



# pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

WATER MANAGEMENT PROGRAM

January 7, 2011

Howe Township Supervisors  
c/o Township Secretary  
22 Cherry Road  
Liverpool, PA 17045

Re: Act 537 Plan Update  
APS ID No. 629657  
DEP Code No. A3-50909-ACT  
Howe Township, Perry County

Ladies and Gentlemen:

We have reviewed your Official Act 537 Plan, submitted on November 4, 2010, prepared by Herbert, Rowland and Grubic, Inc., and entitled Act 537 Sewage Facilities Plan for Howe Township. The submission is consistent with the planning requirements given in Chapter 71 of the rules and regulations of the Department. The Plan provides for the adoption and implementation of an on-lot sewage system management ordinance, construction of public sanitary sewer facilities to serve the Juniata Parkway Study Area, and the S.R. 34 Planned Growth Area with treatment at the Newport Borough Municipal Authority's sewage treatment plant and adoption of a mandatory connection ordinance.

The plan is approved with the following conditions:

1. The Plan selects an on-lot management ordinance and program to provide assurance of proper operation and maintenance of the on-lot sewage facilities within the Township. A copy of the ordinance establishing the on-lot management program must be submitted to the Department upon enactment. In addition, annual reports that document the progress of the program's implementation must be submitted to the Department's Southcentral Regional Office by January 31<sup>st</sup> of each year. The report, at a minimum, should include a description of the program's status and progress, the number of pumps/inspections, and the number of malfunctions found and abated (with locations plotted on a map) for the previous year.
2. New land development subdivisions that propose the use of on-lot sewage disposal must complete a Component 2 planning module with a Preliminary Hydrogeologic Study when located within a ¼ mile of a well exhibiting greater than 5 mg/l of nitrate nitrogen as depicted on Map 14. Component 1 minor modules and on-lot disposal system planning exemptions are prohibited in these areas.

3. The Department notes that to establish consistency with the requirements for the protection of rare and endangered plant and animal species, the Pennsylvania Natural Diversity Inventory (PNDI) and the Pennsylvania Fish and Boat Commission, further information must be presented to the Pennsylvania Fish and Boat Commission as per their letter dated July 13, 2010, Appendix C. Permits will not be issued without documentation from the Pennsylvania Fish and Boat Commission that this issue has been addressed to their satisfaction.
4. Following final municipal adoption, copies of the OLDS Management, Mandatory Connection (or revised Subdivision and Land Development Ordinance) and any other ordinances associated with the implementation of Howe Township's Official Act 537 Plan must be submitted to the Southcentral Regional Office.
5. The approved project will require a Water 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 Part II Permit is a violation of The Clean Streams Law.
6. Other Departmental permits may be required for construction if encroachment to streams or wetlands will result. Information regarding the requirements for such permits or approvals can be obtained from the Department's Permitting and Technical Services Section, Watershed Management Program at the letterhead address or telephone 717.705.4802.

It is now Howe Township's responsibility to implement the 537 Plan in accordance with the schedules contained within the Plan.

Since the Department has approved your Plan, you are now eligible to receive a 50 percent planning cost reimbursement as provided under Section 6 of the Sewage Facilities Act (Act 537). A copy of the reimbursement application is enclosed. You are reminded that reimbursement applications must show detailed cost breakdowns of tasks completed or you will place your reimbursement in jeopardy.

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, PO 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

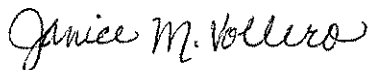
of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from 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. CALL THE SECRETARY TO THE BOARD (717.787.3483) FOR MORE INFORMATION.

If you have any questions, please call me at 717.705.4793.

Sincerely,



Janice M. Vollero  
Sewage Planning Specialist  
Water Management Program

Enclosure

cc: Herbert, Rowland & Grubic, Inc.  
Perry County Planning Commission