

**EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY**

**Tuesday, May 12, 2009**

**7:30 A.M.**

**Those in Attendance:**

Michael Corbin, Chairman  
David Summers, Treasurer  
Sandra Moser, Member

**Also in Attendance:**

Scott T. Piersol, Township, Manager  
Thomas Oeste, Esq., Municipal Authority Solicitor  
Joseph Boldaz, Municipal Authority Engineer  
John Hammel, CMX  
Matthew VanLew, Township Road Master  
Mary Beth Smedley, Secretary/Treasurer

**Absent:**

Gerald Kirkpatrick, Vice-Chairman  
Joseph Anthony, Secretary

The Municipal Authority met on Tuesday, May 12, 2009, at the East Brandywine Township Municipal Building. Mr. Corbin called the meeting to order at 7:30 A.M. There were two visitors from the public present.

**Minutes: March 10, 2009 and April 14, 2009**

Mr. Corbin asked if there were any additions or corrections to the above minutes. There were none. Mr. Summers moved to approve the minutes from both monthly meetings as presented. Mrs. Moser seconded the motion, with all voting Aye.

**Treasurer's Report**

A municipal claim will be filed shortly against Henrik Werring of Applecross for nonpayment of the first quarter user fees. This will be the third lien against Mr. Werring.

There was one settlement at Applecross in April, bringing the total number of occupied homes to 74, in addition to the 13 model homes and the community and fitness centers.

Mrs. Moser made a motion to approve the Treasurer's Report and authorize payment of the bills. Mr. Summers seconded the motion, with all voting Aye.

## **Applecross and Hide-A-Way Farms Pump and Haul Permits**

Mr. Boldaz reported that the Pump and Haul permits for the Applecross and Hide-A-Way Farms developments have been extended by PADEP until December 15, 2009. Mr. Piersol forwarded copies of the approvals to Sam Carlo with Pulte Homes and Earl Cooke with Southdown Homes. Typically, PADEP will not grant more than an eight month extension, which is what they approved for these two developments. Mr. Boldaz remarked that the Municipal Authority will probably have to request an additional extension in November since it is unlikely that either development will be in a position to suspend their pump and haul operations at that time.

### **Applecross Development**

#### April 24, 2009 Hydraterra a correspondence regarding Drip Irrigation Plan and Profiles

On April 15<sup>th</sup> Mr. Boldaz received and reviewed plans titled "Sanitary Drip Field Plan, Profile & Details". The plans present the force and flush mains which will carry treated effluent for the drip irrigation beds proposed on either side of the driving range south of East Reeceville Road. Hydraterra Professionals found that all previous comments with respect to the force and flush mains have been addressed and accepted the plans for construction. Pikeland will be laying lines in the drip fields. The field areas are protected by safety fencing.

#### Pump Station A Overflow

A sanitary sewer overflow occurred on April 29, 2009 near the Applecross Pump station A. The overflow was witnessed by an adjoining property owner and reported to the East Brandywine Township Police Department at approximately 9:30 P.M. The overflow was generally contained within an 8' x 20' x 6" deep depression adjacent to the manhole. No evidence of discharge into the tributary to the Beaver Creek was noted.

The detained overflow was vacuumed and hauled off-site and the affected area was lime-stabilized by the Pump and Haul contractor on Thursday, April 30<sup>th</sup>.

Mr. Piersol and Mr. Boldaz said that the following remedial measure will be put into effect immediately.

- A back-up grinder will be installed in the wetwell of the pump station as soon as equipment is obtained;
- Additional call-outs have been added to the auto-dialer for Zone 1 and Zone 2;
- The installation of a hardwired telephone service is expected to be in place within the next two weeks;
- The operation auto dialer and alarms of the pumping station will be physically checked on a daily basis by a representative of Pulte Homes;

An engineering analysis of the system (pumping station/temporary force main/frac tank) is to be performed to determine if the pump station, as designed, can be used as a solution to the existing condition. PECO is planning on making the electrical connection in mid-June. If so, the three-phase pumps installed as part of the original design will be used in place of the existing grinder pump.

Mr. Corbin thanked Mr. Piersol for his quick response to this incident.

There are currently 17 houses being served by Pump Station A. Mr. Boldaz said that at a minimum 34 homes would need to be served to suspend the pump and haul because with less homes connected the effluent would remain in the sewer line too long, creating a septic situation.

