to meet system projected demands. Continued groundwater level monitoring is required.

The previous docket approved the use of Friendship Well Nos. 1 and 2. It was discovered that Well No. 1 had been replaced by Well No. 4 prior to 1996 and has been in operation since that time. Friendship Well No. 1 will be abandoned.

The UGS North system is presently interconnected with the DMWA. PADEP Water Allocation Permit No. WA-15-67H, approved on May 5, 2004, allows Aqua to purchase up to 500,000 gallons per day of water from DMWA. DMWA's facilities, most recently approved by DRBC Docket D-1989-063 CP-2 on March 6, 2013, include an intake on the East Branch Brandywine Creek and one groundwater source (Well No. DPW-1). The well is used only as an emergency/backup supply when DMWA's existing surface water withdrawal is disrupted or to blend well water with surface water withdrawals during periods of high turbidity following heavy

precipitation events and during occasional releases of poor water quality from Marsh Creek Reservoir.

c. **Other.** Wastewater from the UGS North system is discharged to private on-lot septic systems and several wastewater treatment plants (WWTP). Approximately 55% of the wastewater generated is disposed of via on-site sewage disposal systems within the project's service area. Approximately 20% of the wastewater is conveyed to the Northwest Chester County Municipal Authority WWTP most recently approved by DRBC Docket No. D-74-63 CP on July 23, 1975. The PADEP issued its most recent NPDES permit No. PA0044776 on June 11, 2013 for this treatment facility. Approximately 18% is conveyed to the Little Washington Culbertson Run WWTP most recently approved by DRBC Docket No. D-2001-54-2 on January 19, 2005. The PADEP issued its most recent WQM permit SEW No. 1596401 on January 4, 2008 for this treatment facility. Approximately 6% of wastewater is conveyed to the Pennsylvania American Water Company - Coatesville WWTP most recently approved by DRBC Docket No D-1992-064 CP-3 on July 11, 2012. The PADEP issued its most recent NPDES permit No. PA0026859 on October 2, 2013 for this treatment facility. Approximately 1% of the wastewater generated is conveyed to the East Brandywine Township – Keats Glenn STP. The PADEP issued its most recent NPDES permit No. PA0030228 on September 28, 2012 for this treatment facility. The treatment facilities have adequate capacity to continue to receive wastewater from the existing project.

d. **Relationship to the Comprehensive Plan.** The UGS North System groundwater sources were included in the Comprehensive Plan via Docket Nos. D-98-11 CP and D-2002-5 CP, approved on April 3, 2002 and May 31, 2002, respectively. The interconnection with DMWA was included in the Comprehensive Plan via Docket No. D-2003-33 CP, approved on April 21, 2004. The Honey Brook system groundwater sources were described in Docket D-2000-48 CP, approved on June 6, 2001; however only the Deer Run Well was added to the Comprehensive Plan. The two other Honey Brook groundwater sources (Grandstaff Wells Nos. 1 and 2) and Friendship No. 4 will be included in the Comprehensive upon approval of this docket.

The DMWA facilities, which represent the source of the interconnection, were included in the Comprehensive Plan via Docket No. D-89-63 CP, approved on May 23, 1990.

B. FINDINGS

Background

Aqua proposes to continue to use the existing UGS North System groundwater sources and its interconnection with DMWA to supply its service area located in East Brandywine, West Brandywine, Caln, and Honey Brook Townships (the UGS North system), all in Chester County, Pennsylvania. This docket combines two previously approved water supply projects (the UGS-North system described in D-2003-33 CP and the Honey Brook System described in D-2000-48 CP) into one DRBC Docket.

In 1996, Aqua acquired the Friendship, Kimberwick, Little Washington and Locust Knoll water systems, comprising the Northern Division of the Utility Group Services Corporation

territory. At the time, the systems were not interconnected and relied exclusively on groundwater from a total of 9 wells. Aqua has subsequently interconnected these systems. These groundwater sources were included in D-98-11 CP, approved on April 3, 2002. In 2002, DRBC gave approval to Aqua under DRBC Docket No. D-2002-5 CP to use two additional wells (Kay Wells B and C) to meet demand during seasonal shortages until the formerly proposed Cornog Water Treatment Plant (also described in Docket No. D-98-11 CP) was placed into operation. At the time the DRBC adopted Docket No. 2002-5 CP, the Kay Wells B and C were to be discontinued because the 1.0 mgd capacity of the proposed Cornog water treatment plant in addition to the capacity from the existing nine (9) UGS Northern Division wells was considered sufficient to meet projected water supply demand in the service area.

As described in Docket No. D-2003-33 CP, DRBC Resolution No. 2003-22, dated October 15, 2003 suspended Aqua's authority to proceed with the Cornog Quarry project. Instead, Aqua elected to obtain additional water via an interconnection with DMWA, which was approved in Docket No. D-2003-33 CP. Since the interconnection with DMWA was limited to up to 0.5 mgd, the Kay Wells B and C, in addition to the other existing groundwater sources were needed to meet the projected demands of the UGS Northern Division distribution system.

