

**TOWNSHIP OF LOWER NAZARETH
NORTHAMPTON COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2021-LNT-18-71

**A RESOLUTION ESTABLISHING A RESERVATION OF SANITARY
SEWER CAPACITY POLICY AND A RESERVATION OF CAPACITY FEE**

WHEREAS, Lower Nazareth Township (the "Township") is empowered to enact and, from time to time, revise a schedule of certain fees to be charged against property owners connecting to the Township's sanitary sewage collection and transmission lines (the "Sewer System") and, where applicable, utilizing a portion of the Township's sewage treatment capacity; and

WHEREAS, Lower Nazareth Township (the "Township") is served by a treatment facility owned by the City of Bethlehem and collection/conveyance system owned by the Township of Hanover; and

WHEREAS, the Township has entered into agreements with both the City of Bethlehem and Township of Hanover for a fixed quantity of wastewater treatment and conveyance capacity; and

WHEREAS, Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the Pennsylvania Sewage Facilities Act, 35 P.S. Section 750.1 et seq. ("Act 537") as amended, and the Rules and Regulations promulgated by the Pennsylvania Department of Environmental Protection ("PADEP") adopted thereunder, which are codified in Chapter 71 of Title 25 of the Pennsylvania Code, requires the Township to develop and implement a comprehensive official plan which provides for the resolution of existing sewage disposal problems, provides for future sewage disposal needs of new land development and provides for future sewage disposal needs of the Township; and

WHEREAS, the Township has prepared an Act 537 Official Sewage Facilities Plan which provides for sewer service for the Township and adopted such plan by Resolution as attached hereto as Exhibit "A"; and

WHEREAS, on May 6, 2016, PADEP approved the Township's Official Plan, as revised. Attached hereto are the PADEP letters dated May 6, 2016 addressed to the Township and Hanover Township as Exhibit "B-1" and "B-2"; and

WHEREAS, on September 8, 2015, PADEP issued to the Township a Water Quality Management permit for the Hanoverville Road sewer service area expansion as attached hereto as Exhibit "C"; and

WHEREAS, the Township is responsible for the implementation of the Township's Official Plan; and

WHEREAS, the Township would like to establish a policy for the reservation of allocated sanitary sewer capacity and establish a reservation of capacity fee within the Sewer System.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of Lower Nazareth Township, Northampton County, Pennsylvania, to adopt an allocation of sewage capacity policy and reservation of capacity fee, as follows:

SECTION 1. PURPOSE

The Township has determined that allocation to and reservation of sanitary sewer system capacity for future use creates an unreasonable and inequitable economic burden upon the Township and the existing users of the Sewer System. Until such time as persons who have been granted reserve capacity choose to make use of such capacity, the Township and ultimately the existing users of the system are required to amortize the costs of the fixed operation expenses and debt needed for such reservation. It is, therefore, deemed to be in the interest of the Township and the existing users of the sanitary sewer system to establish a policy on the payment of tapping fees and establish a reservation of capacity fee for the fixed operation expenses and debt in proportion to the existing users of the system for persons desiring or required to reserve sanitary sewer system capacity.

SECTION 2. APPLICATION FOR RESERVATION OF SEWER CAPACITY

1. Any applicant whose project proposes to utilize more than one (1) residential equivalent dwelling unit ("EDU") shall prepare and submit to the Township a development plan in accordance with Township rules and regulations and a written request for the allocation to and reservation of sanitary sewer capacity.
2. The submission for the reservation of such sewer capacity shall contain a connection time schedule for the project and include such other information and supporting data as the Township shall determine is reasonably necessary to estimate a five-year sewage flow from the project.
3. The Township shall, in its sole discretion, based upon competent engineering advice and all other factors and conditions relating to the sanitary sewage system existing at the time of approval, determine the sewer capacity to be allocated to and reserved by the applicant for the project.

