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MICHAEL J. SHERIDAN

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April 16, 2010

Keith Dudley, P.E.
Department of Environmental Protection
Southeast Regional Office
Two East Main Street
Norristown, PA 19401

**Re: Middle Interceptor of Lower Perkiomen Valley Regional Sewer Authority
Part II Permit and Related Permits**

Dear Mr. Dudley:

I am solicitor for Lower Providence Township. You have exchanged telephone calls and e-mails with Rick Brown, Chairman of the Board of Supervisors, in which he expressed the concerns and objections of Lower Providence Township to the middle interceptor, as presently proposed between Hoy Park and the Cider Mill Bridge. You requested that the concerns and objections be memorialized in writing.

The 537 Plan, as last adopted by the Lower Perkiomen Valley Regional Sewer Authority, specifically represented that the replacement to the middle interceptor would be located entirely in the existing right-of-way, paralleling the existing middle interceptor (see, for example, Page 103 of the 537 Plan). When the Township adopted a resolution approving the 537 Plan of the Regional Sewer Authority, it did so based on the recommendations and provisions of the 537 Plan, including the provision that the new middle interceptor would be located entirely within the existing right-of-way, paralleling the existing interceptor (See Resolution 02-61 attached). Therefore, the present proposed location of the middle interceptor on the Lower Providence side of the Perkiomen Creek between Hoy Park and the Cider Mill Bridge violates the provisions of Section 71.31 (f) of Title 25, Chapter 71. In addition, it is believed that the discrepancy between the 537 Plan of the Regional Sewer Authority and the proposed location of the middle interceptor also triggers the provisions of Section 71.32 (d)(7) of Title 25, Chapter 71 specifically concerning the Department's consideration of the impact of the regional Plan on the local municipality.

Mr. Keith Dudley, P.E.
April 16, 2010
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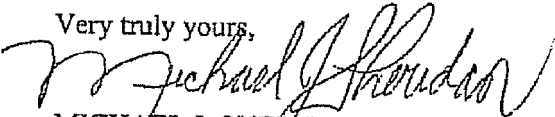
The Township has additional concerns about the impact which the change in the interceptor location has on environmental, ecological, and archaeological assets, including the following. There is evidence that the area impacted is a habitat for the Bog Turtle and the Redbelly Turtle and supports an existing population. This merits further investigation. There is evidence of the historical existence of an Indian settlement in the impacted area, and, in addition, a large and unique stone wall is located in the area, which may have historical significance. Both of these matters warrant further investigation. Finally, the change in the location of the middle interceptor will result in the clear-cutting of a 75 foot path through an established woodland that represents a valuable environmental asset.

Enclosed is a letter received by the Lower Providence Township Sewer Authority from the Regional Sewer Authority dated April 9, 2010, enclosing the various documents listed in the letter. Since the documents were received only a few days ago, the Township has not had a sufficient opportunity to review the various documents, including the reports analyzing environmental, ecological and archaeological issues. Accordingly, we reserve the right to supplement our objections after a thorough review of those documents.

Request is made that further action on the Part II permit, and any related approvals or permits, be delayed until all issues can be adequately analyzed and reviewed.

I understand that a site visit is being scheduled pursuant to a request made by Chairman Brown. We look forward to that site visit.

Very truly yours,



MICHAEL J. SHERIDAN

MJS:tn

Enclosure

cc: James Newbold
Jenifer Fields
Domenic Rocci
Joseph Feola
Barbara Ann Cepko (LPVRS)

Lower Providence Township
Montgomery County, Pennsylvania

RESOLUTION NO. 02-61

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 Resources (Department) adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code, requires the member Municipalities of the Lower Perkiomen Valley Regional Sewer Authority (LPVRSA) to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters and/or environmental health hazards with 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 municipalities, Lower Providence, Upper Providence, Perkiomen, Skippack Townships and Collegeville and Trappe Boroughs which Act 537 Plan is consistent with the respective Township or Borough's Act 537 Plan and incorporates the individual Township and Borough's Act 537 Plans.

WHEREAS, R. F. Preston Engineering, Inc. has prepared an Act 537 Plan Revision dated March 2000, revised May 2001 and Addendum Number 1 dated November 2001 which provides for sewage facilities in a portion of this municipality; and

WHEREAS, the Lower Perkiomen Valley Regional Sewer Authority (LPVRSA) has conducted public hearings on July 11, 2001 and December 21, 2001 in accordance with Pennsylvania Sewage Facilities Act.

WHEREAS, this municipality finds that the Facility Plan described above conforms to applicable zoning, subdivision, other municipal ordinances and plans and to a comprehensive program of pollution control and water quality management of the undersigned municipality.

NOW, THEREFORE, BE IT RESOLVED that the Supervisors of Lower Providence Township hereby adopt and submit to the Department of Environmental Protection for its approval as a revision to its "Official Plan", the above referenced Facility Plan. The Municipality also hereby acknowledges and adopts the five-year capital improvement plan of the LPVRS, as described in the above referenced Facility Plan, for the purposes of Act 203 of 1990. This 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).

