

October 23, 2023

VIA EMAIL

Chad Stewart, Chairman
Westfall Township Municipal Authority
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VIA EMAIL

Shahana Shamim, Secretary
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P.O. Box 247
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VIA EMAIL

Marianne Brown, Secretary
Borough of Matamoras
10 Avenue I
Matamoras, PA 18336

Re: Denial Letter - Technically Deficient Application – Plan Update Revision
Act 537 Planning
Eastern Pike County Regional Act 537 Plan
APS ID # 1084770, AUTH ID # 1452025
Westfall Township, Milford Township, Matamoras Borough, and Milford Borough
Pike County

All:

The Department of Environmental Protection (DEP) has reviewed the proposed Official Plan Update Revision, dated March 2023 (received by the Department on March 17, 2023), with additional information dated March 28, 2023 (received by the Department on March 28, 2023) as submitted by Herbert, Rowland, & Grubic Inc. (Consultant) on behalf of Westfall Township, Milford Township, Matamoras Borough, and Milford Borough, Pike County and entitled Eastern Pike County Regional Act 537 Plan (Plan). The initial submission was determined to be administratively incomplete. The Department sent correspondence on March 28, 2023 with comments on the administratively incomplete items. Those comments were satisfied with the additional information provided on March 28, 2023 and the Plan was determined to be administratively complete. However, DEP has determined that the Plan is not implementable. Therefore, the application is denied.

Technical Deficiency

Per 25 Pa. Code § 71.32(d)(4), the Department must consider “whether the official plan or official plan revision is able to be implemented.” The technical review of the Plan found that it was not presented as an implementable plan. See the excerpts below for evidence from the Plan that it is not implementable.

“The wastewater water planning needs and recommendations of the plan are listed below. However, without finalized inter-municipal agreements, development agreements, and favorable funding (private and public), alternatives may not be feasible... In addition, the four Municipalities may consider providing public sewer service in different areas if more funding becomes available through developers or private entities.” Page ES-1 of the Executive Summary

“Matamoras Borough will identify additional grants and funding to make it financially feasible upon implementation of the Plan.” Page ES-1 of the Executive Summary

“Milford Borough will identify additional grants and funding to make it financially feasible upon implementation of the Plan.” Page ES-2 of the Executive Summary

“Without a finalized inter-municipal agreement (including updates to the MATW rules and regulations), development agreement(s), and favorable funding (public and private) these alternatives may not be feasible and not be implemented.” Note (1) of the Selected Alternatives Phase II Implementation Schedule on Page ES-4 of the Executive Summary and on Page 8-3 of Chapter 8: Implementation Schedule and Justification for Selected Alternatives

“The extensions are proposed for the 5-10 year planning window; depending on available funding.” Page 5-6 of Chapter 5: Wastewater Management Alternatives

“A wetland delineation to identify and define the actual locations of wetlands and their boundaries should be performed during the design phase if any expansion of the existing facilities implemented.” Page 6-2 of Chapter 6: Evaluation of Alternatives

“The funding options available to finance the proposed structural alternative been briefly examined in this chapter; however the four municipalities, MATW Milford Water Authority, and Matamoras Municipal Authority should involve their solicitors and financial advisor(s) to determine the most viable method of financing the project(s).” Page 6-9 of Chapter 6: Evaluation of Alternatives

“These alternatives are dependent upon finalization of inter-municipal agreement between each of the four municipalities, MATW, MWA, and MMA, availability of favorable funding with maximum grants, and the potential contributions made by

land developers or private entities at the time of implementation.” Page 8-1 of Chapter 8: Implementation Schedule and Justification for Selected Alternatives
“The implementation of Alternatives No. 2B, No. 3B, and No. 6F has been chosen and is anticipated to be completed in accordance with the projected implementation schedule assuming that an finalized inter-municipal agreement between all municipalities and authorities is finalized and funding is secured. Without the finalized inter-municipal agreement, development agreement(s), and favorable funding (public and private) these structural alternatives are not considered to be feasible and will not be implemented.” Page 8-1 of Chapter 8: Implementation Schedule and Justification for Selected Alternatives

“In order to implement these structural alternatives while maintaining an affordable user rate, a more detailed financing plan consisting of the payment of tapping fees from new connections, grant money, capital contributions from developers, and a low interest (PENNVEST, R.U.S., County Grants, RCAP, etc.) loan or any combination is required.” Page 8-2 of Chapter 8: Implementation Schedule and Justification for Selected Alternatives

“The project schedule for the proposed wastewater collection system extensions is contingent upon the receipt of affordable funding.” Page 8-3 of Chapter 8: Implementation Schedule and Justification for Selected Alternatives

These excerpts from the Plan are evidence that it is not implementable. An implementable plan cannot be contingent on funding sources or an executed inter-municipal agreement.

