

**AGENDA**  
**EAST GOSHEN TOWNSHIP**  
**BOARD OF SUPERVISORS**  
Tuesday, February 21, 2017  
7:00 PM

The Board will meet in Executive Session from 5:30 PM to 7:00 PM  
for a legal matter and a real estate matter.

1. Call to Order
2. Pledge of Allegiance
3. Moment of Silence – Supervisor Carmen Battavio
4. Ask if anyone is recording the meeting
5. Chairman’s Report
  - a. Announce that the Board met in executive session prior to tonight’s meeting for a legal matter and a real estate matter.
6. **Public Hearing**
  - a. The Board will conduct a public hearing to consider an ordinance that amends the Alarm Systems Ordinance. The proposed ordinance amends the definitions of “false alarm” and “fire department” and adds a definition for “false fire alarm”; amends § 81-12 to establish that the fees for false alarms shall be established by Resolution of the Board; adds a new §81-13 to establish false fire alarm fees to be established by Resolution of the Board.
  - b. **The Board will also consider adopting Resolution 2017-34A which shall establish the false alarm fees and false fire alarm fees as follows:**
    - 1<sup>st</sup> false alarm: warning issued;
    - 2<sup>nd</sup> false alarm: warning issued;
    - 3<sup>rd</sup> and 4<sup>th</sup> false alarm: \$100;
    - 5<sup>th</sup> and 6<sup>th</sup> false alarm: \$200; and
    - 7<sup>th</sup> false alarm and for each false alarm thereafter: \$500.
  
    - 1<sup>st</sup> false fire alarm: a warning will be issued;
    - 2<sup>nd</sup> false fire alarm: a warning will be issued;
    - 3<sup>rd</sup> and 4<sup>th</sup> false fire alarm: \$500;
    - 5<sup>th</sup> and 6<sup>th</sup> false fire alarm: \$1,000; and
    - 7<sup>th</sup> false fire alarm and for each false fire alarm thereafter: \$2,000.
7. Emergency Services Reports
  - WEGO – Chief Brenda Bernot
  - Goshen Fire Co – none
  - Malvern Fire Co – none
  - Fire Marshal – none
8. **Financial Report – January 2017**
9. Liaison Reports
10. Old Business - none

11. New Business
  - a. Consider open letter from Robert Cosby concerning the age of the Hershey Mill Dam.
  - b. Consider Bicentennial Celebration
  - c. Consider security cameras for Township Building and Ridley Creek Sewer Plant
  - d. Consider Resolutions for West Chester Pike Green Light Go Program
  - e. Review Pension Committee Report
  - f. Consider Medical Marijuana Use
  - g. Consider Proposal for Construction Cost Estimate for the Hershey Mill Dam
12. Any Other Matter
13. Approval of Minutes
  - a. February 7, 2017
14. Treasurer's Report – February 16, 2017
15. Correspondence, Reports of Interest
  - a. February 13, 2017 PA DEP Erosion and Sediment Control Permit for PA Pipeline Project/Mariner East 2
  - b. February 13, 2017 PA DEP Water Obstruction and Encroachment Permit for PA Pipeline Project/Mariner East 2
  - c. February 6, 2017 Significant Outage Letter from Verizon
  - d. February 3, 2017 Act 14 Notice from West Goshen Sewer Authority
16. Public Comment – Hearing of Residents
17. Adjournment

The Chairperson, in his or her sole discretion, shall have the authority to rearrange the agenda in order to accommodate the needs of other board members, the public or an applicant.

#### Dates of Importance

Feb 22, 2017	Milltown Dam Committee	7:00pm
Feb 22, 2017	Futurist Committee	7:00pm
Feb 23, 2017	Hershey's Mill Dam Committee	6:30pm
Mar 01, 2017	Planning Commission	7:00pm
Mar 02, 2017	Park and Recreation Commission	7:00pm
Mar 07, 2017	Board of Supervisors	7:00pm
Mar 08, 2017	Conservancy Board	7:00pm
Mar 09, 2017	Paoli Pike Corridor Master Plan	7:00pm
Mar 21, 2017	Board of Supervisors	7:00pm
Mar 22, 2017	Futurist Committee	7:00pm
Mar 22, 2017	Milltown Dam Committee	6:30pm
Mar 23, 2017	Hershey's Mill Dam Committee	7:00pm