### **Keats Glen Treatment Plant**

#### May 1, 2009 Hydraterra correspondence regarding Salt Storage

Over the last several years the Community College has stored salt used for parking lot deicing in the area adjacent to the Keats Glen Sewage Treatment Plant. The salt pile is being infiltrated with rainwater and killing the grass. Mr. Tony DeLuca, Director of Facilities for the Community College, responded that the salt pile should be moved within the next week.

#### May 4, 2009 Hydraterra Correspondence regarding Prohibited Discharges

Over the last several months the Operator of the Keats Glen Sewage Treatment Plant has noticed an increase in the discharge of partial or entire "mop heads". These items cause major operational issues associated with the obstruction to normal flow and plant interference. It is suspected that the mop heads are used in the cleaning process at the College and are being discharged to the sanitary sewer system through the College's sinks or toilets.

Mr. Boldaz's letter to the College served as a notice of violation of Section 801(d) of the Sewer Use resolution. The College was directed to immediately cease the discharge of mop heads into the sewer system and submit maintenance and cleaning procedures, along with measures to prevent this prohibited discharge to the sewer system within 15 days of receiving this letter. Mr. Deluca from the Community College has instructed their maintenance personnel to change all slop sink strainers in the campus to help eliminate the possibility of mop strings being washed down. He has also asked the contracted cleaning service to wash their mopes out only in the approved sink areas. Mr. Boldaz will check with the treatment plant operator to see if these measures correct the problem.

Mr. Summers suggested that the Authority send notices to all customers, at least annually, as a reminder of what items are prohibited from entering the sewer system.

### Notice of Violation

On May 5, 2009 East Brandywine Township received a Notice of Violation from PADEP stating that their records indicate that the Discharge Monitoring Reports (DMR) required by our NPDES Permit have been submitted late in the past. The permits require a DMR to be received by PADEP within 28 days from the end of each monitoring period.

According to DEP, these violations constitute unlawful conduct under Section 611 of the Clean Stream Law. PADEP enclosed a Consent Assessment of Civil Penalty that they are proposing in order to resolve the Clean Stream Law violations.

Applied Water Management, with whom the Authority has contracted to submit the DMRs, has indicated to PADEP that they are willing to pay the penalty amount indicated in the Consent Assessment.

Mr. Thomas Czop from Applied Water Management attended the Authority meeting to discuss the penalty. According to Mr. Czop, the majority of the DMR reports were postmarked by the 28<sup>th</sup> of following month. PADEP has indicated that the reports must be received by the 28<sup>th</sup>, not just postmarked by then. Mr. Czop said that the language in the permit wasn't clear. Mr. Czop indicated that the penalties were calculated back to 2006. Mr. Corbin noted that DEP never informed the Authority of this situation since we could have taken corrective action. In order to avoid future penalties Applied Water Management will send the DMR reports via express mail. He hopes that the forms can be submitted electronically in the future. Initially, the fine was \$100 for every violation, but has been reduced by DEP to \$75 for each violation. Applied Water will credit the Authority for the full amount of the fine. Mr. Corbin stated that the Authority would discuss a response in Executive Session prior to making a final decision on signing the Consent Assessment.

### **Hide-A-Way Farms**

#### May 1, 2009 Hydraterra correspondence regarding Preliminary Sewer Facilities Start-Up and Testing

On April 15<sup>th</sup> and 16<sup>th</sup> Hydraterra Professionals attended the start-up of the above reference facility for the Dosing Pumping Station and the Development Pumping Station to determine the condition of the mechanical equipment prior to preservation of facilities and the expiration of manufacturers' warranties. Mr. Boldaz witnessed the start-up and noted the facilities were operating normally and the condition of the equipment was satisfactory with some exceptions. Mr. Boldaz discussed the exceptions with Earl Cooke from Southdown Homes. After this startup exercise, the Developer must "operate" the system on a monthly basis by "hand turning". Among other things, the generator must be exercised weekly and the safety fence around the beds checked monthly and repaired as needed, the comminutor turned daily (via a timer). The Developer has contracted with Pikeland Construction to perform this work.

The Developer is expected to submit a copy of Pikeland Construction's contract for the Authority to review to ensure that it includes the above maintenance requirements. In addition, Mr. Boldaz will make sure that an inspection report is provided to the Authority on a monthly basis.

The Authority wants to make sure that there is a reasonable warranty period from the Developer for all of the equipment once the Authority takes dedication. Mr. Piersol said that a standard warranty/security is at least 18-months post-dedication. Mr. Boldaz said that there will be another start-up of the facilities prior to dedication and he will provide a detailed report at that time.