There were numerous other technical deficiencies found in the Plan that are not discussed in this correspondence. You are encouraged to schedule a meeting with the Department within the next 45 days to review the application as a whole prior to resubmission. The other technical deficiencies can be discussed and reviewed in that meeting.

Any reconsideration of this project shall occur only if a complete and updated Act 537 Plan Update Revision is submitted. All materials must be newly adopted by resolution, and otherwise meet the requirements of Chapter 71 of DEP’s regulations.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board), pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board’s address is:

Environmental Hearing Board
Rachel Carson State Office Building, Second Floor
400 Market Street
P.O. Box 8457
Harrisburg, PA 17105-8457

Chad Stewart, Chairman
Francesca Lombardo, Secretary
Marianne Brown, Secretary
Shahana Shamim, Secretary
Kaitlin Hildebrandt, Secretary

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TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. 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 AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

If you have any questions or concerns, please contact Ms. Staci Shoemaker at 570.826.2333 and refer to Application No. 1084770 and Authorization No. 1452025.

Sincerely,



Amy Bellanca P.E.
Program Manager
Clean Water Program

cc: Matthew Roberts, Staff Professional/HRG, Inc.
Cory Salmon, P.E., Group Manager/HRG, Inc.
Marianne Brown, Secretary/Matamoras Borough Planning Commission
Barbara Tarquinio, Secretary/Milford Borough Planning Commission
Shahana Shamin, Secretary/Milford Township Planning Commission
Kaitlin Hildebrandt, Secretary/Westfall Township Planning Commission
Michael Mrozinski, Planning Director/Pike County Office of Community

Chad Stewart, Chairman
Francesca Lombardo, Secretary
Marianne Brown, Secretary
Shahana Shamim, Secretary
Kaitlin Hildebrandt, Secretary

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October 23, 2023

Planning
Sean McElroy, Area Specialist/USDA – Rural Development

Eastern Pike County Regional Act 537 Plan

Westfall Twp, Milford Twp, Milford Boro, & Matamoras Boro, Pike Co

It should be noted that the following comments are a result of a cursory technical review by the Department and as such, they are not as detailed as a full technical deficiency letter would be. When this Plan was determined to not be implementable because it was written to be contingent on funding opportunities and inter-municipal agreements, it was decided that a full technical review would not be completed. This determination is described in full in the Department's correspondence dated October 23, 2023 and is further discussed in some of the items in this document. This correspondence is included as an attachment.

This document is formatted to follow the Act 537 Plan Content and Environmental Assessment Checklist (Checklist). This aims to make it easier to determine the basis of the comments made. It is also recommended that the Plan is formatted in a similar manner to facilitate a more efficient and thorough technical review. If the Plan follows the Checklist format with respect to sectioning, it can minimize any confusion on where the required plan content is located.

After the items in this document are reviewed and digested, the Department is encouraging the municipalities and their consultants to attend a meeting with the Department to ensure this planning endeavor continues to move forward in a productive manner.

ADMINISTRATIVE COMPLETENESS CHECKLIST

Item 2.A. As the Department stated in its October 23, 2023 letter, the following statement from the Executive Summary is evidence that the Plan is not implementable.

“The wastewater water planning needs and recommendations of the plan are listed below. However, without finalized inter-municipal agreements, development agreements, and favorable funding (private and public), alternatives may not be feasible... In addition, the four Municipalities may consider providing public sewer service in different areas if more funding becomes available through developers or private entities.” Page ES-1 of the Executive Summary

Page ES-3 has an incomplete sentence that should be revised.

“As a result, there are no immediate.”

The acronym COLDS should be defined prior to using it on Page ES-1.

