

EAST BRANDYWINE TOWNSHIP MUNICIPAL AUTHORITY
Tuesday, November 9, 2004
7:30 AM

Those in Attendance:

Joseph Anthony, Secretary
David Summers, Treasurers
Sandra Moser, Member
Jay G. Fisher, Vice-Chairman Board of Supervisors
Hudson L. Voltz, Board of Supervisors
John Spangler, Municipal Authority Solicitor
Thomas Brown, Municipal Authority Engineer
Joseph Boldaz, Municipal Authority Engineer
Scott T. Piersol, Township Manager
Matthew T. VanLew, Roadmaster
Mary Beth Smedley, Secretary/Treasurer

Absent:

Michael Corbin, Chairman
Gerald Kirkpatrick, Vice-Chairman

The Municipal Authority met on Tuesday, November 9, 2004. Also in attendance were Scott T. Piersol, Township Manager; John Spangler, Municipal Authority Solicitor, Thomas Brown, Municipal Authority Engineer, Joseph Boldaz, Municipal Authority Engineer, Matthew T. VanLew, Roadmaster and Mary Beth Smedley, Secretary/Treasurer

Since Mr. Corbin and Mr. Kirkpatrick were absent from the meeting, Mrs. Moser made a motion to appoint Mr. Summers as Acting Chairman. Mr. Anthony seconded the motion, with all voting Aye.

Mr. Summers called the meeting to order at 7:35 A.M.

Minutes: October 12, 2004

Mr. Summers asked if there were any additions or corrections to the above minutes. Mr. Anthony stated that the October 12th minutes should reflect that Mr. Anthony made a motion to approve the minutes and Mrs. Moser seconded that motion, rather than Mr. Anthony making the motion and seconding it. With that correction Mr. Anthony made a motion to approve the minutes. Mrs. Moser seconded the motion, with all voting Aye.

Municipal Authority/East Brandywine Township – Discussion regarding delineation of responsibilities.

Jay Fischer, Vice-Chairman of the East Brandywine Township Board of Supervisors attended the Municipal Authority Meeting to discuss authority and responsibilities of the Municipal Authority and Board of Supervisors now that the Municipal Authority is a true operating authority. Issues include accounting, budgets and operating bank accounts, and which entity passes Ordinance and Resolutions related to water and sewer issues.

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The Municipal Authority and Mr. Fischer agreed that most of the responsibilities outlined above will be passed along to the Municipal Authority on January 1, 2005. A bank account has already been opened up for the Keats Glen/Guthriesville Sewer District. Mrs. Smedley will open another bank account for administration and operating costs of the Municipal Authority. It is anticipated that East Brandywine Township will continue to provide funds for operation of the Municipal Authority for the time being. Mr. Summers, Mr. Piersol and Mr. Brown will continue to work on an operating budget for 2005. Mr. Spangler stated that no official action needs to be taken regarding the above since it was already taken by forming the Municipal Authority.

Mr. Fischer left the meeting at 7:50 A.M.

Treasurers Report

Review of the Treasurer's Report was deferred until the December meeting. Mrs. Smedley reported that the account balance in the Keats Glen/Guthriesville Sewer Fund as of November 8, 2004 was \$60,181.06.

Hide-A-Way Farms Sewage Agreement

Mr. Boldaz offered the following comments from his November 8, 2004 review of the Agreement. Mr. William Rountree of Wilkinson Builders and Mr. Christopher Luning, attorney for Aqua Pennsylvania attended to discuss the Agreement.

1st Whereas – Mr. Boldaz stated that the term “Collection System” is used here and throughout the Agreement. He suggested the term “Collection System” be revised using either “Disposal System” or “Discharge System. Mr. Luning agreed to make that change.

6. Service Area/Flow Limit – The Agreement stated the average daily flow is 35,500 gpd. Mr. Boldaz stated the PADEP Part II Permit references an average daily flow of 39,638 gpd. He suggested the flow limit be increased to 40,000 gpd. The applicant will change this in the Agreement.