In 1994, Aqua acquired the assets of Grandstaff Water Company which included Grandstaff wells Nos. 1 and 2. DRBC Docket No. D-2000-48 CP, dated June 6, 2001, approved the use of one additional well (Deer Run Well No.1), which was used to supply water to a 150-lot residential subdivision and augment Aqua's Grandstaff system and to provide an emergency interconnection to the UGS North system. The 0.15 mgd capacity interconnection from the Honey Brook system was originally used only for emergency purposes to supply water to UGS North during periods of increased demand. Currently, water is regularly transferred between the formerly separate systems based on system pressure, water demand and the status of sources and storage.

Groundwater Sources

This water supply project consists of an existing withdrawal of groundwater from 14 existing wells and an existing interconnection with DMWA. These sources were previously included in two DRBC dockets (DRBC Docket Nos. D-2003-33 CP and D-2000-48 CP). The exception to this is Friendship Well No. 4, which has replaced Well No. 1. The total groundwater allocation provided by this docket (24.13 mgm) is a sum of the total groundwater allocations provided in the previous dockets. The total system allocation provided by this docket (39.63 mgm) is the sum of the groundwater and interconnection allocations provided in the two previous dockets.

The previous dockets also approved specific allocations for several individual well sources and combined allocations for certain wells. The previously approved individual well allocations for the Kay Well B (2.89 mgm), Kay Well C (3.57 mgm), Deer Run Well (2.95 mgm) and the combined well allocation of 10.08 mgm for the 9 original UGS North Wells (Culbertson Run Well, Kimberwick Wells, Friendship Wells and the Locust Knoll Well) are retained by this docket. The allocations for these wells have been converted from million gallons per 30 days to million gallons per month.

The instantaneous rates are based on pump capacity and the individual well allocations approved by this docket are based on previously approved allocations, usage data and pumping test data. As the existing water withdrawals have already been realized by the local hydrologic system, no significant impacts from continued withdrawals from the existing system wells is expected.

Docket D-2003-33 CP required that the docket holder conduct a long-term monitoring program in the vicinity of Kay Wells B and C. Although approved for use, these wells have not been in service since 2007. Because the docket holder has requested the continued approval to utilize these wells in the future and the long-term effects of active withdrawals have not yet been fully evaluated, the monitoring program approved by Docket D-2003-33 CP shall continue to be required as specified in Condition C.II.g. in the Decision Section of this docket.

Several of the docket holder's wells are located within the drainage area of one Southeastern Pennsylvania Ground Water Protected Area (SEPA GWPA) subbasins, within a municipality that is not included in the SEPA GWPA. The Locust Knoll Well, Friendship Well No. 2, Friendship Well No. 4, Kay Well B and Kay Well C are located within the drainage area of the West Branch Brandywine-Beaver Run subbasin (SEPA GWPA Subbasin No. 78). Although these sources are not located in the SEPA GWPA, which is defined using municipal boundaries, the actual usage of these wells is included in the subbasin's total annual water use for planning purposes in the SEPA GWPA. The approved allocation of the five (5) Aqua sources located within the West Branch Brandywine-Beaver Creek subbasin is 11.38 mgm or 136.56 mgy.

Water Audits for Public Water Supply Systems Serving Greater than 100,000 gpd

Section 2.1.8 of the Water Code states that it is the policy of the Commission to establish a standardized water audit methodology for owners of water supply systems serving the public to ensure accountability in the management of water resources. Voluntary Water Audits were encouraged for public water supply systems through December 31, 2011 (Section 2.1.8.B.). Effective January 1, 2012, the owners of each public water supply system are required to implement an annual calendar year water audit program conforming to IWA/AWWA Water Audit Methodology (AWWA Water Loss Control Committee (WLCC) Water Audit Software) and corresponding AWWA guidance (Section 2.1.8.C). Water audits shall be submitted annually to the Commission by March 31. Aqua submitted its most recent water audits for the UGS North System and the Honey Brook System on March 30, 2016.

The DRBC estimates that the project withdrawals, used for the purpose of public water supply, result in a consumptive use of 10 percent of the total water use. The DRBC definition of consumptive use is defined in Article 5.5.1.D of the *Administrative Manual – Part III – Basin Regulations – Water Supply Charges*.

Surface Water Charges

The water transferred from DMWA to Aqua is obtained from DMWA's intake located on the East Branch Brandywine Creek and is subject to DRBC surface water charges. DMWA currently submits surface water fees to the Commission on a quarterly basis and these fees include the surface water withdrawn and transferred to Aqua. However, the water usage reported by DMWA to the DRBC does not specify the amount transferred to Aqua. Condition C.II.b requires

that Aqua report the monthly volume of water transferred from DMWA to the PADEP on an annual basis.

The project is designed to conform to the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

C. DECISION

I. Effective on the approval date for Docket No. D-2003-033 CP-2 below:

a. The projects described in Docket Nos. D-2003-33 CP and D-2000-48 CP are removed from the Comprehensive Plan to the extent that they are not included in Docket No. D-2003-033 CP-2; and

b. Docket Nos. D-2003-33 CP and D-2000-48 CP are terminated and replaced by Docket No. D-2003-033 CP-2.

c. The project and the appurtenant facilities described in the Section A “Physical features” shall be added to the Comprehensive Plan.

