

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In The Matter Of:

|                          |   |                       |
|--------------------------|---|-----------------------|
| Connoquenessing Township | : | Sewage Facilities Act |
| 102 Township Drive       | : |                       |
| Renfrew, PA 16053        | : |                       |

**CONSENT ORDER AND AGREEMENT**

This Consent Order and Agreement is entered into this 21<sup>st</sup> day of June 2024 by and between the Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”) and Connoquenessing Township.

**Findings**

The Department has found and determined the following:

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

B. Connoquenessing Township is a Pennsylvania municipality organized under the laws of the Commonwealth of Pennsylvania located in Butler County, Pennsylvania, and maintains a mailing address of 102 Township Drive, Renfrew PA 16053 (“Township”).

C. In accordance with the Sewage Facilities Act, every municipality must develop and implement a comprehensive plan for the provision of adequate sewage systems (“Official Plan”).

D. The Official Plan for the Township is contained in a document entitled “Updating the Butler County Master Plan and The County Sewage Disposal and Water Supply Plan,” dated

December 1970, which recommended the Township be served by private on-lot sewage disposal systems at that time (“Township’s Official Plan”).

E. On October 30, 2007, the Department approved a revision to the Township’s Official Plan for the portion of the township located within Winterwood Drive, an area in the northeast part of the Township near Route 422 and Eagle Mill Road, and large portions of the areas north and south of Route 68 to be served by the Butler Area Sewer Authority (“BASA”) Service Area (“2007 Revision”). Winterwood Drive was included in the 5-year planning period detailed in the 2007 Revision. The 2007 Revision provided potential growth information to the BASA to aid the BASA in their Act 537 planning efforts.

F. On March 18, 2019, the Department approved a revision to the Township’s Official Plan for the portion of the Township located primarily along the Route 68 corridor and adjacent areas (“2019 Revision”). Areas in the 2019 Revision include: 1) to the south of Route 68 near Connoquenessing Borough, including the Connoquenessing Elementary School and extending north along Route 68 to the intersection of Whitestown Road and along Eagle Mill Road to Rolling Valley Lane (collectively, the “Route 68 (Evans City Road) Corridor”); 2) to the east encompassing Kriess Road and the Winterwood Drive area (collectively, the “Winterwood Drive Area”); and 3) to the west extending to the intersection of Dick and Boy Scout Roads (collectively, the “Surrounding Area”).

G. The 2019 Revision was for construction of a 0.36 millions of gallons per day wastewater treatment plant (“WWTP”) along Welsh Road, serving approximately 1,044 equivalent dwelling units to address an 8% on-lot system malfunction rate.

H. The 2019 Revision includes an implementation schedule that provides for construction of the WWTP to begin in August 2022 and to be completed in September 2024.

I. The Township adopted the 2019 Revision, but, as of the date of this Consent Order and Agreement, the Township has not implemented the 2019 Revision.

J. As of the date of this Consent Order and Agreement, the Township is not implementing its Official Plan to meet the sewage needs of Connoquenessing Township in the Winterwood Drive Area, the Route 68 (Evans City Road) Corridor, and the Surrounding Area.

**Applicable Law**

K. The Township is a “municipality,” as defined in Section 2 of the Sewage Facilities Act, 35 P.S. § 750.2.

L. Pursuant to Section 5 of the Sewage Facilities Act, 35 P.S. § 750.5, and 25 Pa. Code § 71.11, every municipality must develop and implement a comprehensive official plan, which, among other things, provides for the resolution of existing sewage disposal problems and for the safe and sanitary treatment of sewage now and in the future.

**Unlawful Conduct**

M. The Township’s failure to implement the 2019 Revision, as described in Paragraphs I and J, above, violates Section 5 of the Sewage Facilities Act, 35 P.S. § 750.5, and 25 Pa. Code § 71.11.

N. The violation described in Paragraph M, above, subjects the Township to civil penalty liability pursuant to Section 13a of the Sewage Facilities Act, 35 P.S. § 750.13a.

O. On June 2, 2023, the Department issued a Notice of Violation (“NOV”) to the Township for failing to implement the 2019 Revision, as described in Paragraph M, above.

P. On June 16, 2023, the Township responded to the NOV and indicated that it hired an engineering firm to revise the 2019 Revision and that it was considering narrowing the service area.

### **Order**

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

1. **Authority.** This Consent Order and Agreement is an Order of the Department authorized and issued pursuant to Sections 5 and 10 of the Sewage Facilities Act, 35 P.S. §§ 750.5 and 750.10; and Section 1917-A of the Administrative Code, 71 P.S. § 510-17.

2. **Findings.**

a. In any matter or proceeding between the Township and the Department, the Township shall not challenge or deny the Department's assertion of the truth, accuracy, or validity of Paragraphs A through P, above.

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

3. **Corrective Actions.**

a. If the Township intends to revise the 2019 Revision, then **within 30 days after the date of this Consent Order and Agreement**, the Township shall submit a written notice of such intent to the Department at the address set forth in Paragraph 9 (Correspondence with the Department), below ("Notice of Intent to Revise").

b. If the Township submits the Notice of Intent to Revise in accordance with Paragraph 3.a., above, then:



- i. **Within 150 days after the date of this Consent Order and Agreement**, the Township shall conduct a sanitary survey to identify sewage disposal needs, and the Township shall notify the Department at least **20 days** prior to conducting the sanitary survey.
  - ii. **Within 365 days after the date of this Consent Order and Agreement**, the Township shall submit to the Department an administratively complete update revision to the Township's Official Plan that complies with all the requirements of the Sewage Facilities Act and its Regulations ("Update Revision");
  - iii. Upon the Department's approval, Department-approved Update Revision shall become a part of this Consent Order and Agreement for all purposes and be enforceable as such. The Township shall implement the Department-approved Update Revision in accordance with the implementation schedule contained therein; and
  - iv. If the Department determines that the Update Revision is not approvable, the Township shall submit to the Department a revised administratively complete Update Revision that addresses the Department's written comments and all technical requirements within a reasonable timeframe established by the Department. This process shall continue until such time that the Department has approved the Update Revision.
- c. If the Township does not submit the Notice of Intent to Revise in accordance with Paragraph 3.a., above, then the Township shall implement the 2019 Revision in accordance with the following:

- i. **Within 45 days after the date of this Consent Order and Agreement**, the Township shall submit a municipally adopted revised implementation schedule to the Department setting forth the milestone dates for implementation of the 2019 Revision ("Revised Implementation Schedule"). The Revised Implementation Schedule shall include, at a minimum, milestone dates for acquiring permits and beginning and completing construction of the WWTP described in Paragraph G, above;
- ii. Upon Department approval of the Revised Implementation Schedule, the Department-approved Revised Implementation Schedule shall become part of this Consent Order and Agreement for all purposes and

shall be enforceable as such. The Township shall implement the 2019 Revision in accordance with the Department-approved Revised Implementation Schedule; and

- iii. If the Department determines the Revised Implementation Schedule is not approvable, the Township shall submit an amended Revised Implementation Schedule within a reasonable timeframe as set forth by the Department. This process shall continue until the Department approves the Revised Implementation Schedule.

d. For the purpose of this Consent Order and Agreement, the term “administratively complete” shall mean that the Update Revision contains items 1 through 8 within Part 2 of the Department’s Act 537 Plan Content and Environmental Assessment Checklist (3850-FM-BCW0003), attached as Exhibit B.

4. ***Quarterly Progress Reports.*** Beginning July 30, 2024, and continuing quarterly thereafter, the Township shall submit to the Department written progress reports of its efforts to comply with the requirements of this Consent Order and Agreement. The written progress reports shall be submitted by the 30<sup>th</sup> day following each calendar quarter (*i.e.* January 30, April 30, July 30, and October 30) and continue every calendar quarter thereafter until this Consent Order and Agreement is terminated in accordance with Paragraph 17, below.

5. ***Stipulated Civil Penalties.***

a. In the event the Township fails to comply in a timely manner with any term or provision of this Consent Order and Agreement, the Township shall be in violation of this Consent Order and Agreement and, in addition to other applicable remedies, shall pay the following civil penalties for the following violations:

- i. \$100 for failure to conduct a sanitary survey or failure to notify the Department prior to conducting any sanitary survey in accordance with Paragraph 3.b.i., above;

- ii. \$1,000 for each instance in which the Township fails to comply with the requirements of Paragraphs 3.b.ii. – iii. or 3.c.i. – ii, above; and
- iii. \$1,000 for each instance in which the Township fails to submit to the Department an approvable Update Revision in accordance with Paragraph 3.b.iv., above, or a Revised Implementation Schedule in accordance with Paragraph 3.c.iii., above.

b. Stipulated civil penalty payments shall be payable monthly on or before the fifteenth day of each succeeding month and shall be made by corporate check or the like, payable to “Commonwealth of Pennsylvania – Clean Water Fund,” and shall be sent to the Department at the address set forth in Paragraph 9 (Correspondence with the Department), below.

c. Any payment under this paragraph shall neither waive the Township’s duty to meet its obligations under this Consent Order and Agreement nor preclude the Department from commencing an action to compel the Township’s compliance with the terms and conditions of this Consent Order and Agreement. The payment resolves only the Township’s liability for civil penalties arising from the violation of this Consent Order and Agreement for which payment is made.

d. Stipulated civil penalties shall be due automatically and without notice.

6. ***Additional Remedies.***

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

b. The remedies provided by this paragraph and Paragraph 5 (Stipulated Civil Penalties), above, are cumulative and the exercise of one does not preclude the exercise of any other.

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

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

8. ***Liability of the Township.*** The Township shall be liable for any violations of this Consent Order and Agreement, including those caused by, contributed to, or allowed by its supervisors, board members, managers, agents, employees, and contractors. The Township also shall be liable for any violation of this Consent Order and Agreement caused by, contributed to, or allowed by its successors and assigns.

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

Tomisa Kiskadden  
Sewage Planning Supervisor  
Clean Water Program  
Department of Environmental Protection  
230 Chestnut Street  
Meadville, PA 16335-3407  
Telephone: 814-332-6623  
Fax: 814-332-6121  
Email: tkiskadden@pa.gov

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

Chairperson  
Connoquenessing Township  
102 Township Drive  
Renfrew, PA 16053

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

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

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

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

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

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

16. **Decisions Under Consent Order and Agreement.** The Township waives its rights to appeal to the Environmental Hearing Board any decision that the Department makes under the

provisions of this Consent Order and Agreement, including a notice that stipulated civil penalties are due, which rights may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provision of law. Except as provided in Paragraph 17.b., below, the Department agrees that any objection that the Township may have to any such decision may be raised as a defense in any Court where the Department enforces this Consent Order and Agreement.

17. ***Termination of this Consent Order and Agreement.***

a. The Township's obligations, but not the findings, of this Consent Order and Agreement shall terminate when the Township has: 1) completed all of the requirements of this Consent Order and Agreement; 2) achieved compliance with the Sewage Facilities Act; and 3) paid any outstanding penalties due under Paragraph 5 (Stipulated Civil Penalties), above.

b. The Department, in its sole discretion, may decide to terminate this Consent Order and Agreement at any time on or after December 31, 2027, and the Township agrees to waive any right that it may have to challenge the Department's decision in this regard.

18. ***Resolution.*** Attached as Exhibit A, and incorporated herein by reference, is a resolution of the Board of Supervisors of the Township authorizing its signatory below to enter into this Consent Order and Agreement on its behalf.