8. Capital Expenditures

- a. 1st Paragraph – Mr. Boldaz suggested adding the following sentence to the end of the paragraph. “The Authority or its representative shall be permitted to perform a yearly evaluation of the WWTP and shall review and approve the yearly capital expenditures budget.”
- b. 3rd Paragraph – Mr. Boldaz suggested changing the end of the sentence from forty-five days advance notice to the Authority to ninety days. Mr. Luning will check, but said he didn't think this would be a problem.
- c. 3rd Paragraph – Mr. Boldaz suggested adding the following sentence to the end of the paragraph. “In no event will the estimated share of cost to the Authority be exceeded by LWWC or its contractors without prior written Authority approval”.

Mr. Boldaz and the Municipal Authority are concerned that as written, the Authority might be in the position of not only paying their share of capital expenditures, but also of having their rates increase, allowing Aqua Pennsylvania to bill twice for improvements. Mr. Luning assured the Municipal Authority that the PUC would not allow a rate increase if the Municipal Authority were to pay for their share of capital expenditures, Additionally, the Municipal Authority could pass along the capital costs to their rate payers.

It was agreed that Mr. Boldaz would meet with Aqua Pennsylvania's engineer to discuss these outstanding issues prior to the next Municipal Authority Meeting.

15. Mr. Spangler will provide comments on the Save Harmless clause for Mr. Luning to review.

It was agreed that reference to East Brandywine Township being a party to the Agreement can be removed.

Municipal Authority/East Brandywine Township – Discussion regarding delineation of responsibilities, continued

Mr. Voltz entered the meeting at 8:00 A.M. Mr. Summers updated him on the earlier discussion regarding delineation of responsibilities.

Hopewell Project – Phase III and IV Sewers and As-Built Drawings

Mr. Brown provided the Authority with a November 8, 2004 review letter of the Phase III, IV and Kristen Circle Sewer As-Built Drawings. He said there are still some outstanding issues that need to be corrected by Bursich. If Bursich provides revised As-Builts according to this review letter, the Municipal Authority may be able to accept dedication of the sewers at the December meeting.

Hopewell/Guthriesville Service Area – Tapping Fee

At last month's meeting, Mr. Brown stated that the Authority's tapping fee is subject to the requirements of the Pennsylvania Municipal Authorities Act, as amended, including the provisions set forth in Pennsylvania Act 57 of 2003. Mr. Brown stated that the tapping fee amount will probably not change, but new calculations and changes to some of the language will be required as a result of the amendments. Mr. Brown will provide a draft resolution for Mr. Spangler and Mr. Boldaz to review addressing the amendments and revising language such that the tapping fee structure is consistent with the new regulations prior to the December meeting.

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Notice to Connect to Sewer System Draft Letter

Mr. Piersol provided a draft of the Notice to Connect to the Sewer System for the Municipal Authority to review. Mr. Piersol plans to send the Notice to residents along Bondsville Road, and several residents in Phase II who have expressed their interest in connecting early, in the near future.

Before installation is started, residents are required to file a building sanitary sewer construction application with East Brandywine Township, and pay the Municipal Authority tapping fee of \$1,000 per equivalent dwelling unit and a Customer Facilities fee in the amount of \$150 per connection to cover the cost of Township inspection of the sewer lateral connection.

A site plan and survey information showing the lateral connection location for property owners will also be provided. Mr. Piersol is asking that residents provide this information to the contractor who will construct the connection. Contractors must register with and be approved by the Township before commencing construction of the sewer lateral connection.

Guthriesville and Keats Glen/DCCC Services Areas – Operating Budgets

Mr. Brown will work with Mr. Piersol and Mr. Summers to establish operating budgets and check the adequacy of the sewer rates for calendar year 2005. The operating budgets should include a summary of projected 2004 expenses by major expense category and projected 2005 expenses. Mr. Brown has obtained information from Rouse/Chamberlin and Southdown Homes to be used establishing the budget. In establishing rates for the Guthriesville sewer district, Mr. Brown will use 250 gpd for existing homes and 225 gpd for homes in the Hopewell Subdivision. Mr. Brown confirmed with Mr. Piersol that the Community College has no plans to expand within the next year.

Mr. Brown stated there are two factors that need to be considered when determining if the Keats Glen residents will have a rate increase. The first has to do with operating fees for the contractor operation and the second is that the Community College's rates are likely to decrease since they have been paying a proportionately higher rate than the Keats Glen residents.