4. An escrow will need to be established so the Township's Engineer can complete an evaluation of the existing system to determine that the project will not create a hydraulic overload in the Sewer System.
5. Flow data which shows all the proposed uses that will be needing public sewer along with the official request must be submitted, so the Township's Engineer can proceed with the capacity evaluation once the escrow is established.
6. A plan that shows the proposed project along with any proposed locations of sewer extensions that will need to be installed to serve the project.
7. Once the flow data evaluation is complete and if it determines that improvements and/or upgrades are needed in the existing system, they will be addressed as part of a sewer capacity reservation agreement between the Township and the applicant.
8. Once the evaluation is done and the agreements are executed a complete PADEP sewage planning module, along with the executed agreements will need to be submitted to the PADEP by the applicant for review and approval. Once the applicant receives all governmental approvals, and meets all the conditions outlined in the executed agreements capacity will then be considered allocated for the project in accordance with the executed agreements.
9. In the event that the PADEP shall cancel, revoke or stay the effectiveness of any approval or permit for any reason, or should it for any reason impose a ban on connections or extensions to the Sewer System, or should a prohibition on connections or extensions to the Sewer System arise by operation of law or regulation, or if the Township is unable to permit connection for any reason whatsoever, the Township shall not as a result thereof incur any liability of any nature to an applicant for allocated capacity.

SECTION 3. RESERVED SEWER CAPACITY

1. The Township shall require the payment of applicable tapping fees in no more than three equal installments. Upon receipt by the Township of the first installment of the tapping fee in accordance with term outlined in the executed agreement, the applicant shall be deemed to have reserved 33% of the total EDUs requested (total EDUs rounded to lowest EDU) of sewer capacity reserved for the property.

2. Upon receipt by the Township of the second installment of the tapping fee in accordance with term outlined in the executed agreement, the applicant shall be deemed to have reserved 66% of the total EDUs requested (total EDUs rounded to lowest EDU) of sewer capacity for the property.
3. Upon receipt by the Township of the third and final installment of the tapping fee in accordance with term outlined in the executed agreement, the applicant shall be deemed to have reserved all of the sewer capacity for the property.
4. If for any reason, the applicant fails to make payment in accordance with SECTION 3 (2) and/or (3) above within 1 year of the date of the executed agreement, then the applicant shall pay a monthly charge of 60% of the average sanitary sewer bill for a residential customer in the same sewer service area for the same billing period for each EDU that is proposed to be connected and for which the tapping fees having not been paid in order to maintain any reservation of capacity. For any EDU so reserved, the applicant shall pay the prevailing tapping fee in effect at the time of connection. The Township shall have no monetary obligation to refund applicant for any tapping fees or sewer rentals paid by applicant for any unused EDU(s) if the unused EDU(s) is relinquished.

SECTION 4. PURCHASED SEWER CAPACITY

Upon receipt by the Township of the total amount of the tapping fee in accordance with SECTION 3 (1), (2) and (3) above, applicant shall be deemed to have purchased the sewer capacity for the property in the Sewer System.

SECTION 5. RESERVATION AND USE PERIODS; REFUNDS

1. If sewer capacity in the Sewer System is reserved by the applicant under SECTION 3 (1) and (2), but applicant does not reserve all of the capacity under its agreement or the applicant does not obtain sewage planning module approval within five (5) years of the date of execution of the capacity reservation agreement, unless extended by the agreement of the applicant and the Township, or if the Applicant fails to pay the sewer reservation fee under SECTION 3 (4), Applicant shall return the unused EDU(s) to the Township, and the agreement with the Township shall cancel and terminate. All payments by the applicant to the Township under the capacity reservation agreement shall be nonrefundable.

2. If the sewer capacity in the Sewer System is reserved by the applicant under SECTION 3 (1) and (2) and purchased under SECTION 4, then SECTION 5 (1) shall not apply and if the capacity is not used within five years of the date of sewage planning module approval, the applicant may retain any unused EDU(s) by paying the sewer rentals then in effect for each EDU, and upon default of any such payment following reasonable written notice from the Township with an opportunity to cure, the unused EDU(s) shall be deemed to be returned to the Township and relinquished. Otherwise, the applicant may return the unused EDU(s) to the Township. The Township shall have no monetary obligation to refund the applicant for any tapping fees or sewer rentals paid by the applicant for any unused EDU(s) if the unused EDU(s) is relinquished.
3. The applicant will also be required to execute and submit to the Township in recordable form satisfactory to the Township a sewer capacity relinquishment agreement for the relinquished EDUs. However, the relinquishment agreement will only be recorded in accordance with the sewer capacity reservation agreement.

