



pennsylvania

DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Southwest Regional Office

October 17, 2016

CERTIFIED MAIL # 7015 1660 0000 8961 2808

Robert Shahade
Shahade and Shahade
131 Market Street, Suite 200
Johnstown, PA 15901

Re: Borough of Westmont and Upper Yoder Township Authority
Cambria County
2014 Consent Order and Agreements

Dear Mr. Shahade:

The Department has received the letters dated August 12, 2016 submitted on behalf of the Borough of Westmont (Borough) and the Upper Yoder Township Authority (Authority) regarding the 2014 Consent Order and Agreements (2014 COA) signed with the Department. In response to these letters, the Department met with the Borough and Authority on September 27, 2016, at the Department's offices in Pittsburgh. The letters each include the same five questions. The Department's response to each question follows each question from the letters:

1. **Question:** Can the Consent Order and Agreement be amended to place a moratorium on the requirements for pressure testing or CCTV inspection of serviced buildings upon the sale or transfer of any interest?

Response: Testing and replacement of leaking private laterals is an essential part of removing excess stormwater in any sanitary sewer system. If private laterals are not inspected and replaced as needed, additional facilities will need to be constructed by the Borough and Authority in order to eliminate SSOs and meet the required flow number in the 2014 COAs. In addition to the added expense, the 2014 COAs contain stipulated penalties for not eliminating SSOs. Lateral testing on resale is an effective and implementable means of removing excess storm and ground water from the municipal sanitary sewer system, especially in larger municipalities like Upper Yoder and Westmont with multiple interconnections to the regional sewer system. The presence of a large area and multiple connections reduces the potential efficiency of a retention basin at any one particular interconnection. Accordingly, the requirement to enact and enforce an ordinance requiring lateral inspection at resale needs to remain in the 2014 COAs to ensure that flows are reduced over time and that such flow reductions are maintained to allow for the permanent elimination of illegal overflows.

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2. **Question:** Can the requirement that all serviced properties must be CCTV inspected or pressure tested upon completion of specific drainage areas be suspended until the entire public project is completed?

Response: The schedule for completing testing and repair of private laterals is up to the Borough or the Authority but must be completed by June 31, 2021 as required by Paragraph 4.d.v. of the 2014 COAs. Any changes to an approved SSO Abatement Plan must be approved by the Department.

3. **Question:** Can the June 30, 2021 compliance date be extended to a period of years beyond completion of the project so that flows may be monitored at the point where sewage exits the Borough's [Authority's] system to determine whether pressure testing or CCTV inspection is necessary at all?

Response: In the Department's experience, replacement of just the public components of the system will not lead to an elimination of illegal overflows, especially in large sewer systems, as noted above. The Department cannot agree to extend the June 30, 2021 deadline to eliminate SSOs from the sewer systems. SSOs are illegal and must be eliminated. SSOs have been illegal for decades and under the 2014 COAs the Department is already allowing seven additional years to address the illegal overflows. The Johnstown Redevelopment Authority (JRA), which conveys and treats the sewage from the Borough and the Authority, is also under a COA with the Department to eliminate its SSOs. JRA's SSO Abatement Plan depends upon the customer municipalities reducing their flows by the June 30, 2021 deadline. The Borough and Authority can monitor flows while making efforts to reduce flows in their respective systems. The Department is willing to discuss flow monitoring that can occur prior to June 30, 2021.

4. **Question:** The Borough [the Authority] has significant amounts of slab on-grade homes with radiant floor heat. Most of these homes were designed by the same architect, which also have 50 year old irreplaceable terrazzo floors and/or customized tile. In one particular case, the residential property owner whose home was listed for sale at \$175,000 received an estimate in excess of \$80,000 to comply with the Rules and Regulations. The Borough [the Authority] also has a nursing home, schools, churches and businesses that are slab on grade. How and under what circumstances can serviced properties be exempted from complying with the Rules and Regulations and ultimately the mandates contained in Paragraphs 4(v) and 6 of the Consent Order and Agreement. Please come to the September 27 meeting prepared to discuss alternate means to convey storm water and groundwater in any cases in which the Borough or Authority seek to grant an exemption.

Response: The Department is amenable to limited exceptions under the ordinances for slab on-grade properties. At a minimum all laterals should be tested and repaired up to the foundation. For structures that are only repaired up to the foundation, an alternate means of conveying storm and ground water from under and around the foundation may be necessary. The Department is currently reviewing your proposal to implement alternate means to address these wet weather issues.

5. **Question:** The Borough's [Authority's] Rules and Regulations require pressure testing or CCTV inspection for all under slab or under basement piping (Building Drain and Building Sewer) to the public lateral at the property lines. Has any municipality been successful in eliminating Sanitary Sewer Overflows by only requiring testing or inspections from the outside wall of the serviced property to the public lateral at the property line?

Response: A few municipalities, including JRA customer municipalities, are in the process of repairing/replacing the public system and the private system up to the foundations. At this time, the Department does not have data to demonstrate that this process will be adequate to eliminate overflows and reduce flows to the 625 GPD/EDU benchmark.

If any municipal officials or the consulting engineer have any questions regarding this letter, please contact me at ckriley@pa.gov or 412.442.4312.

Sincerely,



Christopher J. Kriley, P.E.
Program Manager
Clean Water Program
Southwest Region

cc: Westmont Borough
Upper Yoder Township