Surveys for Wright Agency and the Fling/Neff Property

Mr. Piersol stated that surveys for the sewer line for the Wright Agency and the Fling/Neff property is being done. Mr. Honan from Rouse/Chamberlin will meet with Mr. McCue, Mrs. Fling and Mr. Neff to walk the property to show them the location of the sewer lines across their respective properties. Once this is completed he will meet with Mr. Wright to locate the lateral connection point at his property line, and locate his rear property corner.

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RFP for Sewage Collection System Operator

The Municipal Authority has asked Mr. Piersol to craft a Request for Proposal (RFP) to be the sewage collection system operator for the Keats Glen/DCCC sewage treatment plant and the Guthriesville Sewer District pump station. Mr. Brown gave a list of firms that might be interested, including TMH Environmental, Severn Trent, Clean Water, Cauley Environmental, Miller Environmental and Aqua Pennsylvania. Once proposals are received from interested parties the Municipal Authority can proceed with the review process that will include a tour of the facilities, review of the operating records and costs and review of references. Since TMH Environmental's contract runs out at the end of the year, Mr. Piersol will contact them about providing operation service on a monthly basis until a firm is chosen. Township personnel and Yerkes Engineering will continue to monitor the pump station until this is resolved. It was suggested that Mr. Kirkpatrick act as the Municipal Authority's representative to work with Mr. Piersol and Mr. Brown on this project.

Keats Glen/DCCC Wastewater Treatment Plant – Notice of Violation

Mr. Brown reported that on October 26, 2004, the Pennsylvania Department of Environmental Protection issued a Notice of Violation as a result of their September 1, 2004 inspection of the Keats Glen/DCCC Wastewater Treatment Plan. PADEP has cited the Authority for a violation of the ammonia-nitrogen discharge limit, based on a sample that they collected on September 1, 2004. PADEP has requested a report describing the cause of the non-compliance and the steps being taken to prevent a reoccurrence of the violation. The report is due to PADEP by Wednesday, November 10, 2004.

In a letter dated November 8, 2004, Mr. Brown discussed his evaluation of the situation. Mr. Brown provided the following information.

PADEP indicated that the effluent ammonia-nitrogen content of their grab sample was 16.51 mg/l. The instantaneous maximum value for ammonia-nitrogen is 2.0 mg/l.

In addition, PADEP made the following observations in its inspection report:

- There were no odors.
- A heavy tan foam was observed on the aeration tank surface.
- There was a light foam on the clarifier surface and some foam in the dechlorination tank.
- PADEP could not access the treatment plant outfall due to thick vegetation; they noted that a path to the outfall should be maintained at all times.

Since the PADEP inspection on September 1, 2004, there have been additional ammonia-nitrogen exceedances of the NPDES discharge permit limits. The September 2004 discharge monitoring report for the plan indicates that the ammonia-nitrogen concentration of the effluent again exceeds the permit limits. Furthermore, Mr. Tom Horrex from TMH informed Mr. Brown that the discharge monitoring report for October 2004 also shows an ammonia-nitrogen effluent violation.

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Last July, Mr. Brown asked Mr. Horrex to provide an opinion as to the cause of the May 2004 ammonia-nitrogen effluent violation and to advise him of the corrective action taken. He received a response on October 14, 2004. Mr. Horrex outlined the steps taken to determine the cause of the ammonia-nitrogen exceedance.

Mr. Brown and Mr. Michael DiSantis visited the treatment plant on Wednesday, November 3rd and met with Mr. Horrex to discuss the PADEP Notice of Violation and have the following recommendations.