SECTION 6. MISCELLANEOUS PROVISIONS

1. Sewer capacity allocated to and reserved by a person shall apply to and be valid only for such persons, or their successor in title, for the unimproved lot, parcel, tract or any part of a subdivision or land development made the subject of the application. Capacity that has been allocated cannot be transferred to another tract of land.
2. The reserve capacity applicable to such lot, parcel, tract or part of the subdivision or land development shall be transferred to the new owner thereof, with or without a formal assignment of such reserve capacity.
3. Reserved capacity shall not be sold, transferred or assigned to any other person or for the use of any other subdivision or land development, without the express written approval of the Township. Capacity that has been allocated cannot be transferred to another tract of land.
4. In no event shall the Township or any officer or agent thereof approve an assignment of sewer capacity unless there exists, at the time of such request for sewer capacity, demonstrable treatment and conveyance capacity in the Sewer System as determined by PADEP's approval of the required Act 537 sewage facility planning. The completion of the Chapter 94 consistency requirements of an Act 537 planning module or planning module exemption by the Township is not an allocation of capacity.

SECTION 7.

Unless otherwise provided herein, this Resolution shall be effective upon adoption.

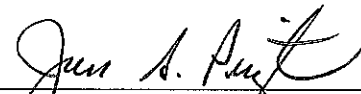
RESOLVED AND APPROVED this 10th day of March, 2021.

TOWNSHIP OF LOWER NAZARETH

ATTEST:



TAMMI DRAVECZ, Secretary

BY: 

JAMES PENNINGTON, Chairman



**SEWAGE FACILITIES PLANNING MODULE
FOR
MINOR ACT 537 PLAN UPDATE REVISION**

RESOLUTION OF ADOPTION

RESOLUTION OF THE (SUPERVISORS) ~~(COMMISSIONERS)~~ ~~(COUNCILMEN)~~ OF Lower Nazareth (TOWNSHIP) ~~(BOROUGH)~~ ~~(CITY)~~, Northampton COUNTY, PENNSYLVANIA (hereinafter "the municipality").

WHEREAS, Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the "Pennsylvania Sewage Facilities Act," as amended, and the Rules and Regulations of the Department of Environmental Protection (Department) adopted thereunder, Chapter 71 of Title 25 of the **Pennsylvania Code**, requires the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters and/or environmental health hazards with sewage wastes, and to revise said plan whenever it is necessary to meet the sewage disposal needs of the municipality, and

WHEREAS, Prologis & EastP 1, LLC. has prepared a Update Revision which provides for the implementation of a sewage management program. The key implementation activities/dates include:

Construction of Sewer Service Forcemain within Hanoverville Road (to be constructed April 2014)

WHEREAS, Lower Nazareth Township finds that the Update Revision described above conforms to applicable zoning, subdivision, other municipal ordinances and plans and to a comprehensive program of pollution control and water quality management.

NOW, THEREFORE, BE IT RESOLVED that the (Supervisors) ~~(Commissioners)~~ ~~(Councilmen)~~ of Lower Nazareth Township hereby adopt and submit to the Department of Environmental Protection for its approval as a revision to the "Official Plan" of the municipality, the above referenced Update Revision. The municipality hereby assures the Department of the complete and timely implementation of the said plan as required by law. (Section 5, Pennsylvania Sewage Facilities Act as amended).

I, Timm A. Tenges, Secretary, Lower Nazareth (Township Board of Supervisors) ~~(Borough Council)~~ ~~(City Councilmen)~~, hereby certify that the foregoing is a true copy of the municipality's Resolution No. LNT-09-16, adopted January 13, 2016 ~~2018~~.