Newsletter Deadlines for Summer of 2017: May 1st

**NOTICE IS GIVEN** that the Board of Supervisors of East Goshen Township will conduct a public hearing on Tuesday, February 21, 2017 as part of the public meeting which begins at 7:00 p.m., prevailing time at the Township municipal building located at 1580 Paoli Pike, West Chester, Pennsylvania 19380 to consider and possibly adopt an amendment to Chapter 81 of the East Goshen Township Code, titled "Alarm Systems". The ordinance has the following title:

**AN ORDINANCE OF EAST GOSHEN TOWNSHIP,  
CHESTER COUNTY, PENNSYLVANIA, AMENDING THE  
CODE OF EAST GOSHEN TOWNSHIP, CHAPTER 81,  
TITLED, "ALARMS "**

In summary, the Ordinance amends the definitions of "false alarm" and "fire department" and adds a definition for "false fire alarm"; amends § 81-12 to establish that the fees for false alarms shall be established by Resolution of the Board; adds a new §81-13 to establish false fire alarm fees to be established by Resolution of the Board.

The Board will also consider adopting a revised fee schedule which shall establish the false alarm fees and false fire alarm fees as follows:

- 1<sup>st</sup> false alarm: warning issued;
  - 2<sup>nd</sup> false alarm: warning issued;
  - 3<sup>rd</sup> and 4<sup>th</sup> false alarm: \$100;
  - 5<sup>th</sup> and 6<sup>th</sup> false alarm: \$200; and
  - 7<sup>th</sup> false alarm and for each false alarm thereafter: \$500.
- 
- 1<sup>st</sup> false fire alarm: a warning will be issued;
  - 2<sup>nd</sup> false fire alarm: a warning will be issued;
  - 3<sup>rd</sup> and 4<sup>th</sup> false fire alarm: \$500;
  - 5<sup>th</sup> and 6<sup>th</sup> false fire alarm: \$1,000; and
  - 7<sup>th</sup> false fire alarm and for each false fire alarm thereafter: \$2,000.

The complete verbatim text of the proposed Ordinance and Resolution are available for public inspection and may be examined without charge or obtained for a charge not greater than the cost thereof at the Township's administrative offices at the above address during the normal business hours, 7:00 a.m. to 5:30 p.m., Monday through Friday, and are also on file for public inspection at the offices of the *Daily Local News*, 250 North Bradford Avenue, West Chester, Pennsylvania and the Chester County Law Library, Chester County Justice Center, Suite 2400, 201 W. Market Street, West Chester, PA 19380, where the same may be examined without charge. If any person requires an accommodation to participate in the hearing, please contact the Township building at least 24 hours in advance of the hearing at (610) 692-7171.

Louis F. Smith, Jr., Manager  
East Goshen Township

**PLEASE PUBLISH ON FEBRUARY 13, 2017**

**EAST GOSHEN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 129 – 09 - \_\_\_\_**

**AN ORDINANCE OF EAST GOSHEN TOWNSHIP,  
CHESTER COUNTY, PENNSYLVANIA, AMENDING THE  
CODE OF EAST GOSHEN TOWNSHIP, CHAPTER 81,  
TITLED, "ALARM SYSTEMS ".**

BE IT ENACTED AND ORDAINED by the Board of Supervisors of East Goshen Township as follows:

SECTION 1. Chapter 81, titled, "Alarm Systems" shall be amended to read as follows:

**Chapter 81  
ALARM SYSTEMS**

**§ 81-1. Short title.**

This chapter shall be known as the "East Goshen Township Alarm Ordinance."

**§ 81-2. Definitions.**

The following definitions shall apply to the interpretation and enforcement of this chapter.

**ALARM MONITORING COMPANY** -- Any person, firm or corporation that monitors one or more Alarm System(s), and upon the receipt of a signal from an Alarm System notifies the Chester County 9-1-1 of the emergency.