II. The project and appurtenant facilities as described in the Section A “Physical features” are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP in its Public Water Supply and Water Allocation Permits, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s. Commission approval of the project is contingent on the approval of these permits.

b. The docket holder shall register with and report to the PADEP all surface and groundwater sources, including the DMWA interconnection described in this docket in accordance with the Pennsylvania Regulations (Title 25 - Environmental Protection, [25 PA. CODE CH. 110], Water Resources Planning).

c. The wells and operational records shall be available at all times for inspection by the DRBC.

d. The wells shall be operated at all times to comply with the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

e. During any month, the combined withdrawal from all well sources shall not exceed 24.13 million gallons, the transfer from DMWA shall not exceed 15.5 million gallons and the combined withdrawal from all well sources and the DMWA interconnection shall not exceed 39.63 mgm. No well shall be pumped above the maximum instantaneous rate and monthly allocation as indicated below:

WELL NO.	MAXIMUM INSTANTANEOUS RATE	MONTHLY ALLOCATION
Cross Keys	70 gpm	1.86 mgm
Culbertson Run	75 gpm	1.88 mgm
Kimberwick No. 1	93 gpm	3.40 mgm
Kimberwick No. 2		
Kimberwick No. 3		
Kimberwick No. 4		
Friendship No. 2	120 gpm	3.72 mgm
Friendship No. 4		
Locust Knoll	62 gpm	1.20 mgm
Kay Well B	65 gpm	2.89 mgm
Kay Well C	80 gpm	3.57 mgm
Deer Run	95 gpm	2.94 mgm
Grandstaff Well 1	28 gpm	1.25 mgm
Grandstaff Well 2	150 gpm	4.65 mgm

Additionally, the combined withdrawals from the Cross Keys, Culbertson Run, Kimberwick Nos. 1, 2, 3 and 4, Friendship Nos. 2 and 4 and the Locust Knoll well shall not exceed 10.08 mgm and the combined withdrawals from Grandstaff Well 1 and Grandstaff Well 2 shall not exceed 4.65 mgm

f. The wells shall be equipped, where possible, with readily accessible capped ports and minimum ½ inch inner diameter (ID) drop pipes as repairs or modifications are made at each existing well so that water levels may be measured under all conditions.

g. A long-term monitoring program is required to obtain data on groundwater and surface water hydrologic conditions in the project area. The docket holder shall continue to implement the long-term monitoring program as described below:

1. Groundwater Level Monitoring – Monitoring Wells Nos. 4, 10, 13 and 24 shall be measured to estimate annual groundwater fluctuations caused by seasonal changes and /or production well pumping, and to detect water level declines that may affect the performance of public and private wells in the area of Kay Wells B and C.

2. Reports – All monitoring data, including records required in Conditions "h." and "j." herein shall be submitted to the Commission annually, due April 1. The docket holder is encouraged to submit the annual report electronically. The report shall be

prepared by a hydrogeologist and shall assess the effects of well withdrawals on hydrologic conditions in the area. This report shall include an evaluation of the monitoring data required by this docket approval and such information as deemed appropriate by the hydrogeologist or required by the Executive Director.

3. The Executive Director may modify or extend the monitoring program or temporarily suspend or modify this docket at any time if review of the hydrologic data and/or any other information indicates such action is necessary or appropriate.

h. The docket holder shall pay for surface water use in accordance with Administrative Manual – Part III Basin Regulations – Water Supply Charges.

i. The project withdrawals shall be metered with an automatic continuous recording device that measures to within 5 percent of actual flow. An exception to the 5 percent performance standard, but no greater than 10 percent, may be granted if maintenance of the 5 percent performance is not technically feasible or economically practicable. A record of daily withdrawals shall be maintained, and monthly totals shall be reported to the PADEP annually and shall be available at any time to the Commission if requested by the Executive Director. Within 6 months of the approval date of this docket (March 14, 2017), separate meters shall be installed on each source approved in this docket.

j. Each new water service connection shall include a water meter in accordance with the DRBC's Resolution No. 87-7 (Revised).

k. In accordance with DRBC Resolutions No. 87-6 (Revised) and No. 2009-1, the docket holder shall continue to implement to the satisfaction of the PADEP, the systematic program to monitor and control leakage within the water supply system. The program shall at a minimum include: periodic surveys to monitor leakage, enumerate non-revenue water and determine the current status of system infrastructure; recommendations to monitor and control leakage; and a schedule for the implementation of such recommendations. The docket holder shall proceed expeditiously to correct leakages and unnecessary usage identified by the program.

l. In accordance with DRBC Resolution No. 2009-1 and Section 2.1.8 of the Water Code, the docket holder shall implement an annual calendar year water audit program conforming to IWA/AWWA Water Audit Methodology (AWWA Water Loss Control Committee (WLCC) Water Audit Software) and corresponding guidance. Water audits shall be submitted annually to the Commission by March 31.

m. The docket holder shall implement to the satisfaction of the PADEP, the continuous program to encourage water conservation in all types of use within the facilities served by this docket approval. The docket holder will report to the PADEP on the actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

n. No water service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

o. The docket holder shall continue to implement its Water Conservation Plan as approved by PADEP, and shall report to the PADEP on actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

p. The docket holder shall implement to the satisfaction of the PADEP, a drought or other water supply emergency plan.

q. Sound practices of excavation, backfill and reseeding shall be followed to minimize erosion and deposition of sediment in streams from any new facilities or repair related construction.

r. No new water service connections shall be made to premises connected to sewerage systems which are not in compliance with all applicable effluent limits contained in State permits and the *Water Quality Regulations* of the Commission.

s. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

t. The docket holder is permitted to provide the water approved in this docket to the areas included in Section A.3. Area Served of this docket. Any expansion beyond those included in Section A.3. Area Served is subject to DRBC review and approval in accordance with Section 3.8 of the *Compact*.

u. Unless the docket holder requests an extension and that is approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

v. The issuance of this docket approval shall not create any private or proprietary rights in the water of the Basin, and the Commission reserves the rights to amend, alter or rescind any actions taken hereunder in order to insure the proper control, use and management of the water resources of the Basin.

w. If the monitoring required herein or any other relevant data or information demonstrates that the operation of this project is interfering with or otherwise impairing existing uses of ground or surface water, or if the permit holder receives a complaint from an existing ground or surface water user within the zone of influence of the withdrawal alleging such interference or impairment, the permit holder shall immediately notify the Executive Director, and

unless excused by the Executive Director, shall investigate the demonstrated or alleged impacts. For purposes of this condition, notification shall mean either (a) electronic transmittal of written notice to the Executive Director via email (using addresses posted on the DRBC website); or (b) written notice to the Executive Director and a telephone call to the Project Review Section at 609-883-9500, ext. 216. (Oral notification must always be accompanied by immediate written notification directed to the Executive Director.) In addition, the permit holder shall provide written notice to all potentially affected water users of the permit holder's responsibilities under this condition. **Any well or surface water supply that is impaired as a result of the permit holder's project withdrawal shall be repaired, replaced or mitigated at the permit holder's expense.** The scope of the options to consider for repair, replacement and/or mitigation shall not be limited solely to those that are owned, operated, or controlled by the project sponsor. An investigation report and/or mitigation plan prepared and certified by a licensed professional engineer and/or a licensed professional geologist shall be submitted to the Executive Director as soon as practicable following notice of the demonstrated or alleged impairment consistent with this paragraph. The Executive Director shall make the final determination regarding the scope and sufficiency of the investigation and the extent of any mitigation measures that may be required. Where ground and surface waters are rendered unavailable, unusable, or unsuitable for the pre-existing use, the Executive Director may direct the permit holder to take interim actions to mitigate such impacts, pending completion of the investigative report and any long-term repair, replacement or mitigation.

x. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

y. For the duration of any drought emergency declared by either Pennsylvania or the Commission, water service or use by the docket holder pursuant to this approval shall be subject to the prohibition of those nonessential uses specified by the Governor of Pennsylvania, the Pennsylvania Emergency Management Council, PADEP, or the Commonwealth Drought Coordinator to the extent that they may be applicable, and to any other emergency resolutions or orders adopted hereafter by the Commission.

z. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the *Rules of Practice and Procedure*. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

BY THE COMMISSION

APPROVAL DATE: September 14, 2016

EXPIRATION DATE: September 14, 2026

DOCKET NO. D-1989-040 CP-4

DELAWARE RIVER BASIN COMMISSION

**Southeastern Pennsylvania
Ground Water Protected Area**

**Aqua Pennsylvania, Inc. – Spring Run System
Groundwater Withdrawal
West Bradford and Newlin Townships, Chester County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) on November 26, 2024 for renewal of an allocation of groundwater and review of a groundwater withdrawal project (Application). The groundwater withdrawal project was approved by the Pennsylvania Department of Environmental Protection (PADEP) on August 2, 2022 (Permit No. 1522508).

The Application was reviewed for continuation of the project in the Comprehensive Plan and for approval under Section 3.8 and for a withdrawal permit under Section 10.3 of the *Delaware River Basin Compact*. The Chester County Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on May 7, 2025.

A. DESCRIPTION

1. **Purpose.** The purpose of this docket is to renew the approval of an existing groundwater withdrawal with an increase in allocation from 37.0 million gallons per month (mgm) to 52.0 mgm to supply the Aqua Pennsylvania's (Aqua PA) Spring Run public water supply distribution system from Wells UG-1, UG-2, UG-3, UG-8, UG-9, UG-10, Embreeville Well 1R and Embreeville Well 2.

2. **Location.** Project wells UG-1, UG-2, UG-3 UG-8, UG-9 and UG-10 are completed in the Wissahickon Formation and Embreeville Wells 1R and 2 are completed in the Cockysville Marble. The project wells are located in the West Branch Brandywine Creek Watershed in West Bradford and Newlin Townships, Chester County, Pennsylvania.

Specific location information has been withheld for security reasons.

3. **Area Served.** The docket holder's distribution system supplies water to West Bradford Township with some additional territory enclosed in East Fallowfield, Newlin, Pocopson and East Bradford Townships, Chester County, Pennsylvania as shown on the map entitled "Spring Run, Friendship and Honey Brook Systems Aqua PA, Inc." submitted with the Application. Aqua PA

has converted the Rock Raymond interconnection, which used to be the source of supply from Downingtown Municipal Water Authority (DMWA) to an intra-connection between the Spring Run and UGS North (Friendship and Honeybrook) systems. The docket holder's Spring Run system will now also serve portions of East Brandywine, West Brandywine, Caln and Honey Brook Townships, all in Chester County, Pennsylvania. For the purpose of defining Area Served, the Application is incorporated herein by reference consistent with conditions contained in Section C. DECISION of this docket.