#### May 1, 2009 Hydraterra correspondence regarding Pump and Haul Facilities

In accordance with Paragraph 5.b of the Pump and Haul Agreement between Southdown Homes and East Brandywine Township and the Pump and Haul Plan included with the agreement, the pump and haul facilities must be secure every three days. During the start-up of the sewer facilities it was noted there was a wide gap between the security fence and the gate which surrounds the sewage frac tank.

Mr. Boldaz requested that the fence and gate be secured and the tank and piping be inspected immediately. Southdown Homes should also institute a procedure for inspecting the fence security, the tank and the piping to the tank in order to prevent any sanitary sewer overflows. This inspection could be performed by the approved sewage hauler and reported on the pump and haul manifests.

Once the fence and gate have been secured the developer should contact Mr. Boldaz to schedule an inspection.

#### **Hillendale**

#### May 1, 2009 Hydraterra correspondence regarding the Water Transmission Line

The plans present the proposed water main extension from the Welsh Ayres community in Uwchlan Township across the East Branch of the Brandywine Creek up to the proposed Nichols Mill Road in the Hillendale Development. The extension is to be made using a 12-inch diameter pipeline installed within a proposed 20-foot wide permanent easement.

On April 30, 2009 Mr. Boldaz attended a walk-through of the recently surveyed/staked water transmission centerline for the Hillendale Development. The walk-through was performed to determine what impact the proposed water line routing would have on surface features and mature trees.

Mr. Boldaz stated that if the pipeline were constructed along the centerline as currently proposed, at least three large oak trees, approximately 300' to 500' west of Creek Road,

would be impacted. It was suggested that the pipeline centerline could be moved south of the proposed centerline to avoid damage to these mature trees. The contractor should adjust the centerline to avoid damage to these mature trees and then contact the Authority for review and approval of the revised routing prior to construction.

Mr. Boldaz said that although there were only three trees within the centerline, there were other mature trees within the drip line, which may be adversely affected by the water line installation. From this discussion there appeared to be more potential impact on mature trees than previously believed. In order to help resolve this issue, Mr. Corbin suggested that an additional site visit be performed so that Authority Members can see what trees might be affected and which should be protected so that the best routing could be determined to minimize the impact to mature trees. Mrs. Moser thinks it is very important to protect the trees within the drip line. The Authority would like Mr. Boldaz to schedule a site visit and asked him to invite Adam Sauers from the Chester County Conservation District.

Mr. Summers asked if the water line would be placed near or encroach on the existing pipeline right-of-way. Mr. Boldaz thinks it may cross the existing pipeline right of way, but is not within the right-of-way.

Mr. Corbin asked about the width of the right-of-way. Mr. Boldaz replied that there is a 20 ft. easement and at least 10 feet is needed to install the line.

#### **East Brandywine Baptist Church – EDU Reservation Request**

The East Brandywine Baptist Church is requesting three EDU's from the Delaware County Community College in order to connect to the Keats Glen sewer system. Mr. Boldaz continues to try to obtain copies of the as-built plans so that the details of the manhole connection can be determined. Unless these plans can be located there will need to be a survey done by the College or the Church. The Church will likely make the connection at manhole 17 in front of the College cafeteria.

#### **Act 537 Plan update**

Mr. Boldaz reviewed the preliminary draft of the Act 537 Plan with Mr. Piersol last month. Mr. Piersol expects to review the plan in detail and will forward his comment to Mr. Boldaz. Mr. Boldaz has eliminated some of the parcels for consideration thereby reducing the size of the study. He expects to have a draft for the Authority to review in the next several months.

#### **Request for Sewer Connection – 1220 Horseshoe Pike**

Mr. Ted Trethewey attended the meeting to discuss connecting their property at 1220 Horseshoe Pike to public sewer. Earlier in the year Mr. Trethewey had discussed connecting the property, but thought it would be cost-prohibitive since discussions also

included connection for four homes directly west of their property. The property is currently served by a cesspool.

After previous discussions with the Municipal Authority and Township, Mr. Trethewey investigated the possibility and determined that there was sufficient room on his property for the installation of a septic system, however the new system would be too close to the neighboring property owners' well. Mr. Trethewey offered to pay for his neighbor to connect to public water, but they are considering selling the property in the next year or so and don't want to incur the additional cost to pay for public water. Since Mr. Trethewey has exhausted other options he is requesting the Authority's assistance in connecting his property to the sewer system.