**ALARM SYSTEM** -- Any assembly of equipment composed of sensory apparatus and related hardware which transmits a signal from the premises to an Alarm Monitoring Company advising them of an emergency. Smoke alarms, carbon monoxide detectors, etc., that are not connected to an Alarm Monitoring Company and whose sole purpose is to notify the occupants of the property of an emergency shall not be considered an "Alarm System" for the purpose of this chapter.

**ALARM SYSTEM SUPPLIER** -- Any person, firm or corporation who sells or leases and/or installs Alarm Systems.

**AUDIBLE ALARM** -- Any device, bell, horn or siren which is attached to the exterior of a building and emits a warning signal audible outside of the building and that is designed to attract attention when activated.

CHESTER COUNTY 9-1-1 -- The 9-1-1 Emergency Call Center operated by the Chester County Department of Emergency Services.

FALSE ALARM- An alarm received by Chester County 9-1-1 that results in a response from the Police Department activated by; inadvertence, negligence, or an unintentional act including the malfunction of the Alarm System; the intentional activation of a hold up alarm for other than a hold up in progress; the intentional activation of a burglary alarm for other than a burglary in progress. A false alarm shall not include alarms which are activated as a result of acts of God, such as earthquakes, floods, windstorms, thunder or lightning, or as a result of the testing or repairing of telephone or electrical lines or equipment outside of the premises.

FALSE FIRE ALARM - A alarm received by Chester County 9-1-1 that results in a response from the Fire Department activated by; inadvertence, negligence, or an unintentional act including the malfunction of the Alarm System; the activation of a fire alarm for other than an actual fire; or the intentional activation of a medical alarm for other than a medical emergency. A false fire alarm shall not include alarms which are activated as a result of acts of God, such as earthquakes, floods, windstorms, thunder or lightning, or as a result of the testing or repairing of telephone or electrical lines or equipment outside of the premises.

FIRE DEPARTMENT – The Goshen Fire Company or Malvern Fire Company, or their respective successor fire companies who provide fire protection services to the Township. The term includes any other fire company or other emergency medical services unit providing intermittent coverage to the Township.

KEY BOX- A secure, tamperproof device with a lock operable only by a Fire Department master key which contains building entry keys and other keys that may be required for access in an emergency. Also known as a “Knox Box”.

KEYED -- To use a telephone, radio or any other equipment to transmit (send) a message from an Alarm System to the Alarm Monitoring Company.

PERSON -- The term "person" appearing herein shall include and be construed to mean any person, firm, corporation or other entity.

POLICE DEPARTMENT -- The Police Department operating under the direction of the Westtown-East Goshen Police Commission.

TOWNSHIP -- The Township of East Goshen, Chester County, Pennsylvania.

**§ 81-3. Permit required for new Alarm System.**

- A. Installation. Any owner, lessee or user of property, or their authorized agent, who intends to install an Alarm System shall first make application to the Township and obtain the required permit prior to the installation of any Alarm System. The application shall be made on forms provided by the Township and shall include the following information:

- (1) Property Owner's name, address and phone number;
  - (2) Address and description of the property where the Alarm System is proposed to be installed;
  - (3) Make and model of the Alarm System;
  - (4) Name, address and phone number of the contractor or person who will install the Alarm System.
- B. Permit Fee. The application shall be accompanied by the permit fee. The permit fee shall be established from time to time by resolution of the Board of Supervisors.
- C. Exemptions. A permit is not required for the installation of smoke detectors, carbon monoxide detectors, or similar detectors which are installed for the purpose of notifying the occupants of that location of an emergency condition, provided that all of the following conditions are met:
- (1) The alarm is not connected to an Alarm Monitoring Company;
  - (2) The alarm does not sound outside the location (no external speakers); and
  - (3) The internal signal by the alarm does not exceed 90 decibels.

**§ 81-4. Audible alarm restrictions.**

- A. All Audible Alarms shall be equipped with a timing device which will shut off the Audible Alarm after a maximum period of 15 minutes.
- B. Audible Alarms without such a timing device will be unlawful in the Township and must be disconnected by the owner, lessee or user within 60 days from the effective date of this Ordinance.

**§ 81-5. Alarm Systems to be Keyed.**

All Alarm Systems must be Keyed to an Alarm Monitoring Company.