4. Design Criteria. The docket holder supplies potable water to an estimated population of approximately 9,196 via 3,110 domestic, 24 commercial and 256 other / institutional connections. The average and maximum groundwater demand for this project are 0.834 million gallons per day (mgd) and 1.37 mgd, respectively. The docket holder projects an average and maximum water demand of 1.075 mgd and 2.050 mgd, respectively, by the year 2035. The allocation of 52.0 mgm should be sufficient to meet the future demands of the docket holder's water distribution system.

The docket holder is requesting an increase in allocation to offset the loss of the DMWA interconnection, representing a loss of 15.5 mgm. Aqua PA converted the Rock Raymond interconnection, which used to be the source of supply from DMWA to an intra-connection between Spring Run and UGS North (Friendship and Honeybrook) systems; the principal purpose of this project is to more fully utilize the Spring Run sources to offset the elimination of DMWA purchased supply. The purchase agreement and interconnection with DMWA ended in the summer of 2024 and both interconnections to DMWA were eliminated. Aqua PA then converted one of connections to an internal interconnect between the Friendship and Spring Run systems via the Lloyd Road water main project.

5. Facilities. The docket holder's existing wells have the following characteristics:

WELL NO.	DEPTH (FEET)	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY (GPM)	YEAR DRILLED
UG-1	320	61'8"	100	1975
UG-2	360	54'8"	100	1978
UG-3	440	23'8"	100	1972
UG-8	305	50'8"	100	1977
UG-9	305	41'8"	50	1977
UG-10	260	78'8"	75	1977
Embreeville Well 1R	203	100' / 12"	996	2020
Embreeville Well 2	170	57'8"	352	1956

All wells and water service connections are metered.

Prior to entering the distribution system, the groundwater is disinfected with chlorine.

The project facilities are above the 100-year flood elevation.

The docket holder's water distribution system is presently intra-connected with the Aqua PA UGS North (Friendship and Honeybrook) systems. The intra-connection is used regularly and has a capacity of up to 1.0 mgd.

6. **Other.** Wastewater is conveyed to the Utilities Inc. of Pennsylvania sewage treatment facility most recently approved by DRBC Docket No. D-1980-058 on March 25, 1981. The PADEP issued NPDES Permit No. PA0043982 for this treatment facility. The treatment facility has adequate capacity to receive wastewater from the project. Wastewater in the project service area is also conveyed to on-lot septic systems.

7. **Relationship to the Comprehensive Plan.** The project was previously included in the Comprehensive Plan by the Commission in Docket Nos. D-1966-110 CP, D-1989-040 CP, D-1989-040 CP RENEWAL and D-1989-040 CP-3 approved on July 20, 1966, October 25, 1989, February 22, 1995 and December 7, 2022, respectively. Issuance of this docket will continue the withdrawal project in the Comprehensive Plan.

B. FINDINGS

1. Ground Water Protected Area

The project is located within the Southeastern Pennsylvania Ground Water Protected Area delineated by the DRBC pursuant to *Compact* Section 10.2. Historical use by the docket holder indicates the operation of this project will not create a local water shortage.

Review and analysis of the application pursuant to Section 6.D. of the *GWP*AR result in the following:

1. The withdrawal is consistent with the Commission's Comprehensive Plan and the policies and purposes of these regulations.

2. Opportunities to satisfy water requirements on a timely basis from existing available supplies and facilities have been explored and are being utilized.

3. The withdrawal, in conjunction with other withdrawals in the applicable groundwater basin, should not exceed withdrawal limits of the groundwater basin, aquifer or aquifer system.

4. The withdrawal should not significantly impair or reduce the flow of perennial streams in the area.

5. Existing ground and surface water withdrawals should not be adversely impacted, or will be otherwise assured of adequate supplies in accordance with the requirements of Section 10 of the *GWP*AR. There have been no reported complaints of well interference since

the water distribution system's original approval of this project. No adverse impact is anticipated due to continued operation of this project.

6. The withdrawal should not cause substantial, permanent adverse impact to the overlying environment.

7. The docket holder adopted and will implement conservation and management programs as required by Section 7 of the *GWPAR*.

The docket holder's Wells UG-8, UG-9 and UG-10 are located in the West Branch Brandywine-Broad Run subbasin (Subbasin No. 35), where total net annual ground water withdrawal (221.47 million gallons per year (mgy)) is significantly less than the withdrawal limit set in Section 6.I of the *GWPAR* (3,172.8 mgy). The docket holder is requesting a monthly allocation of up to 6.508 mgm (78.096 mgy), a fraction of which will be returned to groundwater. Historically, the docket holder has withdrawn significantly less than the total amount requested in this basin. However, even if no water from this project were returned to groundwater, the total net annual groundwater withdrawal from this subbasin would remain well below the withdrawal limits set in Section 6.I of the *GWPAR*. Therefore, the withdrawals from the docket holder's wells, in conjunction with other withdrawals in the subbasin, are in accordance with the requirements of Section 6.I of the *GWPAR*.

The docket holder's Wells UG-1, UG-2 and UG-3 are located in the West Branch Brandywine-Beaver Run (Subbasin No. 78), where total net annual ground water withdrawal (709.25 mgy) is significantly less than the withdrawal limit set in Section 6.I of the *GWPAR* (2,813.3 mgy). The docket holder is requesting a monthly allocation of up to 9.225 mgm (110.7 mgy), a fraction of which will be returned to groundwater. However, even if no water from this project were returned to groundwater, the total net annual groundwater withdrawal from this subbasin would remain well below the withdrawal limits set in Section 6.I of the *GWPAR*. Therefore, the withdrawals from the docket holder's wells, in conjunction with other withdrawals in the subbasin, are in accordance with the requirements of Section 6.I of the *GWPAR*.