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

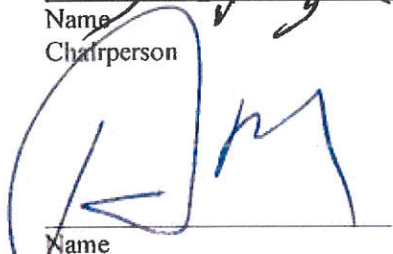
Department; and that the Township hereby knowingly waives its rights to appeal this Consent Order and Agreement and to challenge its content or validity, which rights may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provision of law. Signature by the Township's attorney certifies only that the agreement has been signed after consulting with counsel.

**FOR CONNOQUENESSING TOWNSHIP:**

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

  
Name  
Chairperson

  
Justin C. Dickey, P.E.  
Regional Manager  
Clean Water Program  
Northwest Region

  
Name  
Solicitor for Connoquenessing Township

 FOR  
Paul J. Strobel  
Assistant Counsel

# Exhibit A

Connoquenessing Township Resolution



RESOLUTION NO. 6-24

**A RESOLUTION OF THE TOWNSHIP OF CONNOQUEENESSING,  
COUNTY OF BUTLER, COMMONWEALTH OF PENNSYLVANIA,  
APPROVING AND AUTHORIZING THE EXECUTION OF A CONSENT  
ORDER AND AGREEMENT BETWEEN THE COMMONWEALTH OF  
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL  
PROTECTION AND THE TOWNSHIP OF CONNOQUEENESSING.**

**WHEREAS**, the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department") is the agency with the duty and authority to administer and enforce the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, *as amended*, 35 P.S. §§ 750.1-750.20a ("Sewage Facilities Act");

**WHEREAS**, the Township of Connoqueenessing is a Pennsylvania municipality organized under the laws of the Commonwealth of Pennsylvania located in Butler County, Pennsylvania, and maintains a mailing address of 102 Township Drive, Renfrew, PA 16053 ("Township");

**WHEREAS**, in accordance with the Sewage Facilities Act, the Township must develop and implement a Comprehensive Plan for the provision of adequate sewage systems within the Township (the "Official Plan");

**WHEREAS**, in August 2018, the Supervisors enacted a Resolution approving a revision to the Official Plan which was subsequently approved by the Department on March 7, 2019 Plan and, among other things, includes an implementation schedule that provides for construction of a wastewater treatment plant along Welsh Road serving approximately 1,044 equivalent dwelling units (the "2019 Official Plan Revision");

**WHEREAS**, on October 25, 2021, the Township directed a pause of implementation of the 2019 Official Plan Revision to discuss alternatives including the modification of the 2019 Official Plan Revision;

**WHEREAS**, the Township intends to submit a revision to the 2019 Official Plan Revision to the Department (the "Update Revision"); and

**WHEREAS**, the Department and the Township, desiring to avoid litigation and intending to be legally bound, have agreed to enter into a Consent Order and Agreement setting forth benchmarks for the revision of the Township's Update Revision which will provide for the provision of adequate sewage systems in accordance with the Sewage Facilities Act.

**NOW, THEREFORE**, the Board of Supervisors hereby resolve that:

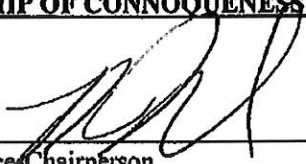
1. The Consent Order and Agreement attached to this Resolution as Exhibit "A" is hereby approved.
2. The Township hereby authorizes its Vice-Chairperson and Solicitor to execute the Consent

Order and Agreement and to do all such other things as may be necessary to carry out the intent and purposes of this Resolution.

3. This Resolution shall become effective immediately.
4. The Consent Order and Agreement shall become effective when executed by the Department.

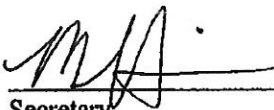
IN WITNESS WHEREOF, the present Resolution has been duly adopted by a vote of the Connoquenessing Township Board of Supervisors in public session duly convened this 5th day of June, 2024.

**TOWNSHIP OF CONNOQUEENESSING**

By:   
Vice Chairperson

(SEAL)

ATTEST:

  
Secretary (SEAL)

# Exhibit B

Act 537 Plan Content and Environmental Assessment Checklist  
(3850-FM-BCW0003)



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

**Act 537 Plan Content and Environmental Assessment Checklist**

**PART 1 GENERAL INFORMATION**

**A. Project Information**

1. Project Name
2. Brief Project Description

**B. Client (Municipality) Information**

|                   |        |                          |                          |                          |
|-------------------|--------|--------------------------|--------------------------|--------------------------|
| Municipality Name | County | City                     | Boro                     | Twp                      |
|                   |        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

|   |            |    |        |       |
|---|------------|----|--------|-------|
| Municipality Contact Individual - Last Name | First Name | MI | Suffix | Title |
|---|------------|----|--------|-------|

|                                 |            |    |        |       |
|---------------------------------|------------|----|--------|-------|
| Additional Individual Last Name | First Name | MI | Suffix | Title |
|---------------------------------|------------|----|--------|-------|

|                                     |                        |
|-------------------------------------|------------------------|
| Municipality Mailing Address Line 1 | Mailing Address Line 2 |
|-------------------------------------|------------------------|

|                           |       |       |
|---------------------------|-------|-------|
| Address Last Line -- City | State | ZIP+4 |
|---------------------------|-------|-------|

|              |                |                  |
|--------------|----------------|------------------|
| Phone + Ext. | FAX (optional) | Email (optional) |
|--------------|----------------|------------------|

**C. Site Information**

|                        |                               |
|------------------------|-------------------------------|
| Site (or Project) Name | (Municipal Name) Act 537 Plan |
|------------------------|-------------------------------|

|                      |                      |
|----------------------|----------------------|
| Site Location Line 1 | Site Location Line 2 |
|----------------------|----------------------|

