

APPROVED

September 19, 2007
Salford, Pennsylvania

A joint meeting of the Upper Salford Township Board of Supervisors and Planning Commission was brought to order by Chairman Hagey at 7:30 PM. Messrs. Gular, Poatsy, Giannini, Raisner, Sacks, Nase and McMaster were present. Eric Jarrell, County Planner, Jeff Kerlin & Mike Reinert, Township Engineers and Stephen Imms, Township Solicitor also attended.

Prior to the commencement of the joint meeting agenda, the Board of Supervisors gave their decision with regard to the Bateman Conditional Use hearing. The separate minutes documenting the Boards' action will be made a part of these minutes but approved solely by the Board of Supervisors.

A presentation was made by Clinton Cleaver, Sewage Planning Supervisor with the Department of Environment Protection (DEP). Mr. Cleaver's attendance at the meeting was to clarify Act 537 and the requirements of all municipalities in Pennsylvania in relation to the Act. Mr. Cleaver explained that Act 537 was passed by the Pennsylvania Legislature in 1966. It requires a township-wide official sewage facilities plan that must address the wastewater needs of the township and be implementable. To date the township has been utilizing the County's 537 Plan. Basically, municipalities need to figure out what they have in relation to wastewater disposal, make an educated guess at what they are going to need and explain how they are going to pay for it. Three main concerns of the State are failing on-lot systems, overloaded municipal sewer systems and new land development. The plan must include previous sewage planning, physical character of the land area in the municipality such as geology and soils, hydrogeology and population, existing sewage facilities, projected growth and needs, considered alternatives, selected alternatives, implementation with regard to costs, financing, administration, scheduled milestone dates, and maps.

Mr. Cleaver briefly spoke about graywater discharge, which is the wastewater from sinks, showers and laundry that bypasses the treatment system. Graywater discharge is a public health problem and is prohibited in the State of Pennsylvania.

Mr. Cleaver discussed various alternate systems that could possibly be used in lieu of running a sewer pipe into the township. Spray irrigation and drip irrigation were two options considered. One concern mentioned with the spray irrigation is that it cannot be sprayed when temperatures are below freezing; therefore large lagoons are needed for storage during the winter months. A township wide sewage maintenance program, to assure the proper maintenance and continued function of the on-lot and community systems, would need to be implemented.

Comments and questions included:

- Clarification that evidence of graywater does not necessarily mean a failed on-lot system but could indicate illegal discharge of wastewater was confirmed by Mr. Cleaver.

- It was questioned at what number or percentage should the township decide that a community system is necessary as per DEP's requirements. Mr. Cleaver replied that previously the trigger number was 25%, which was more of a policy than a regulation. That is no longer the case. No matter what the percentage is, municipalities must address problem areas.
- One member of the Planning Commission indicated his belief that the graywater is less likely a problem with failed systems than illegal discharge from washer machines and such.
- Mr. Giannini indicated his understanding of what is required of the township by DEP is that the township should be completing a hierarchy of solutions on how to solve existing problems starting with a management program with the very last alternative being the big pipe. Although Mr. Cleaver's response did not acknowledge the comment about "the big pipe" he inferred that some insignificant problems could be overlooked to some point if acceptable by the township and owner of the property. An example used was after some repairs are made to correct a system; maybe a month of sponginess in the spring and dry for the remainder of the year would be acceptable. When questioned if that would be cause for the Health Department to come in and cite the home owner for the faulty system, Mr. Cleaver pointed out that the County Health Department has been working with municipalities in this county and have been patient with the township's delay in adopting a 537 plan. He found it unlikely that they would not continue to work with the township. Each problem should be dealt with on an individual basis and Mr. Cleaver suggested the township should talk to him if uncertain about a particular situation.
- Jeff Kerlin questioned DEP's expectations of an aggressive on-lot management program. Administrative monitoring is only one part of that procedure to insure residents are pumping their tanks. The other element is identification of a malfunctioning system and a remedy to that malfunction. Mr. Kerlin asked how the township would enforce a situation if a problem is identified and turned over to the county, since it would no longer be under the township's control. Mr. Cleaver indicated that the enforcement would be shared by the township and the county. The township is in a position to issue notices of violation.
- Mr. Cleaver mentioned that Franconia Township hired a firm to handle their sewage management enforcement. Their SEO does not issue permits but does make inspections to determine if there is a problem. The Health Department should be notified when a problem is identified.
- Mr. Giannini stressed the need for really good data. The township does not know how many systems are actually malfunctioning. Mr. Cleaver felt the township had enough data to realize they need a sewage management program. Costs associated with the collection of data and the preparation of the plan is reimbursable by 50%. Once the township moves into an active maintenance plan, those costs are reimbursable by 85%. An aggressive sewage management program will benefit the township residents by enforcing the proper maintenance of the on-lot systems, keeping them functioning property, and will avoid bringing in a big sewage pipe, which in the long run would be more costly than the costs incurred to enforce the sewage management program.
- Mr. Nase indicated a concern of his would be that the township makes their best attempt based on the data we now have to correct failing systems only to find that

