

UYTA

**Upper Yoder Township
Authority**

A PA Municipal Corporation

110 Sunray Drive, Suite 1
Johnstown, PA 15905
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www.upperyodertownship.org

August 10, 2016

The Honorable Thomas Wolfe
Governor, Commonwealth of Pennsylvania
Office of the Governor
508 Main Capitol Building
Harrisburg, PA 17120

The Honorable John Wozniak
Senator, Commonwealth of Pennsylvania
2307 Bedford Street
Johnstown, PA 15904

The Honorable Robert Casey
United States Senator
Grant Building
310 Grant Street, Suite 2415
Pittsburgh, PA 15219

The Honorable Bryan Barbin
Representative, Commonwealth of
Pennsylvania
413 Main Street
Johnstown, PA 15901

The Honorable Keith Rothfus
United States Representative
110 Franklin Street, Suite 150
Central Park Complex
Johnstown, PA 15901

The Honorable Frank Burns
Representative, Commonwealth of
Pennsylvania
535 Fairfield Avenue
Johnstown, PA 15906

The Honorable Patrick Toomey
United States Senator
1397 Eisenhower Boulevard
Suite 302
Johnstown, PA 15904

**Re: Upper Yoder Township Authority,
Cambria County, and Pennsylvania
Department Of Environmental Protection**

Gentlemen:

Since 1988, the Pennsylvania Department Of Environmental Protection (DEP) has required Upper Yoder Township and surrounding municipalities to implement corrective action plans to eliminate Inflow and Infiltration into its Sanitary Sewer System. Upper Yoder

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Township Authority, has complied. Despite the system wide smoke and dye testing and the corrective actions that were taken, the inflow and infiltration has not been reduced. Buildings sewers and sewer mains are not water tight. By letter of April 16, 2008, the Pennsylvania Department of Environmental Protection (DEP) mandated that the 20 municipal sewer systems that contribute sewage flows to the Johnstown Wastewater Treatment Plant eliminate Sanitary Sewer Overflows (SSO's) by no later than June 30, 2021.

Upper Yoder Township Authority's system, like the other municipal systems, receives more rain and groundwater than it can convey to the Treatment Plant. Further, the Treatment Plant is receiving five times the amount of flows than it was designed to treat.

The mandate consists of the following:

- 2008 Phase I – Sewer System – evaluate and repair
- 2011 Phase II – Measure flows and discharges (intermunicipal flow metering)
- 2013-2017 Phase III -- Design and construct new or expanded conveyance, equalization and treatment facilities

DEP reserved all legal, equitable and administrative rights to require compliance with the mandate, including the right to abate the SSO's as nuisances and to assess civil penalties (by Complaint) for the SSO violations. Upper Yoder Township Authority has done everything in its power to insulate its Board Members and its customers from said punitive actions.

Despite all previous efforts to eliminate the SSO's, the Authority, nevertheless, was required to enter into a Consent Order and Agreement with DEP dated October 20, 2014, in order to mitigate the penalties and sanctions resulting from violations of the Clean Streams Law. The Consent Order and Agreement has required the Authority to eliminate all SSO's by June 30, 2021, and adopt Rules and Regulations requiring its customers to submit to water pressure testing, low air pressure testing or close circuit television inspection for each property being sold and as each segment of the rehabilitation project is successfully completed by the Authority.

The net result is 1,550 Authority customers are under tremendous financial strain.

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On April 30, 2015, Upper Yoder Township closed on its Pennsylvania Infrastructure Investment Authority ("Pennvest") loan in the amount of \$9,216,035 and grant in the amount of \$668,385, for the rehabilitation, repair or replacement of approximately seventeen miles of sewer mains, manholes and public laterals within its right of way to a point at or near the property line of its respective 1,550 customers, 95% of which are residential. Despite the Pennvest funding, the Authority received no additional grants or other financial assistance. The annual debt retirement for the Pennvest loan is \$384,469.44 for approximately 27.416 years. The project shortfall was another \$250,000. The Authority's total revenues for 2016 are \$692,000.

The Authority has been forced to increase the sewer rental rates by 100%. The Authority had also expended an additional \$350,000 from its sewer system management and maintenance funds for the loan application process. The minimum annual burden to the residential customers of Upper Yoder Township Authority for sewer rental and sewer treatment is approaching \$800. The Authority also has approximately 5% of its customers who are small businesses and three nursing homes. All sewer rates are based on consumption. The customers' estimates for Building Drain and Building Sewer rehabilitation from the Building Drain to the public lateral has ranged anywhere from \$3,500 for the 800 to 1,000 square foot bungalows to as much as \$80,000 for the 2,000 to 3,000 square foot, slab-on grade with radiant heat, single-family residential homes. One small 80 bed nursing home was required to escrow \$300,000 for pressure testing or CCTV inspection compliance. The residents of Upper Yoder Township, like the residents of Greater Johnstown, are suffering from high unemployment, population loss, a disproportionate amount of senior citizens and diminution of fair market value of homes, and are in an extremely financially distressed state. Hundreds of homes in the West Hills area are for sale and/or vacant. In addition, Upper Yoder Township is located within the Westmont Hilltop School District which has the highest real estate tax levy in Cambria County.

The residents and customers of Upper Yoder Township and Upper Yoder Township Authority have the support of the Upper Yoder Township Authority Board Members in asking for your assistance in finding avenues for grants and/or low interest loans to assist the residents of the Township and the customers of the Authority and its governing body in complying with these unfunded mandates.

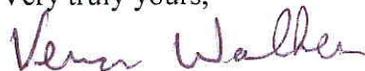
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We anticipate your cooperation in advance and look forward to hearing from you as soon as possible. In the meantime, we invite you to attend one of our regularly scheduled meetings. We meet at 7 p.m. on the third Monday of each month at the Township building located at 110 Sunray Drive, Suite 1, Johnstown, PA 15905.

Very truly yours,



Vernon Walker, Chairman
Upper Yoder Township Authority