**D. Project Consultant Information**

|           |            |    |        |
|-----------|------------|----|--------|
| Last Name | First Name | MI | Suffix |
|-----------|------------|----|--------|

|       |                      |
|-------|----------------------|
| Title | Consulting Firm Name |
|-------|----------------------|

|                        |                        |
|------------------------|------------------------|
| Mailing Address Line 1 | Mailing Address Line 2 |
|------------------------|------------------------|

|                           |       |       |         |
|---------------------------|-------|-------|---------|
| Address Last Line -- City | State | ZIP+4 | Country |
|---------------------------|-------|-------|---------|

|       |              |     |
|-------|--------------|-----|
| Email | Phone + Ext. | FAX |
|-------|--------------|-----|

**PART 2 ADMINISTRATIVE COMPLETENESS CHECKLIST**

|                     |                                   |  |
|---------------------|-----------------------------------|--|
| <b>DEP Use Only</b> | <b>Indicate Page #(s) in Plan</b> | In addition to the main body of the plan, the plan must include items one through eight listed below to be accepted for formal review by the department. Incomplete Plans will be returned unless the municipality is clearly requesting an advisory review. |
|---------------------|-----------------------------------|--|

- |       |       |  |
|-------|-------|--|
| _____ | _____ | 1. <b>Table of Contents</b>  |
| _____ | _____ | 2. <b>Plan Summary</b>   |
| _____ | _____ | A. Identify the proposed service areas and major problems evaluated in the plan. (Reference - Title 25, §71.21.a.7.i).   |
| _____ | _____ | B. Identify the alternative(s) chosen to solve the problems and serve the areas of need identified in the plan. Also, include any institutional arrangements necessary to implement the chosen alternative(s). (Reference Title 25 §71.21.a.7.ii).   |
| _____ | _____ | C. Present the estimated cost of implementing the proposed alternative (including the user fees) and the proposed funding method to be used. (Reference Title 25, §71.21.a.7.ii).  |
| _____ | _____ | D. Identify the municipal commitments necessary to implement the Plan. (Reference Title 25, §71.21.a.7.iii).   |
| _____ | _____ | E. Provide a schedule of implementation for the project that identifies the MAJOR milestones with dates necessary to accomplish the project to the point of operational status. (Reference Title 25, §71.21.a.7.iv).   |
| _____ | _____ | 3. <b>Municipal Adoption: Original</b> , signed and sealed Resolution of Adoption by the municipality which contains, at a minimum, alternatives chosen and a commitment to implement the Plan in accordance with the implementation schedule. (Reference Title 25, §71.31.f) Section V.F. of the Planning Guide.  |
| _____ | _____ | 4. <b>Planning Commission / County Health Department Comments:</b> Evidence that the municipality has requested, reviewed and considered comments by appropriate official planning agencies of the municipality, planning agencies of the county, planning agencies with area wide jurisdiction (where applicable), and any existing county or joint county departments of health. (Reference-Title 25, §71.31.b) Section V.E.1 of the Planning Guide.   |
| _____ | _____ | 5. <b>Publication:</b> Proof of Public Notice which documents the proposed plan adoption, plan summary, and the establishment and conduct of a 30 day comment period. (Reference-Title 25, §71.31.c) Section V.E.2 of the Planning Guide.  |
| _____ | _____ | 6. <b>Comments and Responses:</b> Copies of ALL written comments received and municipal response to EACH comment in relation to the proposed plan. (Reference-Title 25, §71.31.c) Section V.E.2 of the Planning Guide.   |
| _____ | _____ | 7. <b>Implementation Schedule:</b> A complete project implementation schedule with milestone dates specific for each existing and future area of need. Other activities in the project implementation schedule should be indicated as occurring a finite number of days from a major milestone. (Reference-Title 25, §71.31.d) Section V.F. of the Planning Guide. Include dates for the future initiation of feasibility evaluations in the project's implementation schedule for areas proposing completion of sewage facilities for planning periods in excess of five years. (Reference Title 25, §71.21.c). |
| _____ | _____ | 8. <b>Consistency Documentation:</b> Documentation indicating that the appropriate agencies have received, reviewed and concurred with the method proposed to resolve identified inconsistencies within the proposed alternative and consistency requirements in 71.21.(a)(5)(i-iii). (Reference-Title 25, §71.31.e). Appendix B of the Planning Guide.  |

**PART 3 GENERAL PLAN CONTENT CHECKLIST**

| DEP<br>Use<br>Only | Indicate<br>Page #(s)<br>In Plan | Item Required |
|--------------------|----------------------------------|---------------|
|--------------------|----------------------------------|---------------|