At last month's Municipal Authority meeting it was suggested that Mr. and Mrs. Trethewey attend the May 7<sup>th</sup> Board of Supervisors meeting to ask whether the Board is amenable to granting an easement for the sewer connection. Mr. Trethewey reported that he did attend the Supervisor's meeting and indicated the Board is willing to consider granting an easement for the connection using a gravity line extending from the rear of his property to the pump station at the Township maintenance building. Mr. Boldaz will review this concept, along with possible future connections for the four properties directly to the west.

Mr. Trethewey was asked if the parking lot could be relocated in order to install a septic system. Mr. Trethewey thought that wouldn't be possible because of the driveway entrance and the excavation that would need to take place.

The pump station that is serving the Township Public Works building is not large enough to handle additional influent from the Trethewey property or for the neighboring property owners. Mr. Boldaz stated that its current capacity is 1 EDU. While Mr. Trethewey is willing to consider paying the cost for his connection and for upgrades to the pump station, he doesn't want to be responsible for costs to connect the neighboring properties, or costs for upgrading the pump station beyond what he needs for his property, which is 4 EDUs. It was suggested that the sewer line could go to the western edge of the Trethewey property, with installation of a manhole near the Mertz property. Mr. Boldaz recommended that if the pump station needs to be upgraded it should be done for all of the properties, not just the Trethewey property. Mr. Trethewey would be responsible for his pro-rated share of the pump station upgrade. Mr. Boldaz will look at the pump station and make a recommendation regarding the upgrade. There may be some reimbursement component when the neighboring property owners do connect to the sewer system. Mr. Trethewey said that he doesn't want to be in a position to have to be reimbursed for future connections. The Act 537 Plan will need to be updated to include the additional properties on Rt. 322.

It was noted that there is rock in the area, which may make this project costly. Mr. VanLew said the Township had to blast rock between inlet 4 and inlet 5 when the sewer line was installed for the public works building, which is near the Trethewey property.

Mr. Boldaz also stated that a survey is needed to locate physical features along the proposed routing before a collection line can be designed.

The Authority agreed that Mr. Boldaz should evaluate the existing pump station and make a recommendation for connection of an additional 8 EDUs. They also agreed that a survey should be done. Mr. Boldaz will provide Mr. Trethewey with a proposal for this work.

Mr. Trethewey asked the Authority if he was moving in the right direction. Mr. Corbin and Mr. Summers agreed that conceptually the plan was feasible. Mrs. Moser stated that she was concerned about the need for blasting, which might make this a very expensive connection.

### **Other Business**

Mr. Hammel reported that Justin Scarth and Justin Murray were laid-off from the CMX Exton office. He said that unfortunately they are feeling the effects of the developer construction slowdown. He assured the Authority that CMX will be able to provide adequate support for all upcoming projects. Mr. Hammel said that the Exton office is still intact and that he has all the Authority's files and they are backed up electronically. Mr. Boldaz will work with Mr. Hammel in order to provide electronic copies of files that the Authority should have at the Township Municipal Complex.

### **Public Comment on Non-Agenda Items**

Mr. Corbin asked if there were comments on non-agenda items. There were none.

### **Adjournment to Executive Session**

Mr. Summers moved to adjourn the meeting at 9:25 A.M. and go into Executive Session in order to discuss the PADEP's Notice of Violation for the Keats Glen Sewage Treatment Plant. Mrs. Moser seconded the motion, with all voting Aye.

### **The regular meeting reopened at 9:35 A.M.**

### **Keats Glen Treatment Plant**

#### Notice of Violation

Mr. Summers made a motion to execute PADEP's Consent Assessment of Civil penalty and authorize payment of the civil penalty in the amount of \$1,500.00. Mr. Corbin seconded the motion, with all voting Aye.

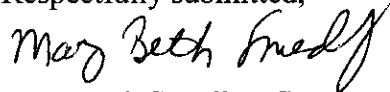
A letter will be sent along with the Consent asking that in the future PADEP contact the Authority directly, rather than waiting until a penalty is assessed for 20 months. If the

Authority had known that the DMR reports were not being received in a timely manner they could have taken immediate action and avoided the majority of the citations.

**Adjournment**

There being no further business Mrs. Moser made a motion to adjourn the meeting at 9:40 A.M. Mr. Summers seconded the motion, with all voting Aye.

Respectfully submitted,



Mary Beth Smedley, Secretary/Treasurer