a sewage pipe is needed in the end. It may be better to spend the extra money in securing data than to cost our residents' money putting in alternate systems when a sewage pipe may still be needed because of neighboring properties that are unable to utilize an alternate system. Mr. Cleaver agreed and suggested as a solution possibly putting problem sites on holding tanks until the entire neighborhood can be assessed to avoid the resident paying for the alternate system and then paying to hook up to a community sewage pipe. Mr. Nase indicated that he felt constricted by the time line, feeling it did not allow appropriate time to fully evaluate the situation in the township. Mr. Cleaver felt a year would be more than sufficient to assess everyone's system.

- Mr. Hagey questioned a comment made by Mr. Cleaver that in some instances a faulty system may remain with an existing owner but must be replaced when the house is sold. Mr. Hagey asked at what point the new system would be required; before or after the sale. Mr. Cleaver felt that would depend on the various townships and what policies are in place. The Township Solicitor pointed out that currently those issues are usually dealt with during the inspection and sale of the home through the realtor and does not normally involve the township. Moving forward, when a system is known to be a problem, the management program will provide records associated with the property, however, Mr. Imms felt the Supervisors should consider a policy that would require the township's involvement. Requiring a Use and Occupancy permit for all sales, not just commercial and new homes as is the current policy, was one suggestion.
- Mr. Cleaver indicated that if the township is paying for a sewage pipe to be brought into a township, the township could require all properties to connect; however, he cautioned the township to be sensitive to the residents' desires.
- Mr. Poatsy asked if a couple of houses could share a small community system, to which Mr. Cleaver indicated was possible. The maximum loading for a system classified as a small flow system is 2000 gallons which could service up to 5 houses. Mr. Cleaver indicated that because of the concentration of development in the southeast region, a large number of streams are effluent dominated and are being classified by DEP and EPA as impaired and are getting new limits placed as to what can be discharged. A lot of the major treatment plants are expected to be required to make very expensive modifications. That is making the small spray irrigation systems look more appealing.
- Mr. Nase asked Mr. Cleaver his opinion of what would be the best solution for the township. He replied that DEP supports the use of surface applications, such as spray and drip irrigation systems, which is generally more expensive than piping into a stream. The costs could balance out if the Perkiomen became qualified as impaired but he is not aware of that being considered.
- Mr. Sacks indicated his concern with the stress on the aquifer when a stream discharge system is utilized. Mr. Cleaver agreed and explained that is why he supports the surface applications over the stream discharge systems.
- Eric Jarrell mentioned his concern that although the zoning is in place to restrict overdevelopment in the township, there is no guarantee that a developer will not try to submit a plan for more lots, attempting to connect to a nearby community system with an offer to expand that system. What assurance does the township have that DEP is not going to force the township to go against their plan? Mr. Cleaver responded that if the zoning is strong and the comprehensive plan

matches it, there would be no reason for DEP not to support the township's 537 plan. Although he did admit that in some instances we can't avoid progress. As much as he wants to preserve the environment, Mr. Cleaver pointed out that everyone has the right to get a place to live, but as soon as they get a place to live, they don't want any neighbors around them.