- |       |       |  |
|-------|-------|--|
| _____ | _____ | <p><b>I. Previous Wastewater Planning</b></p> <p><b>A. Identify, describe and briefly analyze all past wastewater planning for its impact on the current planning effort:</b></p> <p>1. Previously undertaken under the Sewage Facilities Act (Act 537). (Reference-Act 537, Section 5 §d.1).</p> <p>2. Has not been carried out according to an approved Implementation schedule contained in the plans. (Reference-Title 26, §71.21.a.6.I.A-D). Section V.F of the Planning Guide.</p> <p>3. Is anticipated or planned by applicable sewer authorities or approved under a Chapter 94 Corrective Action Plan. (Reference-Title 26, §71.21.a.6.I.A&amp;B). Section V.D. of the Planning Guide.</p> <p>4. Through planning modules for new land development, planning "exemptions" and addenda. (Reference-Title 26, §71.21.a.6.I.A).</p>  |
| _____ | _____ | <p><b>II. Physical and Demographic Analysis utilizing written description and mapping (All items listed below require maps, and all maps should show all current lots and structures and be of appropriate scale to clearly show significant information).</b></p> <p><b>A. Identification of planning area(s), municipal boundaries, Sewer Authority/Management Agency service area boundaries. (Reference-Title 26, §71.21.a.1.i).</b></p> <p><b>B. Identification of physical characteristics (streams, lakes, impoundments, natural conveyance, channels, drainage basins in the planning area). (Reference-Title 26, §71.21.a.1.ii).</b></p> <p><b>C. Soils - Analysis with description by soil type and soils mapping for areas not presently served by sanitary sewer service. Show areas suitable for in-ground onlot systems, elevated sand mounds, individual residential spray irrigation systems, and areas unsuitable for soil dependent systems. (Reference-Title 26, §71.21.a.1.iii). Show Prime Agricultural Soils and any locally protected agricultural soils. (Reference-Title 26, §71.21.a.1.iii).</b></p> <p><b>D. Geologic Features - (1) Identification through analysis, (2) mapping and (3) their relation to existing or potential nitrate-nitrogen pollution and drinking water sources. Include areas where existing nitrate-nitrogen levels are in excess of 5 mg/L. (Reference-Title 26, §71.21.a.1.iii).</b></p> <p><b>E. Topography - Depict areas with slopes that are suitable for conventional systems; slopes that are suitable for elevated sand mounds and slopes that are unsuitable for onlot systems. (Reference-Title 26, §71.21.a.1.ii).</b></p> <p><b>F. Potable Water Supplies - Identification through mapping, description and analysis. Include public water supply service areas and available public water supply capacity and aquifer yield for groundwater supplies. (Reference-Title 26 §71.21.a.1.vi). Section V.C. of the Planning Guide.</b></p> |

- \_\_\_\_\_ G. Wetlands-Identify wetlands as defined in Title 26, Chapter 105 by description, analysis and mapping. Include National Wetland Inventory mapping and potential wetland areas per USDA, SCS mapped hydric soils. Proposed collection, conveyance and treatment facilities and lines must be located and labeled, along with the identified wetlands, on the map. (Reference-Title 26, §71.21.a.1.v). Appendix B, Section II.I of the Planning Guide.
  
- \_\_\_\_\_ III. Existing Sewage Facilities in the Planning Area - Identifying the Existing Needs
  
- \_\_\_\_\_ A. Identify, map and describe municipal and non-municipal, individual and community sewerage systems in the planning area including:
  - \_\_\_\_\_ 1. Location, size and ownership of treatment facilities, main intercepting lines, pumping stations and force mains including their size, capacity, point of discharge. Also include the name of the receiving stream, drainage basin, and the facility's effluent discharge requirements. (Reference-Title 26, §71.21.a.2.i.A).
  - \_\_\_\_\_ 2. A narrative and schematic diagram of the facility's basic treatment processes including the facility's NPDES permitted capacity, and the Clean Streams Law permit number. (Reference-Title 26, §71.21.a.2.i.A).
  - \_\_\_\_\_ 3. A description of problems with existing facilities (collection, conveyance and/or treatment), including existing or projected overload under Title 26, Chapter 94 (relating to municipal wasteload management) or violations of the NPDES permit, Clean Streams Law permit, or other permit, rule or regulation of DEP. (Reference-Title 26, §71.21.a.2.i.B).
  - \_\_\_\_\_ 4. Details of scheduled or in-progress upgrading or expansion of treatment facilities and the anticipated completion date of the improvements. Discuss any remaining reserve capacity and the policy concerning the allocation of reserve capacity. Also discuss the compatibility of the rate of growth to existing and proposed wastewater treatment facilities. (Reference-Title 26, §71.21.a.4.i & ii).
  - \_\_\_\_\_ 5. A detailed description of the municipality's operation and maintenance requirements for small flow treatment facility systems, including the status of past and present compliance with these requirements and any other requirements relating to sewage management programs. (Reference-Title 26, §71.21.a.2.i.C).
  - \_\_\_\_\_ 6. Disposal areas, if other than stream discharge, and any applicable groundwater limitations. (Reference-Title 26, §71.21.a.4.i & ii).
  
- \_\_\_\_\_ B. Using DEP's publication titled *Sewage Disposal Needs Identification*, identify, map and describe areas that utilize individual and community onlot sewage disposal and, unpermitted collection and disposal systems ("wildcat" sewers, borehole disposal, etc.) and retaining tank systems in the planning area including:
  - \_\_\_\_\_ 1. The types of onlot systems in use. (Reference-Title 26, §71.21.a.2.ii.A).
  - \_\_\_\_\_ 2. A sanitary survey complete with description, map and tabulation of documented and potential public health, pollution, and operational problems (including malfunctioning systems) with the systems, including violations of local ordinances, the Sewage Facilities Act, the Clean Stream Law or regulations promulgated thereunder. (Reference-Title 26, §71.21.a.2.ii.B).



- 3. A comparison of the types of onlot sewage systems installed in an area with the types of systems which are appropriate for the area according to soil, geologic conditions, topographic limitations sewage flows, and Title 25 Chapter 73 (relating to standards for sewage disposal facilities). (Reference-Title 25, §71.21.a.2.ii.C).
  - 4. An individual water supply survey to identify possible contamination by malfunctioning onlot sewage disposal systems consistent with DEP's *Sewage Disposal Needs Identification* publication. (Reference-Title 25 §71.21.a.2.ii.B).
  - 5. Detailed description of operation and maintenance requirements of the municipality for individual and small volume community onlot systems, including the status of past and present compliance with these requirements and any other requirements relating to sewage management programs. (Reference-Title 25, §71.21.a.2.i.C).
- C. Identify wastewater sludge and septage generation, transport and disposal methods. Include this information in the sewage facilities alternative analysis including:
- 1. Location of sources of wastewater sludge or septage (Septic tanks, holding tanks, wastewater treatment facilities). (Reference-Title 25 §71.71).
  - 2. Quantities of the types of sludges or septage generated. (Reference-Title 25 §71.71).
  - 3. Present disposal methods, locations, capacities and transportation methods. (Reference-Title 25 §71.71).

