

**EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY**  
**Tuesday, June 9, 2009**

**Those in Attendance:**

Gerald Kirkpatrick, Vice-Chairman  
David Summers, Treasurer  
Joseph Anthony, Secretary  
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  
Mr. Thomas Czop, Operations Manager Applied Water Mgt.  
Mary Beth Smedley, Secretary/Treasurer

**Absent:**

Michael Corbin, Chairman

The Municipal Authority met on Tuesday, June 9, 2009, at the East Brandywine Township Municipal Building. Mr. Kirkpatrick called the meeting to order at 7:40 A.M. There no were visitors from the public present.

**Minutes: May 12, 2009**

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

**Keats Glen Treatment Plant**

Response to Notice of Violation regarding Discharge Monitoring Reports

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 the 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 required in the Consent Assessment.

On May 15, 2009 a certified letter was sent from the Authority to PADEP acknowledging the violation, executing the Consent Assessment of Civil Penalty, and paying the fine that was levied. Applied Water Management has reimbursed the Authority for the full amount of the fine.

In the letter the Authority stated that they were surprised at the issuance of the penalty and objected to the manner in which PADEP handled the matter. The Authority was not given any prior notice, written or verbal, of the problem. In addition, since the fines date back to 2006, the Authority took exception to not being given the opportunity to correct the problem at that time. If the situation occurs in the future, the Authority asked that PADEP contact them in a timely manner so that the problem can be corrected.

Mr. Boldaz stated that Applied Water has reported that the comminator at the headworks does not appear to be functioning properly. Mr. Lee Young reported to Mr. Boldaz that he continues to remove debris from the front of the comminator on a fairly frequent basis. Mr. Czop said that the comminator isn't really effective at this point. Mr. Boldaz indicated that an investigation of alternatives to correct the comminator problem should be preformed. After a general discussion on alternatives, the Municipal Authority directed Mr. Boldaz to perform an investigation. Mr. Boldaz indicated that he could have prices for the Authority to consider managing the issues by next month. If costs exceed \$10,000 the Authority will have to put the equipment out for bid.

The comminator issue is a direct result of the materials and equipment used being of poor quality. The equipment was selected and installed at the time the plant was built. It was noted that this is not the first time this particular plant's equipment has failed due to poor quality materials.

Applied Water continues to report that mop heads are being discharged into the system. Mr. Boldaz will take pictures of the mop heads and show them to the college facilities director. If this problem isn't rectified immediately the Authority may look to the college to be responsible for upgrades to the system.

#### Notice of Violation regarding Inspection of the Keats Glen Sewage Treatment Plant

On May 4, 2009, PADEP conducted a routine inspection of the Keats Glen Sewage Treatment Plant. During their inspection, it was noted that solids were reportedly being carried over from the final clarifier and subsequently discharged into an unnamed tributary to Beaver Creek.

According to PA DEP, these conditions are in violation of permit No. PA0050920 and Title 25, Chapter 92.51(4) of the Rules and Regulations of the Department which states

“that the permittee shall maintain in good working order and operate as efficiently as possible facilities or systems of control installed by the permittee to achieve compliance with the terms and conditions of the permit.” In addition, the Authority is in violation of Section 201, 202, and 401 of the Clean Streams Law.

DEP has asked that the Authority provide the Department with a written report detailing the cause of the violations and the actions they are intending to take to correct the violations.

Mr. Boldaz and Mr. Czop (contracted operator) discussed the violations and drafted a letter to send to PADEP. Mr. Czop contested PA DEP's report and stated that it didn't appear that solids were carried into the stream and he provided photographs for the Authority to review indicating that to be the case. He also stated that PADEP did not notify the Authority until three days after the event which did not allow for inspection of the plant at the time PA DEP reported identifying the issue. Mr. Boldaz and Mr. Czop thought if there were solids in the stream that they should have been notified immediately. Mr. Boldaz said that he has requested copies of the photographs taken by DEP at the site since the pictures taken by Mr. Czop show no evidence of solids in the stream. Mr. Kirkpatrick wondered if PA DEP had taken samples when their inspection was performed.

Prior to the inspection Applied Water was starting up a new submersible pump in the anoxic zone in order to reduce the nitrogen levels in the effluent to ensure future permit compliance. During the initial stages of the pump start-up the plant experienced some redistribution of solids which did not settle in the clarifier in a timely manner. As a result, some solids carryover was evidenced into the clarifier, but at no time was solids carryover was seen leaving the plant.

Extra wasting was performed to lower the mixed liquor suspended solids, which increased after the new pump start-up specifically to avoid solids carry-over issues. A contractor was used to remove the solids from the sludge holding tank and resulting foam.