Item 2.C. The Executive Summary provides estimated costs of Alternatives 2B, 3B, and 6F based upon the assumptions of “an assumed 45% grant and USDA financing”. Has the United States Department of Agriculture's (USDA) Rural Development Program (RDP) already earmarked grant monies equal to 45% of the cost of

implementing these alternatives? If not, has the RDP indicated that grant funding equivalent to 45% of the cost of these alternatives would be available from USDA upon implementation of these alternatives? It was also indicated during the December 5, 2023 meeting that one of the municipalities may be interested in using PENNVEST funding for their portion of the project. If this is the case, there may be other elements that need to be included in the Plan. These details can be discussed during a future meeting prior to the Plan's resubmittal.

The user rates are described in the Plan as needing to be "set and agreed upon." This is not adequate to satisfy the requirements of this item of the Checklist. The user rates should be included on an estimated or projected basis at the very least. This ensures that the public has all of the necessary information should they wish to review and comment on the Plan.

Item 3. The following comments are all in reference to the included comments and responses from the local Planning Commissions in Appendix L.

- Borough of Milford Planning Commission
 - The response to Comment #2 states "The language has been updated in the executive summary for consistency". The language this response references is in the headings of the Executive Summary. It does not appear that the language has been updated. The headings for each alternative still appear as it is quoted in the letter dated September 28, 2022 from the Borough of Milford Planning Commission.
- Westfall Township Planning Commission
 - Meeting minutes from the Planning Commission Meeting in October 2022 were included in this section. The following comments reference those minutes.
 - "Jolie inquired how this would be paid for. Per Matthew this has not been entirely established yet where the funding would come from, they are still in the process of seeking funding, but it is believed that the USDA may be the most viable source for said funding. There will be a financial analysis completed to see which the most cost-effective way is to complete the project." – This "financial analysis" should be complete already and included in the Plan. Present-worth cost analysis of all Alternatives is required as well as primary and secondary funding methods. These requirements are detailed in the Checklist under Section VI. Evaluation of Alternatives, Items D. and E.
 - "Ray Banach questions about the draft plan that was submitted." – The reference of a *draft* Plan is confusing. The municipalities should be provided with a *final* version of the Plan to review. Please provide clarification on the version of the Plan that was sent to the local Planning Commissions for review.

- “Attorney Bernathy inquired if Matthew was in possession of the Pike County Planning letter dated November 19, 2022.” – Please provide clarification of the date of the letter referenced here. These minutes are from a meeting held on October 25, 2022, so it doesn’t seem possible for a letter from the following month to be referenced. It seems that this could be in reference to the letter dated September 19, 2022 that was included in this section of the Plan.

Item 7. As the Department stated in its October 23, 2023 letter, the following statement from Note (1) of the Selected Alternatives Phase II Implementation Schedule on Page ES-4 of the Executive Summary is evidence that the Plan is not implementable.

“Without a finalized inter-municipal agreement (including updates to the MATW rules and regulation), development agreement(s), and favorable funding (public and private) these alternatives may not be feasible and not be implemented.”

The Implementation Schedule should be updated prior to resubmission to reflect the change in permitting and construction timelines.

GENERAL PLAN CONTENT CHECKLIST

I. Previous Wastewater Planning

Item I.A.3. This Item of the Checklist requires that the Plan discuss any previous wastewater planning that has occurred under a Chapter 94 Corrective Action Plan. There is no mention of this in the Plan. If there is no previous planning related to Chapter 94, then that should be stated in the Plan.

Item I.A.4. This Item of the Checklist requires the Plan to “identify, describe and briefly analyze” any planning modules for new land development, planning “exemptions” and addenda. Section 1.2.3. of the Plan included Table 1-1 Subdivision, Sewage Planning, and Planning Exemptions Listing. While this table identifies the “approved sewage planning modules” by name, date and module number, it does not describe the modules or analyze them. Additional details are required for this section.

II. Physical and Demographic Analysis

Item II.A. Map 1 in Appendix C appears to indicate the Planning Area is the entirety of all four municipalities. This is not in accordance with the other mapping included in the Plan as well as the narrative. Please provide an explanation or revise the Planning Area indicated on Map 1.