**IV. Future Growth and Land Development**

- A. Identify and briefly summarize all municipal and county planning documents adopted pursuant to the Pennsylvania Municipalities Planning Code (Act 247) including:
- 1. All land use plans and zoning maps that identify residential, commercial, industrial, agricultural, recreational and open space areas. (Reference-Title 25, §71.21.a.3.iv).
  - 2. Zoning or subdivision regulations that establish lot sizes predicated on sewage disposal methods. (Reference - Title 25§71.21.a.3.iv).
  - 3. All limitations and plans related to floodplain and stormwater management and special protection (Ch. 93) areas. (Reference-Title 25 §71.21.a.3.iv) Appendix B, Section II, F of the Planning Guide.
- B. Delineate and describe the following through map, text and analysis.
- 1. Areas with existing development or plotted subdivisions. Include the name, location, description, total number of EDU's in development, total number of EDU's currently developed and total number of EDU's remaining to be developed (include time schedule for EDU's remaining to be developed). (Reference-Title 25, §71.21.a.3.i).
  - 2. Land use designations established under the Pennsylvania Municipalities Planning Code (36 P.S. 10101-11202), including residential, commercial and industrial areas. (Reference-Title 25 §71.21.a.3.ii). Include a comparison of proposed land use as allowed by zoning and existing sewage facility planning. (Reference-Title 25, §71.21.a.3.iv).



3. Future growth areas with population and EDU projections for these areas using historical, current and future population figures and projections of the municipality. Discuss and evaluate discrepancies between local, county, state and federal projections as they relate to sewage facilities. (Reference-Title 25, §71.21.a.1.iv). (Reference-Title 25, §71.21.a.3.iii).

4. Zoning, and/or subdivision regulations; local, county or regional comprehensive plans; and existing plans of any other agency relating to the development, use and protection of land and water resources with special attention to: (Reference-Title 25, §71.21.a.3.iv).

- public ground/surface water supplies
- recreational water use areas
- groundwater recharge areas
- industrial water use
- wetlands

5. Sewage planning necessary to provide adequate wastewater treatment for five and ten year future planning periods based on projected growth of existing and proposed wastewater collection and treatment facilities. (Reference-Title 25, §71.21.a.3.v).

**V. Identify Alternatives to Provide New or Improved Wastewater Disposal Facilities**

**A. Conventional collection, conveyance, treatment and discharge alternatives including:**

1. The potential for regional wastewater treatment. (Reference-Title 25, §71.21.a.4).
2. The potential for extension of existing municipal or non-municipal sewage facilities to areas in need of new or improved sewage facilities. (Reference-Title 25, §71.21.a.4.i).
3. The potential for the continued use of existing municipal or non-municipal sewage facilities through one or more of the following: (Reference-Title 25, §71.21.a.4.ii).
  - a. Repair. (Reference-Title 25, §71.21.a.4.ii.A)
  - b. Upgrading. (Reference-Title 25, §71.21.a.4.ii.B)
  - c. Reduction of hydraulic or organic loading to existing facilities. (Reference-Title 25, §71.71)
  - d. Improved operation and maintenance. (Reference-Title 25, §71.21.a.4.ii.C)
  - e. Other applicable actions that will resolve or abate the identified problems. (Reference-Title 25, §71.21.a.4.ii.D)
4. Repair or replacement of existing collection and conveyance system components. (Reference-Title 25, §71.21.a.4.ii.A)
5. The need for construction of new community sewage systems including sewer systems and/or treatment facilities. (Reference-Title 25, §71.21.a.4.iii)
6. Use of innovative/alternative methods of collection/conveyance to serve needs areas using existing wastewater treatment facilities. (Reference-Title 25, §71.21.a.4.ii.B)





H. A no-action alternative which includes discussion of both short-term and long-term impacts on: (Reference-Title 25, §71.21.a.4)

1. Water Quality/Public Health. (Reference-Title 25, §71.21.a.4)
2. Growth potential (residential, commercial, industrial). (Reference-Title 25, §71.21.a.4)
3. Community economic conditions. (Reference-Title 25, §71.21.a.4)
4. Recreational opportunities. (Reference-Title 25, §71.21.a.4)
5. Drinking water sources. (Reference-Title 25, §71.21.a.4)
6. Other environmental concerns. (Reference-Title 25, §71.21.a.4)

**VI. Evaluation of Alternatives**

A. Technically feasible alternatives identified in Section V of this check-list must be evaluated for consistency with respect to the following: (Reference-Title 25, §71.21.a.5.I).

1. Applicable plans developed and approved under Sections 4 and 5 of the Clean Streams Law or Section 208 of the Clean Water Act (33 U.S.C.A. 1288). (Reference-Title 25, §71.21.a.5.I.A). Appendix B, Section II.A of the Planning Guide.

2. Municipal wasteload management Corrective Action Plans or Annual Reports developed under PA Code, Title 25, Chapter 94. (Reference-Title 25, §71.21.a.5.I.B). The municipality's recent Wasteload Management (Chapter 94) Reports should be examined to determine if the proposed alternative is consistent with the recommendations and findings of the report. Appendix B, Section II.B of the Planning Guide.

3. Plans developed under Title II of the Clean Water Act (33 U.S.C.A. 1281-1299) or Titles II and VI of the Water Quality Act of 1987 (33 U.S.C.A. 1261-1376). (Reference-Title 25, §71.21.a.5.I.C). Appendix B, Section II.E of the Planning Guide.