AUTHORIZED SIGNATURE

MUNICIPAL SEAL



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

RECEIVED

MAY 09 2016

Schlowich Inc.
P.O. Box 69 Nazareth, PA 18063

May 6, 2016

Timm A. Tenges, Secretary
Lower Nazareth Township
306 Butztown Road
Bethlehem, PA 18020

Re: Hanoverville Road
27 Lots (22050 GPD)
APS: 892399
DEP Code No: 2-48923126-3M
Lower Nazareth Township, Northampton County

Ladies and Gentlemen:

The Department of Environmental Protection (DEP) has reviewed the proposed Official Plan revision.

This project is proposing an expansion of the sewer service area of 27 properties consisting of 450 acres in Lower Nazareth Township, Northampton County, in conjunction with Hanover Township and the City of Bethlehem along Hanoverville Road.

The properties within the service area in Lower Nazareth Township shall collect and convey their respective sanitary sewer flows to the tie-in manhole via either a gravity collection/conveyance system or by a low pressure force main located along Hanoverville Road. The individual pumps shall be owned by the respective property owner and the force main will be owned and maintained by Lower Nazareth Township. The proposed tie-in point is an existing manhole located in Township Line Road approximately 100 feet North of the intersection of Jandl Boulevard and Township Line Road. An Operations and Maintenance agreement shall be entered into by the respective property owners and Lower Nazareth Township.

Within Hanover Township, the proposed flow will be discharged into an existing pump station. To handle the proposed increase in peak flow rates from the Lower Nazareth Township connection, the pump station capacity will be increased by the replacing the 4" force main with a new 6" line.

The proposed 22050 GPD of sewage flows will be collected and conveyed by Lower Nazareth Township through Hanover Township to be treated by the City of Bethlehem Wastewater Treatment Facility.

Exhibit "B-1"

Northeast Regional Office
Two Public Square | Wilkes-Barre, PA 18701-1915 | 570.826.2511 | Fax 570.830.3017
www.dep.pa.gov

A Water Quality Management Permit # 4815402 was issued on September 8, 2015. This permit approves the construction/operation of sewage facilities consisting of: A public sewer extension consisting of approximately 4,275 L.F. of 3-inch low pressure sewers

(LPS) and approximately 1,700 L.F. of 2-inch LPS to serve commercial and residential properties along Township Road T437 (Hanoverville Road). The low pressure HDPE sewer lines will be installed using directional drilling to eliminate open trench excavation in Hanoverville Road. The design flow used to size the proposed sewer extension is approximately 22,050 GPD which will be conveyed by Hanover Township owned sewers to the City of Bethlehem Wastewater Treatment Plant for treatment and disposal. Connections to the sewers are prohibited until inter-municipal agreements have been executed and written approval is obtained from the Department.

The plan revision is approved with the following comments:

The Safe Drinking Water Act of Pennsylvania mandates that a permit from the Department of Environmental Protection is required prior to the construction or modification of a public water system except for waterline extensions. Contact the Regional Office of the Safe Drinking Water Program to obtain an application for such required permits.

The approved project will require a Water Quality Management (Part II) permit for the construction and operation of the proposed sewage facilities. The permit application must be submitted in the name of the municipality or authority, as appropriate. Issuance of a Part II permit will be based upon a technical evaluation of the permit application and supporting documentation. Starting construction prior to obtaining a permit is a violation of the Clean Streams Law.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717.787.3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800.654.5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717.787.3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION.

Timm A. Tenges, Secretary

3

May 6, 2016

CALL THE SECRETARY TO THE BOARD (717.787.3483) FOR MORE INFORMATION.

If you have any questions concerning this matter, please call Robert Corby at 610.861.2157.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bharat Patel', written in a cursive style.