- Item II.B.** Section 2.2.3. of the narrative states “there are some freshwater ponds throughout the Study Area. More information about these ponds can be seen in Section 2.7 Wetlands.” However no additional information concerning those ponds can be found in the indicated section. Please include a discussion of these bodies of water to satisfy this Item of the Checklist.
- Item II.C.** The following comments are in reference to Map 3 included in Appendix C.
- What are the un-colored portions included in the mapping?
 - Why does Detail Map #1 have a color that does not appear to be included in the key?
- Item II.E.** Map 7 included in Appendix C is not drawn to an appropriate scale, the contours cannot be seen. Please revise this map to be at a more suitable scale. If it is necessary to plot the map on a full-size paper (ARCH D Size), please do that.
- Item II.F.** Section 2.6 of the narrative references Map 9 and 10 in Appendix C. Those maps are not labelled as such in Appendix C. Please revise this. These maps should also be revised to include the Planning Area as an overlay on the maps.
- Item II.G.** This item of the Checklist requires the Wetlands Map to include the proposed collection, conveyance and treatment facilities. Ensure that the collection/conveyance system lines are located and labeled, along with the identified wetlands, on the map. Map 2 of Appendix C includes the wetlands, however no proposed facilities or lines are included nor are the wetlands labeled. This map should be revised to include the necessary details.

III. Existing Sewage Facilities in the Planning Area

- Item III.A.1.** The narrative in this section refers to Map 11. There is no map in Appendix C that is labeled as such. Please label the appropriate map as such.

Section 3.1.3 includes a discussion of the existing collection and conveyance system and indicates that two of the six existing pump stations have never been turned on. Please include an explanation as to why this is the case.

The mapping of the collection and conveyance system should have the collection and conveyance lines identified as which are force mains or gravity sewers. Please revise this and include all of the details indicated in this item of the Checklist.

Section 3.2 of the narrative discusses the existing package plants in the Planning Area. However, the two package plants discussed are not included on any of the mapping. Please revise this and locate each of the package plants on a map of the Planning Area.

- Item III.A.2.** The schematic of the wastewater treatment plan included on Page 3-4 is completely unreadable. Please revise this to ensure that the schematic is readable.

Item III.B. Section 3.3 of the narrative states there are approximately 1,943 on-lot disposal systems (OLDS) in the Planning Area. It also states in a following subsection 3.3.1.B. that there are approximately 1,987 OLDS in the Planning Area. This is not in accordance with Section I and II where it is stated there are 2,115 OLDS. Please provide an explanation for this discrepancy and correct the portions of the Plan's text as needed to ensure consistency between the various sections of the Plan.

Item III.B.2. Section 3.3.1.B of the narrative details the Sanitary Survey completed for this Plan. The following comments are in reference to that section.

- Tables 3-3 and 3-4 are referenced incorrectly in the narrative. Please revise this and reference them correctly.
- Table 3-4 should include a row for the total values as to show the results of the sanitary survey as a whole.
- The Sanitary Survey Mapping has the number of malfunctions indicated in the key, however the numbers included in the figure amount to 398 surveyed OLDS. Please provide an explanation as to why there are 398 surveyed OLDS in the mapping, but 477 surveyed OLDS in the narrative and Table 3-4.
- Copies of the original forms used in the sanitary survey need to be included in the Plan as an attachment or appendix.

Item III.B.3. The narrative indicates that the survey included information such as the type of system used on the surveyed properties. However, this information was not discussed as required by this item of the Checklist. This item requires a comparison of the types of on-lot systems installed in an area with the types of systems which are appropriate for the area. It is not evident where this discussion is located in the narrative as the type of systems are not discussed in detail.

Item III.B.4. Section 3.3.3 of the narrative is a discussion of the well water survey completed as part of this Plan. Table 3-5 of the Plan is a summary of the well water sampling results. It is noted that in the results shown for Westfall Township, there are results showing detectable levels of nitrates and total coliform. There should be a map included for this section to show if there is any correlation between these results.

This item of the Checklist states that the water supply survey should be completed to identify possible contamination by malfunctioning on-lot sewage disposal systems. There is no evidence in the Plan that compares the results of the water supply survey with the results of the OLDS survey to determine if there is possible contamination. Provide the required comparison and analysis.