1. The operator should maintain a relatively uniform mixed liquor suspended solids concentration in the aeration tank. The mixed liquor suspended solids concentration should be on the order of 4,000 mg/l, consistent with the manufacturer's recommendations.
2. Waste sludge should be removed from the sludge holding tanks for offsite disposal more frequently than is currently practiced.
3. Sludge wasting from the aeration tank should be intermittent, rather than continuous.
4. The Municipal Authority should purchase a good quality ammonia-nitrogen test kit and require the operator to check the effluent daily. This information will enable the operator to better control the nitrification process.
5. The dissolved oxygen concentration in the aeration tank should be maintained at 2.0 mg/l or higher at all times.
6. Consider placing the equalization basin into service as an equalization basin rather than using it for sludge holding. This will require further evaluation before a firm recommendation is made.
7. The Township should send a letter to residents and to the Community College informing them of the recent violation and advising them that the discharge of chlorine or another toxic substance may have caused the problem. Advise them that the discharge of toxic substances to the sewer system, other than diluted, minor amounts of normal household cleaning solutions, is prohibited. Also, advise them that swimming pools may not be drained to the sewer system.
8. Request that the Community College provide material safety data sheets (MSDS) for all of the chemical substances that are used within the College. Review the data to see if the substances include any chlorine compounds or other compounds that could affect the treatment plant. Also, ask the Community College what types of wastes other than restroom wastes are or may be discharged to the sewer system.
9. Conduct a tour of the Community College with their maintenance personnel to see what wastewater generating activities are occurring within the College and what sources and types of wastewater may potentially be discharged to the sewer system.

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10. Township personnel should clear the vegetation along the outfall sewer route to maintain clear access to the Treatment plant outfall at the receiving stream.

Resolution of the Municipal Authority

After review of the above information, Mr. Summers made a motion to authorize Mr. Brown to respond to the PADEP Notice of Violation on behalf of the Municipal Authority, send a letter to Mr. Tom Horrex of TMH Environmental with the Municipal Authority's recommendations, and have Mr. Michael DiSantis of Gannett Fleming perform period inspections of the treatment plant to ensure compliance with the above recommendations. Furthermore, Mr. Summers made a motion that if the above outstanding issues are not resolved within 30 days, the Municipal Authority may consider withholding payment for TMH's monthly contract operations services. Mrs. Moser seconded the motion, with all voting Aye.

Mr. Voltz left the meeting at 8:30 A.M.

Keats Glen/DCCC Sewage Treatment Plant – Operational Issue

Mr. Brown reported that the comminator in the system has been removed for repair. This part is a grinder which breaks down the solids as they are process in the plant. Mr. Horrex from TMH told Mr. Brown that he has a firm that can do this repair work. Mr. Piersol will follow-up with Mr. Horrex to determine how long it will take to repair this part. Mr. Brown stated that the plant can run without the comminator for a short period of time.

Public Water Connection Criteria

Mr. Boldaz stated that he is waiting for additional comments from Mr. Kirkpatrick. At the last meeting, Mr. Boldaz had provided the Municipal Authority with regulations given to him by the Chester County Health Department. He said that the regulations share a lot of the same language the Municipal Authority is trying to put in the Public Water Connection Criteria. He said the Municipal Authority might want to make reference to the County document in their criteria, rather than give specifics within our Public Water Connection Criteria document.

Township Water and Sewer Specification and Details

At last months meeting, Mr. Boldaz provided the Municipal Authority with copies of the Water and Sewer Specifications and Details to review. Mr. Kirkpatrick passed along his comments, but asked that Mr. Boldaz delay updating the document until the Municipal Authority has had an opportunity to meet with the Supervisors and discuss authority and responsibilities of the Municipal Authority and the Board of Supervisors.

The Municipal Authority agreed that the Township continues to be responsible for roads, but the Authority is responsible for sewer installation, maintenance, repairs, etc. from the sub-base down.

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Brandywine Wallace Elementary School

Mr. Boldaz stated that DelVal Soil and Environmental Consultants Inc. will be performing soil testing for a community drip irrigation disposal field on Friday, November 12, 2004. He will be present for the testing on behalf of the Municipal Authority.

DRBC Resolution 88-2

At last months meeting, Mr. Summers asked that the Municipal Authority determine whether they are in compliance with the Delaware River Basin Commission's Resolution 88-2 (Revision No. 2) which set water conservation performance standards for plumbing fixtures and fittings. Mr. Boldaz and Mrs. Smedley confirmed that the Township is in compliance with this resolution.

Adjournment

There being no further business, Mr. Anthony moved to adjourn the meeting at 9:50 A.M. Mrs. Moser seconded the motion, with all voting Aye.

Respectfully submitted,

Mary Beth Smedley
Secretary/Treasurer
East Brandywine Township