Embreeville Wells 1R and 2 are located in the West Branch of the Brandywine-Broad Run subbasin (Subbasin No. 35), although they are not located within the boundary of the SEPA GWPA. The SEPA GWPA boundary follows the West Bradford Township boundary, portions of the Spring Run service area, like Newlin Township where these two wells are located are outside the SEPA GWPA.

2. Water Audits for Public Water Supply Systems Serving Greater than 100,000 gpd

Section 2.1.8 of the *Water Code (WC)* states that it is the policy of the Commission to establish a standardized water audit methodology for owners of water supply systems serving the public to ensure accountability in the management of water resources. Voluntary Water Audits were encouraged for public water supply systems through December 31, 2011 (Section 2.1.8.B.). Effective January 1, 2012, the owners of each public water supply system are required to implement an annual calendar year water audit program conforming to IWA/AWWA Water Audit Methodology (AWWA Water Loss Control Committee (WLCC) Water Audit Software) and

corresponding AWWA guidance (Section 2.1.8.C). Water audits shall be submitted annually to the Commission by March 31. The docket holder submitted their most recent Water Audit on March 28, 2025.

3. Monitoring Network

Although adverse impacts to the local hydrologic system were not observed in either of the Embreeville Well 1R or Embreeville Well 2 pumping tests, a monitoring network has been included as described in Section C. DECISION Condition C.3 of this Docket. The docket holder may submit a summary report of all the monitoring network water level data and production well withdrawal data to request to have the monitoring network requirement removed from this docket after five (5) years of monitoring provided the collective data continues to indicate that the withdrawals from these two wells are not adversely impacting the local hydrologic system. If there is any indication that the withdrawals from these two well are adversely impacting the local hydrologic system, the monitoring network shall remain in effect.

4. Other Findings

The DRBC estimates that the project withdrawals, used for the purpose of public water supply, result in a consumptive use of 10 percent of the total water use. The DRBC definition of consumptive use is defined in Article 5.5.1.D of the *Administrative Manual – Part III – Basin Regulations – Water Supply Charges*.

The project is designed to conform to the requirements of the *Water Code (WC)*, *Water Quality Regulations (WQR)* and *Ground Water Protected Area Regulations (GWPAR)* of the DRBC.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact to the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

C. DECISION

Effective on the approval date for Docket No. D-1989-040 CP-4 below, the project described in Docket No. D-1989-040 CP-3 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-1989-040 CP-4; Docket No. D-1989-040 CP-3 is terminated and replaced by Docket No. D-1989-040 CP-4; and the project and the appurtenant facilities described in in Section A.4. (Design Criteria) and A.5. (Facilities) shall be continued in the Comprehensive Plan. The project and appurtenant facilities as described in Section A.4. (Design Criteria) and A.5. (Facilities) are approved subject to the following conditions, pursuant to Section 3.8 of the *Compact*:

Monitoring and Reporting

1. The docket holder shall continue to report to the PADEP all surface and groundwater sources described in this docket in accordance with the Pennsylvania Regulations (Title 25 - Environmental Protection, [25 PA. CODE CH. 110], Water Resources Planning).
2. The project withdrawals shall be metered by means of an automatic continuous recording device, flow meter, or other method, and shall be measured to within 5 percent of actual flow. Meters or other methods of measurement shall be subject to approval and inspection by the PADEP as to the type, method, installation, maintenance, calibration, reading and accuracy. A record of daily withdrawals shall be maintained, and monthly totals shall be reported to the PADEP annually and shall be available at any time to the Commission if requested by the Executive Director.
3. A long-term monitoring program is required to obtain data on ground water and surface water hydrologic conditions in the project area. The docket holder shall continue to implement the long-term monitoring program as submitted by the docket holder in a letter dated September 14, 2022. This program will include the following:
 1. **Groundwater Level Monitoring** – The docket holder shall monitor the two (2) wells (900 Stargazers Road and the Tenant House owned by the Township) to estimate annual ground water fluctuations caused by seasonal changes and/or production well pumping, and detect water level declines that may adversely affect groundwater levels in the project area.
 2. **Reports** - All monitoring data, including records required in Conditions 2 and 3. herein shall be submitted to the Commission annually, due by April 1. The docket holder is encouraged to submit the annual report electronically. The report shall be prepared by a hydrogeologist and shall assess the effects of well withdrawals on hydrologic conditions in the area. This report shall include an evaluation of the monitoring data required by this docket approval and such information as deemed appropriate by the hydrogeologist or required by the Executive Director.
 3. The Executive Director may modify the monitoring program or temporarily suspend or modify this docket at any time if review of the hydrologic data and/or any other information indicates such action is necessary or appropriate.
4. In accordance with DRBC Resolutions No. 87-6 (Revised) and No. 2009-1, the docket holder shall continue to implement to the satisfaction of the PADEP, the systematic program to monitor and control leakage within the water supply system. The program shall at a minimum include: periodic surveys to monitor leakage, enumerate non-revenue water and determine the current status of system infrastructure; recommendations to monitor and control leakage; and a

schedule for the implementation of such recommendations. The docket holder shall proceed expeditiously to correct leakages and unnecessary usage identified by the program.