Item III.B.5. Section 3.3.4 states that Sewage Management Programs for each of the municipalities is recommended. However, the objective of this item of the Checklist is to describe the existing requirements for the operation and

maintenance for on-lot systems as they relate to Sewage Management Programs. Please include a discussion of the municipalities' existing operation and maintenance programs for onlot systems. If there are no existing requirements, that should be stated.

- Item III.C.** This item of the Checklist has not been adequately addressed. Please provide the required details for residential septage. If this information is not available, please state that and how it will be rectified in the future.

IV. Future Growth and Land Development

- Item IV.A.** Section 4.1 of the narrative states “In regards to wastewater, the municipalities monitor the effective of the OLDS and evaluate central sewage disposal as a means to correcting any widespread problems.” The beginning of this sentence appears to contain a typographical error. Please revise.

The discussion of the Pike County Comprehensive Plan included in Section 4.1.3 has mapping included on Pages 4-8, 4-9, and 4-10. Those maps are not legible. Please revise these maps so they are legible.

This section also includes the statement “Pike County also intended to work with... to develop an approach to facilitate construction and/or extension of public sewer” on page 4-7. However, there is no discussion of the results of these attempts. Please include how these efforts by Pike County ended.

- Item IV.A.3.** This item of the Checklist requires that floodplain and stormwater management and special protection documents are discussed with respect to any and all limitations that may impact the Planning Area. No limitations with the Pike County Stormwater Management Plan were discussed. If there are no limitations, that should be stated explicitly in the Plan. Also, there were no floodplain documents that were discussed. If there are no documents such as this, that should be stated in the Plan as well.

- Item IV.B.** This section of the Checklist states that this portion of the Plan should delineate and describe each of the items found in the section though map, text, and analysis. There is no mapping included in this Section. One such map that should be included is discussed in the following comment for Item IV.B.1. Other maps should be included if they are needed to satisfy each Checklist item's requirements.

- Item IV.B.1.** Section 4.2 includes a discussion of the growth areas of Westfall Township, Matamoras Borough, and Milford Borough. As a whole, none of these discussions are complete enough to satisfy the requirements of this item of the Checklist. The discussion of potential growth in the narrative should also be accompanied by mapping of the available lots, sizes of the lots, and any other pertinent details. Also, there is no discussion of the potential growth in Milford Township. If there are no areas of potential growth, that should be stated in the Plan.

Item IV.B.4. Section 4.3 of the Plan states “while in general there is a growth trend in the Study Area, there are not planned areas marked for growth by any of the Comprehensive Plans.” However, in Section 4-2 it is stated “most of the projected growth areas are largely outdated as years have passed since the most recent Comprehensive Plans.” It is unclear how the Plan can depend on Comprehensive Plans to determine any growth trends when it states a few pages earlier that those same Comprehensive Plans are outdated. If the Comprehensive Plans cannot be relied on, there should be other manners/methods used to determine if there are projected growth areas in the Planning Areas.

Item IV.B.5. Table 4-12 on Page 4-23 includes 11 different alternatives, however there was no discussion of the alternatives prior to their inclusion in this table. If anyone was reading this Plan, in order, with no prior knowledge, it is impossible to know what those 11 alternatives are without looking forward in the Plan to Section V. Please revise this section to reference the descriptions of the alternatives in Section V.

The population of the Planning Area was projected, however there was no relation of these population growth projections to EDU projections or wastewater flow projections. The population growth projections are intended to be used to ensure that necessary sewage planning is completed for the five and ten-year future planning periods. There is no mention of the five and ten-year planning periods in this section. Please include a discussion of the future planning periods to ensure that there is adequate sewage planning included in the selected alternatives in the Plan.

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

Item V.A.2. Section 5.1 states there are “23 sewer extension alternatives to provide public sewer service” that were considered within this Plan. This is not correct, there are 24 alternatives listed on the subsequent pages of Section 5.1.

The following comments are in reference to the descriptions of the alternatives included in the Plan on pages 5-1 through 5-4.

- The description of Alternative 1B include a breakdown of the number of grinder pumps proposed. Please provide an explanation as to why none of the other alternatives include a similar breakdown.
- Alternatives 6A through 6F and Alternative 7 include a breakdown of the proposed connections into categories such as commercial, government, institutional, and residential. Please provide an explanation as to why this type of breakdown is not included for the proposed connections of the other alternatives.
- Appendix I includes mapping figures of each alternative investigated in this Section. Those maps would be useful if referred to in the narrative at this point as well as when they are mentioned on page 5-12.