- Mr. Raiser questioned the inherent danger that a community system could permit additional development. Mr. Cleaver indicated that it depended on the type of system installed.
- Mr. Cleaver expressed the importance of implementing the 537 plan once it is adopted. If DEP issues an order against a township for not implementing their 537 plan, that order cannot be appealed.
- Mr. Hagey brought up the discussion on gray water and asked in what year the attitude changed. In the past, people were encouraged to separate the gray water from the black water. Mr. Cleaver stated the Clean Streams Law in the 1930s addressed the problem, as did Act 537 in 1966. Both prohibited the discharge but it may not always have been enforced. In more recent years, science has allowed us to identify the problems caused by the discharge, relating it to viruses and bacteria.
- Mr. McMaster questioned the success history when sewage management programs have been enforced. He also asked if grants and/or programs are available to help fund corrections and if any literature could be provided by DEP to offer guidance to those less familiar with the various sewage disposal systems, such as best management practices, that could be distributed to the residents. Mr. Cleaver indicated there have been some changes to PennVest that are allowing townships to get some funding but he is not familiar with what the qualifications are. There are also 1% loans available for individuals repairing an on-lot system. On-lot guidance brochures are available on the DEP website (www.depweb.state.pa.us). They can be downloaded and printed out to be distributed to the residents.
- Mr. Imms asked for an explanation on the department's position on alternative or experimental systems to be used as in a new development. DEP's current policy does not allow for alternate systems to be used as a planning tool. They have received proposals for individual drip irrigation systems, but they must first perform tests adequate for a sand mound. Testing must be completed to prove site suitability. Mr. Imms questioned that if they have site suitability, wouldn't they be required to construct a sand mound. Mr. Cleaver replied, no. DEP is no longer allowed to require developers to go back to planning if they increase the number of bedrooms on a lot. If the Health Department is willing to issue a sewage permit and the township is willing to offer a building permit, DEP stays out of it. If a developer's planning module indicates the construction of 3 bedroom houses and then it becomes evident that they are selling 4 bedroom houses, criminal charges can be filed against the developer. Mr. Imms questioned if that applies to the type of system used as well. Assuming Mr. Imms was referring to A/B systems, Mr. Cleaver explained that once the site suitability for an IRSIS system or a spray irrigation system has been determined, the developer can ask the Health Department for a permit for an A/B system. Mr. Imms clarified that an IRSIS could be used for planning purposes and asked what other systems could be used, other than an ESM or in-ground system, for planning

purposes. Mr. Cleaver indicated all of the systems in the regulations are IRSIS, in-ground and sand mound systems. Mr. Imms asked for the parameters for a land application. He questioned what factors are considered other than land area, soil capacity and application, specifically for spray and drip irrigation systems as well as community systems. Mr. Cleaver responded that DEP's requirements are similar to the Health Department with regard to individual residential spray and individual sand mounds. Typically DEP does not require percolation testing for spray systems. For spray systems, DEP is looking for limiting zones around 40 inches to make a project feasible for a big development. When soils are poorly drained, less than 20 inches, a lot more land is required. That may still be a solution in Upper Salford to address issues for 6 existing houses. Spray rates are based on the soils. With well drained soils, big systems go in with spray at about 6000 gallons per acre. Drip is up to 7500 gallons per acre. Mr. Cleaver felt it was unlikely to see any large volume in-ground systems in Upper Salford. When questioned about a golf course, Mr. Cleaver indicated that typically they prefer a lot less effluent on a golf course than they would normally allow. Less testing is required on a golf course because of the low application rate.

- Mr. Imms questioned the department's position on co-permitting versus ownership of sewage facilities. Mr. Cleaver responded that DEP does not do co-permitting because no one takes responsibility of problems. Additionally, DEP has experienced severe problems with privately owned systems so they encourage municipalities to take over any community systems. In the past five years some of the big utility companies have taken over fairly small community sewage systems. If the township does not want to take over ownership of the facilities, a larger utility company would be a very acceptable alternative, as they have experience running sewage systems.
- Mr. Imms asked if DEP would support sewage needs boundaries and restrictions on extensions of the system facility respective of land development. Mr. Cleaver indicated that the township's zoning must control the development.
- Mr. Poatsy asked if new development with on-lot systems requires backup locations. Mr. Cleaver encouraged the township as part of the sewage management program to require back up locations, but DEP does not require it.

With no further questions for Mr. Cleaver, the Board and Commission members thanked him for his attendance at the meeting. Mr. Cleaver indicated he felt the township was on the right track and would be willing to help out if needed but encourage the township not to take too long with the adoption of a township 537 plan.

On a motion by Mr. Gular and seconded by Mr. Hagey, the minutes of the July 18, 2007 meeting relating to the Board of Supervisors action were unanimously approved as written.

On a motion by Mr. Poatsy and seconded by Mr. Gular, the minutes of the August 15, 2007 meeting relating to the Board of Supervisors action were unanimously approved as written.

The minutes of the July 18, 2007 and August 15, 2007 Joint Meetings stood as submitted.

At this time the Board of Supervisors took action on various issues relating to the Act 167 policy, a proposal for line painting and approval of a state grant contract. The separate minutes documenting the Boards' action will be made a part of these minutes but approved solely by the Board of Supervisors.

Public comment included a request for the amended minutes from the July 18, 2007 meeting be made available at the next meeting, to which he was advised they would be.

The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Susan Rosato
Assistant Secretary