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August 12, 2016

Bruce Herschlag  
Assistant Regional Counsel  
Pennsylvania Department of Environmental  
Protection  
Southwest Regional Office  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745

**RE: Upper Yoder Township Authority**  
**Cambria County**

Dear Assistant Counsel Herschlag:

As you are aware, on October 20, 2014, Upper Yoder Township Authority entered into a certain Consent Order and Agreement with the good-faith intent to mitigate punitive actions that could have been taken by DEP against the Authority for violations of the Clean Streams Law. Upper Yoder Township Authority complied with the Consent Order and Agreement and, with the prior approval of DEP, passed Rules and Regulations on September 21, 2015 requiring pressure testing or CCTV inspection of all private sewer laterals upon the sale or transfer of any interest in any property within the Authority's Sanitary Sewer System. Said Rules and Regulations further require comprehensive testing of each serviced property within each drainage sector as the public system (mains and laterals to the property lines) is completed. The Authority's system has been under construction for a year. The project cost is approximately \$10,000,000 to finish rehabilitating the entire Sanitary Sewer System, including mains, manholes and laterals to the property lines. Several hundred Notices To Comply have been sent to the Authority's customers and the same are being met with extreme resistance due to the costs of compliance.

As we had discussed on Tuesday, Upper Yoder Township Authority has been overwhelmed with disgruntled residents and customers who are insisting that the Authority unnecessarily committed itself to the stringent requirements of the Consent Order and Agreement, referring to an adjacent municipality who entered into substantively the same Consent Order and Agreement, but which does not require pressure or CCTV testing upon the sale or transfer of interest. In light of that issue, which appears to be accurate, the customers of

Bruce Herschlag  
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Page 2  
August 12, 2016

the Authority and the residents of the Township are also challenging the abatement plan which requires CCTV or pressure testing upon completion of each drainage system throughout the course of the Sanitary Sewer System rehabilitation.

The Authority obviously has been embattled, meeting after meeting, with these issues, and none of the answers that the Board, its Engineer or I have tendered, have been satisfactorily received. Therefore, would you please clarify the following:

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

2. 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?

3. 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 Authority's system to determine whether pressure testing or CCTV inspection is necessary at all?

4. 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 some cases for these types of structures, the cost to comply with pressure testing has ranged from 10% to 45% of the fair market value or list price of the homes or buildings. This is not an isolated case. The costs to correct similar private properties, whether slab on grade or split level homes with extended living areas, have ranged from 10% to 50% of the list price or fair market value of the same. The Authority also has nursing homes, 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 Paragraphs 4(v) and 6 of the Consent Order and Agreement?

5. The 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?

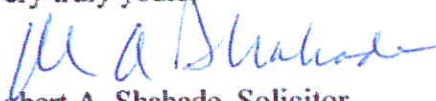


Bruce Herschlag  
Assistant Regional Counsel  
Page 3  
August 12, 2016

In summary, it is very difficult and trying to reconcile the fact that adjacent municipalities are permitted to deviate from the literal interpretation of the Consent Order and Agreement.

I greatly appreciate your assistance in this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "R. A. Shahade".

Robert A. Shahade, Solicitor  
Upper Yoder Township Authority

RAS:jms