Section 5.2 of the Plan states “the extensions are proposed for the 5-10 year planning window; depending on available funding.” The selected alternatives of any Plan are required to satisfy the needs determined for the five and ten-year planning windows and this cannot be contingent on funding. Also, Section 4 of this Plan did not explicitly define the needs of the five and ten-year planning periods, so it cannot be confirmed that those needs will be met with the selected alternatives.

As stated in the previous comment, Section 4 of this Plan does not adequately describe the future planning needs of the planning area. Therefore, it cannot be confirmed that “these alternatives also provide proper planning for potential future growth in the planning areas” as stated on page 5-41.

Page 5-41 states “the four Municipalities may consider providing public sewer service in different areas if more funding becomes available through developers or private entities. However, without a finalized inter-municipal agreement, development agreements, and favorable funding (public and private), neither alternative is feasible. Once the user sewage rates are set and agreed upon, it is not anticipated that there will be any other complications regarding the inter-municipal agreement.” The Department has already detailed its issues with this type of statement in its disapproval correspondence dated October 23, 2023. The Plan must be implementable and cannot be contingent on funding or the execution of an inter-municipal agreement. In addition, municipalities cannot choose to “add” different alternatives (after-the-fact) to a Plan than those that were identified in the adopted Plan. Any change in the Plan’s selected alternative would require the preparation of a new Plan that complies with Sections 71.21 and 71.31 of the Department’s regulations.

Similar to the previous comment, both chosen alternative 1 and 3 includes a statement that the municipalities will “identify additional grants and funding to make it financially feasible upon implementation of the Plan.” Again, the Plan implementation cannot be contingent on funding. There should be funding already identified in the Plan to fully implement the chosen alternative(s).

Item V.A.3. Figures 5.1 and 5.2 included on page 5-5 are difficult to read. Please revise these figures to ensure they are legible.

Section 5.3 of the Plan states “the WWTP has sufficient hydraulic and organic capacity to implement the alternatives” and while the hydraulic capacity is discussed, the organic capacity is not. Please include a discussion of the available organic capacity at the WWTP and the projected organic capacities needed for the selected alternatives.

This item of the Checklist requires that the Plan investigate the potential for continued use of existing sewage facilities. This is partially included in the Plan as it does discuss the use of the existing WWTP and portions of the existing

collection and conveyance system. However, a complete discussion for this section should include details on the condition of those existing sewage facilities. For example, the WWTP is shown to have capacity, however there are no details on the condition of the plant. Also, it is stated on page 5-4 that there was an analysis completed to determine if there was capacity in the existing conveyance lines and that the results confirmed there was enough capacity for the chosen alternatives. However, the details and specific results of that analysis were not included in the Plan. Please revise this section to include adequate details to satisfy this item of the Checklist.

- Item V.B.4.** The Plan states that it is “recommended that the confirmed malfunctions be rehabilitated and/or repaired” in accordance with this item. However, there are not enough details provided for this Item to be considered adequate. There should be an additional discussion of the OLDS in the Planning Area that are being proposed to be replaced by connection to the proposed central sewer system and any OLDS that will remain with their malfunction status and further repair/rehabilitation should that be necessary.

VI. Evaluation of Alternatives

- Item VI.A.1.** This item of the Checklist requires the selected alternatives to be evaluated for consistency with respect to any existing plans developed under Section 4 and 5 of the Clean Streams Law or Section 208 of the Clean Water Act. It appears that Section 6.1.3 of the Plan is an attempt to satisfy these requirements of the Checklist, however no *plans* developed under these regulations are discussed. If there are no plans that exist, that must be stated in the Plan. If there are no plans, the selected alternatives are consistent.
- Item VI.A.3.** Similar to the previous comment, this item of the Checklist requires the selected alternatives to be evaluated for consistency with respect to any existing plans developed under Title II of the Clean Water Act or Titles II and VI of the Water Quality Act of 1987. It appears that Section 6.1.3 of the Plan is an attempt to satisfy these requirements of the Checklist, however no *plans* developed under these regulations are discussed. If there are no plans that exist, that must be stated in the Plan. If there are no plans, the selected alternatives are consistent.
- Item VI.A.5.** Section 6.1.4 of the Plan attempts to discuss the selected alternatives consistency with Anti-Degradation Requirements. It states that the WWTP discharges to the Delaware River which is classified as a Warm Water Fishery. While this is true, it is also true that the planning area includes portions which are located in watersheds with designations of High Quality and Exceptional Value. Further discussions are necessary to determine how this Plan will address the possible inter-basin transfer of groundwater baseflow that may occur in the planning area.
- Item VI.A.7.** Section 6.1.5 of the Plan is a discussion of the Plan’s consistency with the Pennsylvania Prime Agricultural Land Policy as described in this item. This