Bharat Patel P.E.
Environmental Program Manager
Clean Water Program

cc: Schlouch, Incorporated
dH Enterprises, Inc.
Lehigh Valley Planning Commission
City of Bethlehem



RECEIVED

MAY 09 2016

Schlouch Inc
P.O. Box 69 Blue Bell, PA 19380

May 6, 2016

John J. Finnigan, Jr., Township Manager
Hanover Township
3630 Jacksonville Road
Bethlehem, PA 18017

Re: Hanoverville Road
27 Lots (22050 GPD)
APS: 892399
DEP Code No: 2-48923126-3M
Hanover Township, Northampton County

Ladies and Gentlemen:

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Northeast Regional Office

Two Public Square | Wilkes-Barre, PA 18701-1915 | 570.826.2511 | Fax 570.830.3017

www.dep.pa.gov

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(LPS) and approximately 1,700 L.F. of 2-inch LPS to serve commercial and residential properties along Township Road T437 (Hanoverville Road). The low pressure HDPE sewer lines will be installed using directional drilling to eliminate open trench excavation in Hanoverville Road. The design flow used to size the proposed sewer extension is approximately 22,050 GPD which will be conveyed by Hanover Township owned sewers to the City of Bethlehem Wastewater Treatment Plant for treatment and disposal. Connections to the sewers are prohibited until inter-municipal agreements have been executed and written approval is obtained from the Department.

The plan revision is approved with the following comments:

The Safe Drinking Water Act of Pennsylvania mandates that a permit from the Department of Environmental Protection is required prior to the construction or modification of a public water system except for waterline extensions. Contact the Regional Office of the Safe Drinking Water Program to obtain an application for such required permits.

The approved project will require a Water Quality Management (Part II) permit for the construction and operation of the proposed sewage facilities. The permit application must be submitted in the name of the municipality or authority, as appropriate. Issuance of a Part II permit will be based upon a technical evaluation of the permit application and supporting documentation. Starting construction prior to obtaining a permit is a violation of the Clean Streams Law.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717.787.3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800.654.5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717.787.3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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Timm A. Tenges, Secretary

3

May 6, 2016

CALL THE SECRETARY TO THE BOARD (717.787.3483) FOR MORE
INFORMATION.

If you have any questions concerning this matter, please call Robert Corby at
610.861.2157.

Sincerely,



Bharat Patel P.E.
Environmental Program Manager
Clean Water Program

cc: Schlouch, Incorporated
dH Enterprises, Inc.
Lehigh Valley Planning Commission
City of Bethlehem



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

File

September 8, 2015

CERTIFIED MAIL NO. 7015 1520 0003 1010 3061

Tim Tenges, Township Manager
Lower Nazareth Township
306 Butztown Road
Bethlehem, PA 18020

Re: WQM Permit - Sewage
Hanoverville Road Sewer Service Area Expansion
Permit No. 4815402
Authorization ID No. 1084218
Lower Nazareth Township, Northampton County

Dear Mr. Tenges:

Your Water Quality Management (WQM) permit is enclosed. You must comply with all Standard and Special Conditions attached to this Permit. Construction must be done in accordance with the permit application and all supporting documentation. Please review the permit conditions and the supporting documentation submitted with your application before starting construction.

Please note that you are responsible for securing all other required permits, approvals and/or registrations associated with the project, if applicable, under Chapters 102 (erosion and sedimentation control), 105 (stream obstructions and encroachments) and 106 (floodplains) of DEP's regulations. Construction may not proceed until all other required permits have been obtained.

Enclosed is the "Water Quality Management Post Construction Certification" form. A Pennsylvania-registered Professional Engineer must sign and complete this form prior to startup of the facilities. You or your authorized representative must also sign the form. This certification and other post-construction documentation must be submitted to DEP within 30 days of completion of the project and must be received by DEP prior to commencing operation of the facilities.

This permit contains a special condition that only allows construction of the sewers and prohibits connections to the sewers. The Department will grant written approval to connect to the sewers upon receipt of an executed agreement between the proper municipal entities.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717.787.3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800.654.5984. Appeals

Northeast Regional Office
2 Public Square | Wilkes-Barre, PA 18701-1915 | 570.826.2511 | Fax 570.830.3016
www.depweb.state.pa.us

Exhibit "C"

Mr. Tim Tenges

- 2 -

September 8, 2015

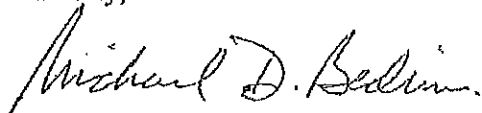
must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717.787.3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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If you have any questions, feel free to contact Philip J. Amico, P.E., P.L.S. at 570.826.2310 or pamico@pa.gov.