4. Comprehensive plans developed under the Pennsylvania Municipalities Planning Code. (Reference-Title 25, §71.21.a.5.I.D). The municipality's comprehensive plan must be examined to assure that the proposed wastewater disposal alternative is consistent with land use and all other requirements stated in the comprehensive plan. Appendix B, Section II.D of the Planning Guide.

5. Antidegradation requirements as contained in PA Code, Title 25, Chapters 93, 96 and 102 (relating to water quality standards, wastewater treatment requirements and erosion control) and the Clean Water Act. (Reference-Title 25, §71.21.a.5.I.E). Appendix B, Section II.F of the Planning Guide.

6. State Water Plans developed under the Water Resources Planning Act (42 U.S.C.A. 1962-1962 d-18). (Reference-Title 25, §71.21.a.5.I.F). Appendix B, Section II.C of the Planning Guide.

7. Pennsylvania Prime Agricultural Land Policy contained in Title 4 of the Pennsylvania Code, Chapter 7, Subchapter W. Provide narrative on local municipal policy and an overlay map on prime agricultural soils. (Reference-Title 25, §71.21.a.5.I.G). Appendix B, Section II.G of the Planning Guide.



8. **County Stormwater Management Plans** approved by DEP under the Storm Water Management Act (32 P.S. 680.1-680.17). (Reference-Title 26, §71.21.a.5.I.H). Conflicts created by the implementation of the proposed wastewater alternative and the existing recommendations for the management of stormwater in the county Stormwater Management Plan must be evaluated and mitigated. If no plan exists, no conflict exists. Appendix B, Section II.H of the Planning Guide.
  9. **Wetland Protection.** Using wetland mapping developed under Checklist Section II.G, identify and discuss mitigative measures including the need to obtain permits for any encroachments on wetlands from the construction or operation of any proposed wastewater facilities. (Reference-Title 26, §71.21.a.5.I.I) Appendix B, Section II.I of the Planning Guide.
  10. **Protection of rare, endangered or threatened plant and animal species** as identified by the Pennsylvania Natural Diversity Inventory (PNDI). (Reference-Title 26, §71.21.a.5.I.J). Provide DEP with a copy of the completed Request For PNDI Search document. Also provide a copy of the response letter from the Department of Conservation and Natural Resources' Bureau of Forestry regarding the findings of the PNDI search. Appendix B, Section II.J of the Planning Guide.
  11. **Historical and archaeological resource protection** under P.C.S. Title 37, Section 607 relating to cooperation by public officials with the Pennsylvania Historical and Museum Commission. (Reference-Title 26, §71.21.a.5.I.K). Provide the department with a completed copy of a Cultural Resource Notice request of the Bureau of Historic Preservation (BHP) to provide a listing of known historical sites and potential impacts on known archaeological and historical sites. Also provide a copy of the response letter from the BHP. Appendix B, Section II.K of the Planning Guide.
- B. Provide for the resolution of any inconsistencies in any of the points identified in Section VI.A. of this checklist by submitting a letter from the appropriate agency stating that the agency has received, reviewed and concurred with the resolution of identified inconsistencies. (Reference-Title 26, §71.21.a.5.II). Appendix B of the Planning Guide.
- C. Evaluate alternatives identified in Section V of this checklist with respect to applicable water quality standards, effluent limitations or other technical, legislative or legal requirements. (Reference-Title 26, §71.21.a.5.III).
- D. Provide cost estimates using present worth analysis for construction, financing, on going administration, operation and maintenance and user fees for alternatives identified in Section V of this checklist. Estimates shall be limited to areas identified in the plan as needing improved sewage facilities within five years from the date of plan submission. (Reference-Title 26, §71.21.a.5.IV).
- E. Provide an analysis of the funding methods available to finance the proposed alternatives evaluated in Section V of this checklist. Also provide documentation to demonstrate which alternative and financing scheme combination is the most cost-effective; and a contingency financial plan to be used if the preferred method of financing cannot be implemented. The funding analysis shall be limited to areas identified in the plan as needing improved sewage facilities within five years from the date of the plan submission. (Reference-Title 26, §71.21.a.5.V).

- \_\_\_\_\_ \_\_\_\_\_ F. Analyze the need for immediate or phased implementation of each alternative proposed in Section V of this checklist including: (Reference-Title 25, §71.21.a.5.vi).
- \_\_\_\_\_ \_\_\_\_\_ 1. A description of any activities necessary to abate critical public health hazards pending completion of sewage facilities or implementation of sewage management programs. (Reference-Title 25, §71.21.a.5.vi.A).
- \_\_\_\_\_ \_\_\_\_\_ 2. A description of the advantages, if any, in phasing construction of the facilities or implementation of a sewage management program justifying time schedules for each phase. (Reference-Title 25, §71.21.a.5.vi.B).
- \_\_\_\_\_ \_\_\_\_\_ G. Evaluate administrative organizations and legal authority necessary for plan implementation. (Reference - Title 25, §71.21 a.5.vi.D.).