discussion should be accompanied with a map of all the selected alternatives overlaid onto a map of the Prime Agricultural Land(s) in the planning area. This map should also be accompanied with a listing of the soils and their soils capability classification.

Item VI.A.9. Section 6.1.7 of the Plan discusses the Plan's consistency with wetland protection as described in Item VI.A.9 of the Checklist. Similar to the previous comment, this section should be accompanied with a map of all the selected alternatives overlaid on the NWI map. Also, to be noted in this section, all of the wetlands in the planning area are High Quality or Exceptional Value and therefore cannot be disturbed.

Also, in Section 6.1.7 it is stated "if any expansion of the existing facilities implemented." This statement is included in the disapproval letter from the Department as evidence that the Plan is not implementable. This Plan is recommending that there be structural alternatives implemented. Those alternatives must be implemented if the Plan is adopted and approved and there cannot be language included in the Plan to suggest that it might not be implemented.

Item VI.A.10. Section 6.1.8 states that the PNDI must be evaluated for adverse effects of the selected alternatives. The PNDI is included in the Plan as is required for any Act 537 Plan and the results of that PNDI should be discussed in this section to satisfy the requirements of this item of the Checklist.

Item VI.A.11. Similar to the previous comment, the PHMC results should be discussed in Section 6.1.9 of the Plan to satisfy the requirements of this item.

Item VI.B. This item of the Checklist requires that any inconsistencies found with the Plan be discussed. If there are no inconsistencies, that must be explicitly stated in the Plan to satisfy this item.

Item VI.E. This item of the Checklist requires that a primary and secondary funding option be chosen for the selected alternatives. There are 6 full pages in the Plan that describe the funding options, however no funding source is chosen. Section 6.5.6 of the Plan includes a statement that the municipalities and their solicitors and financial advisors should determine the most viable method of financing the selected alternatives. This is an analysis that should have been completed and included in the Plan. A funding source (primary and contingent/backup) must be chosen for a Plan to be considered implementable.

Item VI.F. This item of the Checklist requires an analysis of the need for phased implementation. If the Plan indicates that phased implementation is required, there should be a discussion of those phases and the reasoning behind the decision.

Item VI.G. Section 6.7 of the Plan discusses the Administrative Organizations and legal authority to implement the Plan. This section should be revised to include a more detailed discussion of the inter-municipal agreement that is to be adopted by the municipalities to ensure that the requirements of this item are satisfied.

VII. Institutional Evaluation

Item VII.B. It is unclear as to the Department as to why the chosen alternatives of this Plan are presented in a manner that makes it seem like each municipality will be completing their portions separately. This Plan is prepared as a *regional* plan. However, there is no discussion of a regional authority being formed. Please provide additional details on this matter.

Item VII.C.3. It is stated in Section 7.3.3. of the Plan that “the necessity for the acquisition of property would be further evaluated with the authorities’ solicitor during the final design phase of the collection and conveyance facilities.” As the activities to provide rights-of-way, easements and land transfers have the possibility of impacting the implementation schedule of any Plan, it is important that these evaluations are fully developed in the planning phase of the project and are included in the implementation schedule. Please revise this section to all pertinent details are included to satisfy the requirements of this section.

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

Item VIII.A. The final paragraph of Section 8.1.1 of the Plan was included in the disapproval letter as evidence that the Plan is not implementable as it states that the Plan’s implementation is contingent on favorable funding and the execution of inter-municipal agreements.

Items VIII.A.1-3 of the Checklist are not satisfied. There is no discussion of the existing or future needs of the planning area or any O&M considerations. Please revise this section to provide the required details to satisfy the requirements of these items of the Checklist.