5. In accordance with DRBC Resolution No. 2009-1 and Section 2.1.8 of the *WC*, the docket holder shall implement an annual calendar year water audit program conforming to IWA/AWWA Water Audit Methodology (AWWA Water Loss Control Committee (WLCC) Water Audit Software) and corresponding guidance. Water audits shall be submitted annually to the Commission by March 31.

6. The docket holder shall implement to the satisfaction of the PADEP, a continuous program to encourage water conservation in all types of use within the facilities served by this docket approval. The docket holder will report to the PADEP, on the actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

7. The docket holder shall continue to implement its Water Conservation Plan as approved by PADEP and shall report to the PADEP on actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

Other Conditions

8. During any month, the combined withdrawal from all well sources shall not exceed 52 million gallons (624 mgy). No well shall be pumped above the maximum rate and monthly allocation as indicated below:

WELL NO.	INSTANTANEOUS ALLOCATION (GPM)*	MONTHLY ALLOCATION (MILLION GALLONS)
UG-1	100	2.183
UG-2	100	2.582
UG-3	100	4.460
UG-8	100	3.214
UG-9	50	1.647
UG-10	75	1.647
Embreeville Well 1R	996	44.46
Embreeville Well 2	352	15.71

*Based on a 24-Hour Average

9. In accordance with 18 C.F.R. 401.8. of the Commission's *Rules of Practice and Procedure (RPP)*, if at any future time the Project is changed materially from the Project as described in this docket, it will be deemed to constitute a new and different project for the purposes of Article 11 of the Delaware River Basin *Compact* and will require Commission amendment of the Comprehensive Plan. In accordance with the same section of the *RPP*, whenever a change to the

Project is made, the sponsor must advise the Executive Director, who will determine whether the change is deemed materially for the purposes of this provision.

10. This approval shall expire on the expiration date set forth below unless prior thereto the docket holder has applied to the Commission to renew or extend this approval.

11. The docket holder is responsible for timely submittal to the DRBC of a docket renewal application on the appropriate application form including the appropriate docket application filing fee (see 18 CFR 401.43) at least 6 months in advance of the docket expiration date set forth below. The docket holder will be subject to late filed renewal surcharges in the event of untimely submittal of its renewal application whether DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. If the docket holder has not applied to renew the docket or the DRBC is unable to reissue the docket before the expiration date below, the terms and conditions of the current docket will remain fully effective and enforceable pending the renewal of the docket.

12. The wells and operational records shall be available at all times for inspection by the DRBC.

13. The wells shall be operated at all times to comply with the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

14. The wells shall be equipped with readily accessible capped ports and minimum ½ inch inner diameter (ID) drop pipes so that water levels may be measured under all conditions. Existing wells are to be similarly equipped, where possible, with readily accessible ports and ½ inch ID drop pipes as repairs or modifications are made at each existing well.

15. Each new water service connection shall include a water meter in accordance with the DRBC's Resolution No. 87-7 (Revised).

16. No water service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

17. The docket holder shall implement to the satisfaction of the PADEP, a drought or other water supply emergency plan.

18. No new water service connections shall be made to premises connected to sewerage systems which are not in compliance with all applicable effluent limits contained in State permits and the *Water Quality Regulations* of the Commission.

19. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

20. The docket holder is permitted to provide the water approved in this docket to the areas included in Section A.3. Area Served of this docket. Any expansion beyond those included in

Section A.3. Area Served is subject to DRBC review and approval in accordance with Section 3.8 of the *Compact*.

21. The docket holder shall be subject to applicable DRBC regulatory program fees, in accordance with duly adopted DRBC resolutions and/or regulations. (see 18 CFR 401.43).

22. This approval is transferable by request to the DRBC Executive Director provided that the project purpose and area served approved by the Commission in this docket will not be materially altered because of the change in project ownership. The request shall be submitted on the appropriate form and be accompanied by the appropriate fee (see 18 CFR 401.43).

23. The docket holder shall request a name change of the entity to which this approval is issued if the name of the entity to which this approval is issued changes its name. The request for name change shall be submitted on the appropriate form and be accompanied by the appropriate fee (see 18 CFR 401.43).

24. The issuance of this docket approval shall not create any private or proprietary rights in the water of the Basin, and the Commission reserves the rights to amend, alter or rescind any actions taken hereunder in order to ensure the proper control, use and management of the water resources of the Basin.