\_\_\_\_\_  
\_\_\_\_\_ **VII. Institutional Evaluation**

- \_\_\_\_\_ \_\_\_\_\_ A. Provide an analysis of all existing wastewater treatment authorities, their past actions and present performance including:
  - \_\_\_\_\_ \_\_\_\_\_ 1. Financial and debt status. (Reference-Title 25, §71.61.d.2).
  - \_\_\_\_\_ \_\_\_\_\_ 2. Available staff and administrative resources. (Reference-Title 25, §71.61.d.2)
  - \_\_\_\_\_ \_\_\_\_\_ 3. Existing legal authority to:
    - \_\_\_\_\_ \_\_\_\_\_ a. Implement wastewater planning recommendations. (Reference-Title 25, §71.61.d.2).
    - \_\_\_\_\_ \_\_\_\_\_ b. Implement system-wide operation and maintenance activities. (Reference-Title 25, §71.61.d.2).
    - \_\_\_\_\_ \_\_\_\_\_ c. Set user fees and take purchasing actions. (Reference-Title 25, §71.61.d.2).
    - \_\_\_\_\_ \_\_\_\_\_ d. Take enforcement actions against ordinance violators. (Reference-Title 25, §71.61.d.2).
    - \_\_\_\_\_ \_\_\_\_\_ e. Negotiate agreements with other parties. (Reference-Title 25, §71.61.d.2).
    - \_\_\_\_\_ \_\_\_\_\_ f. Raise capital for construction and operation and maintenance of facilities. (Reference-Title 25, §71.61.d.2).
- \_\_\_\_\_ \_\_\_\_\_ B. Provide an analysis and description of the various institutional alternatives necessary to implement the proposed technical alternatives including:
  - \_\_\_\_\_ \_\_\_\_\_ 1. Need for new municipal departments or municipal authorities. (Reference-Title 25, §71.61.d.2).
  - \_\_\_\_\_ \_\_\_\_\_ 2. Functions of existing and proposed organizations (sewer authorities, onlot maintenance agencies, etc.). (Reference-Title 25, §71.61.d.2).
  - \_\_\_\_\_ \_\_\_\_\_ 3. Cost of administration, implementability, and the capability of the authority/agency to react to future needs. (Reference-Title 25, §71.61.d.2).
- \_\_\_\_\_ \_\_\_\_\_ C. Describe all necessary administrative and legal activities to be completed and adopted to ensure the implementation of the recommended alternative including:
  - \_\_\_\_\_ \_\_\_\_\_ 1. Incorporation of authorities or agencies. (Reference-Title 25, §71.61.d.2).
  - \_\_\_\_\_ \_\_\_\_\_ 2. Development of all required ordinances, regulations, standards and inter-municipal agreements. (Reference-Title 25, §71.61.d.2).

- 3. Description of activities to provide rights-of-way, easements and land transfers. (Reference-Title 25, §71.61.d.2).
- 4. Adoption of other municipal sewage facilities plans. (Reference-Title 25, §71.61.d.2).
- 5. Any other legal documents. (Reference-Title 25, §71.61.d.2).
- 6. Dates or timeframes for items 1-5 above on the project's implementation schedule.

D. Identify the proposed institutional alternative for implementing the chosen technical wastewater disposal alternative. Provide justification for choosing the specific institutional alternative considering administrative issues, organizational needs and enabling legal authority. (Reference-Title 25, §71.61.d.2).

**VIII. Implementation Schedule and Justification for Selected Technical & Institutional Alternatives**

A. Identify the technical wastewater disposal alternative which best meets the wastewater treatment needs of each study area of the municipality. Justify the choice by providing documentation which shows that it is the best alternative based on:

- 1. Existing wastewater disposal needs. (Reference-Title 25, §71.21.a.6)
- 2. Future wastewater disposal needs. (five and ten years growth areas). (Reference-Title 25, §71.21.a.6)
- 3. Operation and maintenance considerations. (Reference-Title 25, §71.21.a.6)
- 4. Cost-effectiveness. (Reference-Title 25, §71.21.a.6)
- 5. Available management and administrative systems. (Reference-Title 25, §71.21.a.6)
- 6. Available financing methods. (Reference-Title 25, §71.21.a.6)
- 7. Environmental soundness and compliance with natural resource planning and preservation programs. (Reference-Title 25, §71.21.a.6)

B. Designate and describe the capital financing plan chosen to implement the selected alternative(s). Designate and describe the chosen back-up financing plan. (Reference-Title 25, §71.21.a.6)

C. Designate and describe the implementation schedule for the recommended alternative, including justification for any proposed phasing of construction or implementation of a Sewage Management Program. (Reference - Title 25 §71.31d)

**IX. Environmental Report (ER) generated from the Uniform Environmental Review Process (UER)**

A. Complete an ER as required by the UER process and as described in the DEP Technical Guidance 381-5611-111. Include this document as "Appendix A" to the Act 537 Plan Update Revision. Note: An ER is required only for Wastewater projects proposing funding through any of the funding sources identified in the UER.

**ADDITIONAL REQUIREMENTS FOR PENNVEST PROJECTS**

Municipalities that propose to implement their official sewage facilities plan updates with PENNVEST funds must meet six additional requirements to be eligible for such funds. See A Guide for Preparing Act 637 Update Revisions (362-0300-003), Appendix N for greater detail or contact the DEP regional office serving your county listed in Appendix J of the same publication.

| DEP<br>Use<br>Only | Indicate<br>Page #(s)<br>in Plan | Item Required   |
|--------------------|----------------------------------|---|
| _____              | _____                            | 1. Environmental Impact Assessment. (Planning Phase)<br>The Uniform Environment Review (UER) replaces the Environmental Impact Assessment that was a previous requirement for PENNVEST projects.  |
| _____              | _____                            | 2. Cost Effectiveness (Planning Phase)<br>The cost-effectiveness analysis should be a present-worth (or equivalent uniform annual) cost evaluation of the principle alternatives using the interest rate that is published annually by the Water Resources Council. Normally, for PENNVEST projects the applicant should select the most cost-effective alternative based upon the above analysis. Once the alternative has been selected the user fee estimates should be developed based upon interest rates and loan terms of the selected funding method. |
| _____              | _____                            | 3. Second Opinion Project Review. (Design Phase)  |
| _____              | _____                            | 4. Minority Business Enterprise/Women's Business Enterprise (Construction Phase)  |
| _____              | _____                            | 5. Civil Rights. (Construction Phase)   |
| _____              | _____                            | 6. Initiation of Operation/Performance Certification. (Post-construction Phase)   |