Sincerely,



Michael D. Bedrin
Regional Director

Enclosures

cc: N.E. Monitoring and Compliance Section
Michael Hartman, P.E. / dH Enterprises Inc.
Rik Longacre / Schlouch, Inc.
File



WATER QUALITY MANAGEMENT PERMIT

<p>A. PERMITTEE (Name and Address): Lower Nazareth Township 306 Butztown Road Bethlehem, PA 18020</p>	<p>CLIENT ID#: 114642</p>	<p>B. PROJECT/FACILITY (Name): Hanoverville Road Sewer Service Area Expansion</p>
<p>C. LOCATION (Municipality, County): Lower Nazareth Township, Northampton County</p>		<p>SITE ID#: 809981</p>
<p>D. This permit approves the construction/operation of sewage facilities consisting of: A public sewer extension consisting of approximately 4,275 L.F. of 3-inch low pressure sewers (LPS) and approximately 1,700 L.F. of 2-inch LPS to serve commercial and residential properties along Township Road T437 (Hanoverville Road). The low pressure HDPE sewer lines will be installed using directional drilling to eliminate open trench excavation in Hanoverville Road. The design flow used to size the proposed sewer extension is approximately 23,250 gpd which will be conveyed by Hanover Township owned sewers to the City of Bethlehem wastewater treatment plant for treatment and disposal. Connections to the sewers are prohibited until inter-municipal agreements have been executed and written approval is obtained from the Department.</p>		
<p>Pump Stations: _____ n/a Design Capacity: _____ GPM</p>	<p>Manure Storage: n/a Volume: _____ MG Freeboard: _____ inches</p>	<p>Sewage Treatment Facility: n/a Annual Average Flow: _____ MGD Design Hydraulic Capacity: _____ MGD Design Organic Capacity: _____ lb/day</p>
<p>E. APPROVAL GRANTED BY THIS PERMIT IS SUBJECT TO THE FOLLOWING:</p> <ol style="list-style-type: none"> 1. New Permits: All construction, operations and procedures shall be in accordance with the Water Quality Management Permit application dated <u>August 7, 2015</u>, its supporting documentation and addendums dated <u>n/a</u>, which are hereby made a part of this permit. 2. Permit Conditions Relating to Sewerage are attached and made part of this permit. 3. Special Condition <u>A</u> is attached and made part of this permit. 		
<p>F. THE AUTHORITY GRANTED BY THIS PERMIT IS SUBJECT TO THE FOLLOWING FURTHER QUALIFICATIONS:</p> <ol style="list-style-type: none"> 1. If there is a conflict between the application or its supporting documents and amendments and the attached conditions, the attached conditions shall apply. 2. Failure to comply with the rules and regulations of DEP or with the terms or conditions of this permit shall void the authority given to the permittee by the issuance of this permit. 3. This permit is issued pursuant to the Clean Streams Law Act of June 22, 1937, P.L. 1937, as amended 35 P.S. §691.1 et seq. Issuance of this permit shall not relieve the permittee of any responsibility under any other law. 		
<p>PERMIT ISSUED: <u>September 8, 2015</u></p>	<p>BY: <u>Michael D. Bedrin</u> TITLE: Regional Director Northeast Regional Office</p>	

Conditions Sewerage



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF POINT AND NON-POINT SOURCE MANAGEMENT

PERMIT CONDITIONS RELATING TO SEWERAGE
For use in Water Quality Management Permits

(Check boxes that apply)