Throughout this time, the operator's quantitative monitoring data indicated that the plant met all permit effluent parameters including permit limits for total suspended solids (TSS). Composite samples were taken on May 4<sup>th</sup> and 19<sup>th</sup>, with the TSS results being 4 mg/l and 3 mg/l respectively. TKN measured, though not required, were 15.30 mg/l and 10.0 mg/l, which indicate a better operating anoxic zone.

PADEP contacted Lee Young, the plant operator, on May 6<sup>th</sup> regarding their observation of solids at the outfall. Mr. Young checked the outfall that day and saw no evidence of sewage solids. Mr. Young did take some material from the outfall area which did not appear to be of a sewage nature. On May 7<sup>th</sup> Mr. Dennis Murtaugh also checked the outfall area and did not observe any solids attributable to the plan, but did see what appeared to be a dark, sandy type of buildup which was also seen above the outfall, as

well as below. Mr. Murtaugh also noted foam on the creek, again about 100 feet above the outfall. On May 8<sup>th</sup> Mr. Czop checked the outfall and found no indication of sewage solids in the creek, but did see a dark material above the outfall.

Although there was a redistribution of solids throughout the system, the plant operator did not observe the loss of solids at the outfall. This is further quantified by a TSS of 4 mg/l at the time of DEP's inspection.

A discussion of the discrepancy between the PA DEP's inspector's observations and the plant operator's observations, photographs, and monitoring data ensued. It was questioned as to whether or not PA DEP's inspector was clear on what he was observing in the stream.

Mr. Boldaz will provide DEP with a written report on the NOV and ask that, where practical, the plant operator be notified of treatment plant inspections so the Authority can have someone present to answer questions or be of assistance.

### **Treasurer's Report**

Delinquent notices for the 2<sup>nd</sup> quarter were sent on June 8, 2009 to Robert Billet, Kenneth Clark, Timothy Miller, Duane Oakes, Carol Schmidt, Village Building LP, Christian Harper, Brian McAnally and Paul Wolf. Municipal claims will be filed if payment is not received by July 8, 2009

The Werring property at 104 Bolero Drive is scheduled for settlement on June 30, 2009. The Authority can expect to receive full payment of the delinquent user fees in the amount of \$2,210.76 at that time, and the three municipal claims will be satisfied. There are two municipal claims remaining: one against Brian McAnally for the 3<sup>rd</sup> quarter of 2008 and the one against Carol Schmidt for the 4<sup>th</sup> quarter of 2008.

Mr. Summers said that he has reviewed the year-to-date budget and the budget is on target for the year.

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

### **2008 Annual Audit**

The Authority reviewed the 2008 Annual Audit prepared by Holmes, Simmons and Oswald, PC. Mr. Kirkpatrick asked for clarification on page 2 of the auditor's reports where it states "these financial statements were prepared on a basis of cash receipts and disbursements, which is a comprehensive basis of accounting other than generally accepted accounting principles". Mr. Summers explained that the methodology used by the Authority is based on cash receipts (the books are kept on a cash basis), rather than an

accrual basis. This is an acceptable method for government agencies, such as the Municipal Authority.

Mrs. Moser made a motion to approve the 2008 audit pending final review and approval by Mr. Summers. Mr. Anthony seconded the motion, with all voting Aye.

#### **Request for Additional EDU's – 1159 Horseshoe Pike**

Marquis Realty Management has requested information regarding the purchase of additional edu's for this parcel, which is owned by Rouse/Chamberlin. Mrs. Smedley emailed Mr. Frank Lanza from Marquis requesting that he provide additional information on his request. To date, has hasn't replied. The Authority will take no action on this request until the additional information is provided.

#### **Resident request to plant shrubs in sewer easement**

Mr. Gordon Ziegler, an Applecross resident, sent a letter to the Municipal Authority seeking permission to plant shrubs and annuals in a sewer easement in order to camouflage a manhole, which protrudes about one foot out of the ground.

Mr. Boldaz stated that it would be acceptable to plant flowers and certain shrubs in the sewer easement as long as Mr. Ziegler understands that the vegetation may need to be removed at some point. If that is the case, he or future owners of his home, will be responsible to replace the vegetation if they chose to do so. Mr. Boldaz also said that trees and woody vegetation cannot be placed in the easement because they could potentially cause maintenance issues. It was also noted that the manhole can't be blocked or covered in such a way that it is difficult to locate and the grading can't be changed so that ground surface is higher than the manhole.

Mr. Boldaz will draft a letter outlining the above to Mr. Ziegler that will be copied to the Applecross Homeowners' Association. It was suggested that Mr. Boldaz include in the letter that the Municipal Authority doesn't currently own the sewer line, but ownership will eventually be transferred to them. Mr. Oeste recommended that this information be recorded against the property to ensure that this agreement is disclosed to future homeowners.