25. If the monitoring required herein or any other relevant data or information demonstrates that the operation of this project is interfering with or otherwise impairing existing uses of ground or surface water, or if the docket holder receives a complaint from an existing ground or surface water user within the zone of influence of the withdrawal alleging such interference or impairment, the permit holder shall immediately notify the Executive Director, and unless excused by the Executive Director, shall investigate the demonstrated or alleged impacts. For purposes of this condition, notification shall mean either (a) electronic transmittal of written notice to the Executive Director via email (using addresses posted on the DRBC website); or (b) written notice to the Executive Director and a telephone call to the Project Review Section at 609-883-9500, ext. 216. (Oral notification must always be accompanied by immediate written notification directed to the Executive Director). In addition, the docket holder shall provide written notice to all potentially affected water users of the docket holder's responsibilities under this condition. **Any well or surface water supply that is impaired as a result of the docket holder's project withdrawal shall be repaired, replaced or mitigated at the docket holder's expense.** The scope of the options to consider for repair, replacement and/or mitigation shall not be limited solely to those that are owned, operated, or controlled by the project sponsor. An investigation report and/or mitigation plan prepared and certified by a licensed professional engineer and/or a licensed professional geologist shall be submitted to the Executive Director as soon as practicable following notice of the demonstrated or alleged impairment consistent with this paragraph. The Executive Director shall make the final determination regarding the scope and sufficiency of the investigation and the extent of any mitigation measures that may be required. Where ground and surface waters are rendered unavailable, unusable, or unsuitable for the pre-existing use, the Executive Director may direct the docket holder to take interim actions to mitigate such impacts, pending completion of the investigative report and any long-term repair, replacement or mitigation.

26. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

27. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the *Rules of Practice and Procedure*. In accordance with Section 15.1(p) of the *Delaware River Basin Compact*, cases and controversies arising under the *Compact* are reviewable in the United States district courts.

BY THE COMMISSION

APPROVAL DATE: June 11, 2025

EXPIRATION DATE: June 11, 2035

Attachment M

Aqua Operators Licenses

Commonwealth of Pennsylvania
Department of Environmental Protection

*In accordance with the
State Board for Certification of Water and Wastewater Systems Operators
and the Regulations of the
Department of Environmental Protection*

KYLE W ROBERTS

Is Hereby Authorized to Operate
WATER SYSTEM

Client ID: 317659

Class: **A, Water**
Subclass: **1,2,5,7,8,9,10,11,12,13**

KYLE W ROBERTS
[Redacted]

Issue Date Jan 1, 2026
Expiration Date Dec 31, 2028

Certificate No. W22031

Mary Roland
Board Chairperson

Commonwealth of Pennsylvania

Department of Environmental Protection

*In accordance with the
State Board for Certification of Water and Wastewater Systems Operators
and the Regulations of the
Department of Environmental Protection*

TIMOTHY C STANLEY

Is Hereby Authorized to Operate
WATER SYSTEM

Client ID: 313197

**Class: E, Water
Subclass:**

TIMOTHY C STANLEY
[REDACTED]

Issue Date Oct 1, 2026
Expiration Date Sep 30, 2029

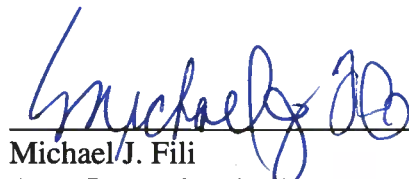
Certificate No. W20465

Mary Roland

Board Chairperson

VERIFICATION

I, Michael J. Fili, Vice President of Capital Planning, Design, and Constructions at Aqua Pennsylvania, Inc., hereby state that the facts set forth in Aqua Pennsylvania, Inc.'s Application, are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).



Michael J. Fili
Aqua Pennsylvania, Inc.
Vice President of Capital
Planning, Design and Construction

Date: September 11, 2026

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Aqua Pennsylvania, Inc. to :
Provide Water Service to an Additional : **Docket No. A-2026-**_____
Portion of West Nantmeal Township, :
Chester County, Pennsylvania :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the individuals and in the manner listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA EMAIL AND CERTIFIED MAIL RETURN RECEIPT REQUESTED

Darryl Lawrence, Consumer Advocate
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101
ra-oca@paoca.org

Paul Diskin, Director
Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120
pdiskin@pa.gov

Allison Kaster, Director and Chief Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120
akaster@pa.gov

NazAarah Sabree, Small Business Advocate
Office of Small Business Advocate
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
ra-sba@pa.gov

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Erik Walschburger, County Administrator
County of Chester
313 West Market Street, Suite 6202
West Chester, PA 19380

Mathew Edmund, AICP, Executive Director
Chester County Planning Commission
601 Westtown Road, Suite 270
Post Office Box 2747
West Chester, PA 19380-0990

Jessica Shirley, Secretary
Pennsylvania Department of Environmental
Protection
Central Office
400 Market Street
Harrisburg, PA 17101

Patrick Patterson, Regional Director
Pennsylvania Department of Environmental
Protection
Southeast Regional Office
2 East Main Street
Norristown, PA 19401

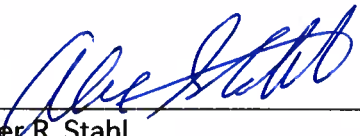
Gary C. Elston, Chairman
West Nantmeal Township
Board of Supervisors
455 N. Manor Road
Post Office Box 234
Elverson, PA 19520

Merle W. Stoltzfus, President
Nantmeal Warwick Sewer Company, Inc.
26 East Main Street
Post Office Box 20
Elverson, PA 19520

David Eames, Chairman
Northwestern Chester County Municipal
Authority
187 Dampman Road
Honey Brook, PA 19344

Dane Moyer, Chairman
West Nantmeal Township
Planning Commission
455 N. Manor Road
Post Office Box 234
Elverson, PA 19520

Merle W. Stoltzfus, President
Elverson Water Company, Inc.
26 East Main Street
Post Office Box 20
Elverson, PA 19520



Alexander R. Stahl

Dated: September 11, 2026