General

- 1. The Department of Environmental Protection (DEP) considers the licensed Professional Engineer whose seal is affixed to the design documents to be fully responsible for the adequacy of all aspects of the facility design.
- 2. The permittee shall adopt and enforce an ordinance requiring the abandonment of privies, cesspools or similar receptacles for human waste and onlot sewage disposal systems on the premises of occupied structures accessible to public sewers. All such structures must be connected to the public sewers.
- 3. The outfall sewer or drain shall be extended to the low water mark of the receiving body of water. Where necessary to ensure proper mixing and waste assimilation, an outfall sewer or drain may be extended with appurtenances below the low water mark and into the bed of a navigable stream provided that the permittee has secured an easement, right-of-way, license or lease from DEP in accordance with Section 15 of the Dam Safety and Encroachments Act, the Act of November 26, 1978, P.L. 1375, as amended.
- 4. The approval is specifically made contingent on the permittee acquiring all necessary property rights, by easement or otherwise, providing for the satisfactory construction, operation, maintenance and replacement of all sewers or sewerage structures in, along or across private property with full rights of ingress, egress and regress.
- 5. When construction of the approved sewerage facilities is completed and before they are placed in operation, the permittee shall notify DEP in writing so that a DEP representative may inspect the facilities.
- 6. The approval of the plans, and the authority granted in this permit, if not specifically extended, shall cease and be null and void 2 years from the issuance date of this permit unless construction or modification of the facilities covered by this permit has begun on or before the second anniversary of the permit date.
- 7. If, at any time, the sewerage facilities covered by this permit create a public nuisance, including but not limited to, causing malodors or causing environmental harm to waters of the Commonwealth, DEP may require the permittee to adopt appropriate remedial measures to abate the nuisance or harm.
- 8. If, after the issuance of this permit, DEP approves a municipal sewerage facilities official plan or an amendment to an official plan under Act 537 (Pennsylvania Sewage Facilities Act, the Act of January 24, 1966, P.L. 1535 as amended) in which sewage from the herein approved facilities will be treated and disposed of at other planned facilities, the permittee shall, upon notification from the municipality or DEP, provide for the conveyance of its sewage to the planned facilities, abandon use and decommission the herein approved facilities including the proper disposal of solids, and notify DEP accordingly. The permittee shall adhere to schedules in the approved official plan, amendments to the plan, or other agreements between the permittee and municipality. This permit shall then, upon notice from DEP, terminate and become null and void and shall be relinquished to DEP.
- 9. This permit does not relieve the permittee of its obligations to comply with all federal, interstate, state or local laws, ordinances and regulations applicable to the sewerage facilities.
- 10. This permit does not give any real or personal property rights or grant any exclusive privileges, nor shall it be construed to grant or confirm any right, easement or interest in, on, to or over any lands which belong to the Commonwealth.
- 11. The authority granted by this permit is subject to all effluent requirements, monitoring requirements and other conditions as set forth in NPDES Permit No. n/a and all subsequent amendments and renewals. No discharge is authorized from these facilities unless approved by an NPDES Permit.

Construction

- 12. This permit is issued under the authorization of The Clean Streams Law and 25 Pa. Code Chapter 91. The permittee shall obtain all necessary permits, approvals and/or registrations under 25 Pa. Code Chapters 102, 105 and 106 prior to commencing construction of the facilities authorized by this permit, as applicable. The permittee should contact the DEP office that issued this permit if there are any questions concerning the applicability of additional permits.

- 13. The facilities shall be constructed under the supervision of a Pennsylvania licensed Professional Engineer in accordance with the approved reports, plans and specifications.
- 14. A Pennsylvania licensed Professional Engineer shall certify that construction of the permitted facilities was completed in accordance with the application and design plans submitted to DEP, using "Post Construction Certification" form (3800-PM-WSFR0179a). It is the permittee's responsibility to ensure that a Professional Engineer is on-site to provide the necessary oversight and/or inspections to certify the facilities. The certification must be submitted to DEP before the facility is placed in operation. As-built drawings, photographs (if available) and a description of all deviations from the application and design plans must be submitted to DEP within 30 days of certification.
- 15. Manhole inverts shall be formed to facilitate the flow of the sewage and to prevent the stranding of sewage solids. The manhole structure shall be built to prevent undue infiltration, entrance of street wash or grit and provide safe access to facilitate manhole maintenance activities.
- 16. The local Waterways Conservation Officer of the Pennsylvania Fish and Boat Commission (PFBC) shall be notified when the construction of any stream crossing and/or outfall is started and completed. A written permit must be secured from the PFBC if the use of explosives in any waterways is required and the permittee shall notify the local Waterways Conservation Officer when explosives are to be used.