#### **Applecross Development**

##### Notice of Violation

In correspondence dated May 27, 2009 PADEP issued a Notice of Violation, which indicates that on April 29, 2009, PADEP received an e-mail notification of an overflow event at a manhole in the vicinity of Pump Station A of the Applecross Country Club wastewater collection system. The report stated that the station's pump had become clogged causing the pump station to fill and overflow at an upstream manhole and

discharge onto the ground surrounding the manhole. Mr. Oeste and Mr. Boldaz discussed this NOV. Mr. Boldaz will contact PADEP to see if PADEP will retract the NOV. The Notice indicates that the overflow wasn't reported in a timely manner. The PA DEP claim is in conflict with the facts surrounding the event. The event was reported immediately by Mr. Piersol to PA DEP; a letter stating this will be supplied to PA DEP to correct the record.

#### Drip Irrigation Force Main Construction

Mr. Boldaz reported that Pulte's contractor, Pikeland Construction is hoping to begin installing the force main for the drip irrigation system shortly. Ebert Engineering and Hydraterra Professionals reviewed and approved the layout with the driving range. Shop drawings are currently being prepared for review by Ebert and Hydraterra. Installation should commence within the next month or so. The force and flush mains will carry treated effluent for the drip irrigation beds proposed on either side of the driving range south of East Reeceville Road.

A wooded section of the northern drip field (opposite the dam) has been cleared of dead trees, branches and understory. Mr. Boldaz said that Pikeland has stabilized the area and all work was performed with PADEP's approval.

Mr. Boldaz expects drip tubing to be installed in August. He indicated that the tubing can't be installed during wet periods; ideally it should be installed in near-drought conditions. Tubing is installed approximately 10-inches deep, so there shouldn't be a problem with roots. Mr. Kirkpatrick questioned whether they needed new or additional Township approval. Mr. Boldaz said that approval was given several years ago. PADEP will be on-site prior to the installation to examine the moisture content of the soil and if appropriate approve the installation. Mr. Boldaz said that he will be on-site during PADEP's visit and through-out the installation.

Pulte has indicated that construction of the wastewater treatment plant is still on track for the summer of 2011; they plan to break ground in the spring of 2010. Mr. Boldaz expects to see shop drawings and specifications within the next month or so.

#### **Hillendale**

##### Water Transmission Line

Mr. Boldaz is making arrangements for Authority Members to walk the routing plan for the water transmission line with Adam Sauers from the Chester County Conservation District and Earl Cooke from Southdown Homes. The Authority has expressed concern in the past about possible damage to mature trees and want to make sure they are protected to the greatest extent possible. It is the Authority's position that final approval of the routing line was contingent on walking the site so they can be assured that the trees are being protected.

### Wastewater Treatment Plant Drawings

Mr. Boldaz has received revised construction drawings for the Hillendale Treatment Plant from Evans Mill Environmental. The last drawings he reviewed were submitted in 2007. He will begin his review and expects to have comments for the Authority's consideration within the next month.

### **Hopewell Pump Station – Alarm Activation**

Mr. VanLew reported that on May 17<sup>th</sup> he received a call from the Hopewell Pump Station for a low level alarm and transducer failure. He believes this was due to a power outage. The pump station was in alarm with both pump failure lights lit, as well as the backup light. He reset the alarms, but didn't reset the pump as everything appeared to be normal. Shortly thereafter, he received a high level alarm because the pumps weren't reset; the backup pump didn't activate and the effluent level was above the comminutor. Mr. VanLew and Mr. Boldaz will discuss why the alarms are activated when there is a power outage. The generator is working during the outages. Mr. Boldaz stated he would like to try and duplicate the situation to determine exactly what happened.

### **Act 537 Plan update**

Mr. Boldaz has reviewed the preliminary draft of the Act 537 Plan with Mr. Piersol. Mr. Piersol expects to review the plan in detail and will forward his comment to Mr. Boldaz. Mr. Boldaz has asked Mr. Oeste to review the draft from a legal standpoint. He hopes to have the Plan finalized within the next several weeks.

### **Nuisance**

Mr. Piersol has received a complaint about odors near the Timbers Development. Mrs. Smedley said that this is the first complaint the Township has received in many months. Mr. Boldaz suggested that the addition of more hydrogen peroxide to the wet well might offer some relief.

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

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

**Adjournment**

There being no further business Mr. Summers made a motion to adjourn the meeting at 8:55 A.M. Mrs. Moser seconded the motion, with all voting Aye.

Respectfully submitted,

*Mary Beth Smedley*  
Mary Beth Smedley, Secretary/Treasurer