The alternative of choice to be implemented is described below, items 1 and 2

1. The total treatment capacity of the facilities known collectively as the Oaks Wastewater Treatment Plant, shall be expanded from 9.50 MGD to 14.25 MGD. New facilities will be designed to meet the effluent discharge criteria stated therein or less stringent criteria proposed by the Pennsylvania Department of Environmental Protection. The process to be utilized in the new facilities will match the existing variable step feed activated sludge process with sodium hypochlorite disinfection with provisions for sodium bisulfite dechlorination and landfilling of residual solids.
2. New sewer interceptor lines will be constructed paralleling the Perkiomen Creek Interceptor at the sections identified below. The existing interceptor will remain in place to increase available conveyance capacity as required and to receive and convey excess flows. "Slip lining" may be utilized to enhance the integrity of the existing interceptor.

Section	Year New Line to be Constructed
PA to P-22	2003
P-22 to P-38	2003
P-38 to P-60	2006
P-60 to P-78	2006
P-78 to P-80	2006
P-80 to P-93	2006

P-93 to P-124
P-124 to P-136A
P-155 to P-162

2003
2003
2003

RESOLVED, this 18th day of July, 2002, at a duly advertised public

LOWER PROVIDENCE TOWNSHIP
BOARD OF SUPERVISORS

By: John P. Lomire
John P. Lomire, Chairman

Attest: Daniel P. Olpere
Daniel P. Olpere, Secretary

cc: Daniel P. Olpere, Township Manager
Thomas Cicippio, LPT Sewer Authority
Blake Dunbar, Solicitor

(11)100LE
LOWER PERKIOMEN VALLEY REGIONAL SEWER AUTHORITY INTERCEPTOR

April 9, 2010

Mr. Tom Cicippio, Manager
Lower Providence Township Sewer Authority
100 Parklane Drive
Eagleville, Pennsylvania 19403

Re: Request for Documents

Dear Tom:

Enclosed are the following documents as per your email requests of March 22 and March 25, 2010 relative to the middle interceptor project that extends through Lower Providence Township:

1) There are 34 sewer easements and access easements needed throughout the length of the project in Lower Providence Township: 32 temporary/permanent easements for the construction of the interceptor and 2 easements to be obtained to provide temporary construction access and permanent maintenance access to the project area.

There are exhibit drawings for each easement and an excel spreadsheet indicating the status of each easement. Agreements for the two access easements have been executed. Seventeen of the thirty-two construction easements have been executed to date.

- 2) Bog Turtle Phase I Survey by Seth Bacon
- 3) Endangered Slender Blue Flag Habitat Evaluation by Seth Bacon
- 4) Phase I Redbelly Turtle Habitat Evaluation by Herpetological Associates, Inc.
- 5) Red-Bellied Turtle Presence/Absence Survey by Trident Environmental Consultants
- 6) Correspondence:
 - a) PA Fish & Boat Commission to Bursich dated April 27, 2009
 - b) PA Fish & Boat Commission to Bursich dated November 5, 2009
 - c) Trident Environmental to PA Fish & Boat Commission dated November 11, 2009
 - d) PA Fish & Boat Commission to Trident dated March 19, 2010, indicating that the Commission does not anticipate the proposed activity to have any significant adverse impacts to the redbelly turtle or any other rare or protected species under PA Fish & Boat Commission jurisdiction.
- 7) Phase Ib Archaeological Survey by Cultural Heritage Research Services, Inc.
Phase II Archaeological Survey and Phase III Work Plan by Cultural Heritage Research Services, Inc.,

Correspondence:

- a) PHMC to Bursich, April 13, 2009
- b) Bursich to PHMC, July 21, 2009
- c) Bursich to LPVRS, July 21, 2009
- d) Bursich to U.S. Army Corp of Engineers, October 14, 2009

B) Water Quality Management Part II Permit Application

9) Joint Application for PA Water Obstruction and Encroachment Permit and U.S. Army Corps of Engineers Section 404 Permit, Volumes 1 and 2

Correspondence:

- a) Bursich to PA DEP, January 20, 2009, Transmittal for Joint Permit Package
- b) Bursich to LPVRS, March 23, 2010, Status of Middle Interceptor Permit Process
- c) Bursich to PA DEP, July 28, 2009, Response to Application Deficiencies
- d) List of Deficiencies, February 10, 2009
- e) Bursich to U.S. Army Corp of Engineers, July 30, 2009, Joint Permit Application
- f) PA DEP to LPVRS, August 7, 2009, application administratively incomplete

10) Environmental Assessment for Oaks Middle Interceptor

11) Bursich to Montgomery County Conservation District, January 20, 2009, General Permit Application, Erosion & Sediment Control Plans & Report, Fee, Joint Permit Application

Correspondence:

- a) MCCD to LPVRS, February 5, 2009, Application incomplete
- b) MCCD to LPVRS, June 30, 2009, Status of project
- c) Bursich to MCCD, Oct 9, 2009, Revisions
- d) MCCD to LPVRS, October 14, 2009, potential PNDI Impact missing

Please let me know if you need any other information.

Sincerely,
Lower Perkiomen Valley
Regional Sewer Authority



Barbara Ann Cepko
Manager

Enclosures

cc: LPVRS Board Members
William Dingman, Bai