Operation and Maintenance

- 17. The permittee shall maintain records of "as-built" plans showing all the treatment facilities as actually constructed together with facility operation and maintenance (O&M) manuals and any other relevant information that may be required. Upon request, the "as-built" plans and O&M manuals shall be filed with DEP.
- 18. The sewers shall have adequate foundation support as soil conditions require. Trenches shall be back-filled to ensure that sewers will have proper structural stability, with minimum settling and adequate protection against breakage. Concrete used in connection with these sewers shall be protected from damage by water, freezing, drying or other harmful conditions until cured.
- 19. Stormwater from roofs, foundation drains, basement drains or other sources shall not be admitted directly to the sanitary sewers.
- 20. The approved sewers shall be maintained in good condition, kept free of deposits by flushing or other cleaning methods and repaired when necessary.
- 21. The sewerage facilities shall be properly operated and maintained to perform as designed.
- 22. The attention of the permittee is called to the highly explosive nature of certain gases generated by the digestion of sewage solids when these gases are mixed in proper proportions with air and to the highly toxic character of certain gases arising from such digestion or from sewage in poorly ventilated compartments or sewers. Therefore, at all places throughout the sewerage facilities where hazard of fire, explosion or danger from toxic gases may occur, the permittee shall post conspicuous permanent and legible warnings. The permittee shall instruct all employees concerning the aforesaid hazards, first aid and emergency methods of meeting such hazards and shall make all necessary equipment and material accessible.
- 23. An operator certified in accordance with the Water and Wastewater Systems Operator Certification Act of February 21, 2002, 63 P.S. §§1001, *et seq.* shall operate the sewage treatment plant.
- 24. The permittee shall properly control any industrial waste discharged into its sewerage system by regulating the rate and quality of such discharge, requiring necessary pretreatment and excluding industrial waste, if necessary, to protect the integrity or operation of the permittee's sewerage system.
- 25. There shall be no physical connection between a public water supply system and a sewer or appurtenance to it which would permit the passage of any sewage or polluted water into the potable water supply. No water pipe shall pass through or come in contact with any part of a sewer manhole.
- 26. All connections to the approved sanitary sewers must be in accordance with the official Act 537 Plan and, if applicable, a corrective action plan as contained in the approved Title 25 Pa. Code Chapter 94 Municipal Wasteload Management Annual Report.
- 27. Collected screenings, slurries, sludge and other solids shall be handled and disposed of in compliance with Title 25 Pa. Code Chapters 271, 273, 275, 283 and 285 (related to permits and requirements for land filling, land application, incineration and storage of sewage sludge), Federal Regulations 40 CFR 257 and the Federal Clean Water Act and its amendments.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF POINT AND NON-POINT SOURCE MANAGEMENT

**WATER QUALITY MANAGEMENT
POST CONSTRUCTION CERTIFICATION**

PERMITTEE IDENTIFIER

Permittee	Lower Nazareth Township
Municipality	Lower Nazareth Township
County	Northampton
WQM Permit No.	4815402
Facility Type	Sewer Extension

All of the above information should be taken directly from the Water Quality Management Permit.

CERTIFICATION

This certification must be completed and returned to the permits section of the DEP's regional office issuing the WQM permit within 30 days of completion of the project and received by DEP prior to operation, and if requested, as-built drawings, photographs (if available) and a discussion of any DEP-approved deviations from the design plans during construction.

I, being a Registered Professional Engineer in Pennsylvania, do hereby certify to the best of my knowledge and belief, based upon personal observation and interviews, that the above facility approved under the Water Quality Management Permit has been constructed in accordance with the plans, specifications and modifications approved by DEP.

Construction Completion Date (MM/DD/YYYY): _____

Engineer's Seal	Professional Engineer
	Name _____ (Please Print or Type)
	Signature _____
	Date _____
	License Expiration Date _____
	Firm or Agency _____
	Telephone _____
	Permittee or Authorized Representative
	Name _____ (Please Print or Type)
	Signature _____
	Title _____
	Telephone _____