**§ 81-6. Operational Requirements.**

- A. The sensory apparatus used in connection with an Alarm System must be adjusted to suppress false indications of intrusion, so that the device will not be actuated by changing pressure in the water pipes, short flashes of light, the rattling or vibrations to the premises caused by the passing of vehicles or any other force not related to a genuine alarm.

- B. All components comprising an Alarm System must be maintained in good repair to assure maximum reliability of operation.

**§81-7. Disconnection due to malfunctioning.**

- A. When alarm messages are received by Chester County 9-1-1 evidencing failure to comply with the aforementioned operational requirements, and the Township concludes that the Alarm System is malfunctioning, the Township is authorized to demand that the owner, lessee or user of the Alarm System disconnect the Alarm System until it is brought into compliance with the operational requirements.
- B. If disconnection of the defective Alarm System is not accomplished within 48 hours of notification by the Township, this shall be considered a violation of this chapter. The Township shall notify the Chester County 9-1-1 that the Alarm System is malfunctioning. In addition the Township may then take appropriate action to disconnect the defective Alarm System. This remedy shall be in addition to and shall not affect the penalty provisions prescribed in §81-14. For purposes of this provision, two or more false alarms or two or more false fire alarms within any thirty-day period shall be sufficient evidence for the Township to determine that the Alarm System is malfunctioning.

**§ 81-8. Conformance with National Electrical Code.**

Alarm Systems must conform to the requirements contained in the National Electrical Code.

**§ 81-9. Inspections.**

For the purpose of enforcing this chapter, the Police Chief, Fire Marshal and/or the Township Manager or their duly authorized designees are hereby authorized to enter upon an owner's, lessee's or user's premises at a reasonable time upon written notice, or in the event of an emergency, at any time, to make inspections of installation and/or operation of an Alarm System.

**§ 81-10. Testing and Maintenance.**

- A. No person shall conduct any test, demonstration or perform any maintenance of an Alarm System installed pursuant to this chapter without first notifying the Alarm Monitoring Company.
- B. Prior to conducting any testing, demonstration or maintenance of an Alarm System, the contractor or technician who performs the testing, demonstration or maintenance shall notify the Alarm Monitoring Company and request that the Alarm System be placed in "test condition" and that no response is necessary to an alarm.

- C. Upon completion of the testing, demonstration or maintenance the contractor or technician who performs the testing, demonstration or maintenance shall notify the Alarm Monitoring Company that the Alarm System is back in service and that a response is necessary in the event of an alarm.
- D. Any owner, lessee or user, or their designated contractor or technician, who performs maintenance or testing on an Alarm System without first notifying the Alarm Monitoring Company prior to performing maintenance or testing, which then results in a False Alarm, may be subject to the false alarm fee and/or false fire alarm fee established in this chapter.

**§ 81-11. Notification of Ordinance.**

The Township will provide a copy of this Ordinance to the owners, lessees, and users of property which have been issued a permit for a new Alarm System.

**§ 81-12. False Alarm fee schedule.**

- A. Establishment of False Alarm fees. For the purpose of defraying the costs to the Police Department of responding to false alarms, a false alarm fee shall be imposed. The False Alarm fee shall be established from time to time by resolution of the Board of Supervisors.
- B. Each such payment provided for in §81-12A shall be a civil claim by the Township and is in addition to and shall not affect the penalty provisions prescribed in §81-14.
- C. If the owner, lessee or user of any Alarm System fails to pay the false alarm fee within 30 days after receiving an invoice from the Township, the Township shall enforce such fee, together with interest at the legal rate and court costs, in a civil enforcement proceeding brought before a District Justice. Proceedings for collection thereof shall not affect or impair the Township's enforcement of this chapter pursuant to the penalty provisions of § 81-14 hereof.
- D. Violation. It shall be a violation of this chapter for any person to activate or cause to be activated an Alarm System with the intent or for the purpose of sending a false alarm.

**§ 81-13. False Fire Alarm fee schedule.**

- A. Establishment of False Fire Alarm fees. For the purpose of defraying the costs to the Fire Department of responding to false alarms, a false fire alarm fee shall be imposed. The False Fire Alarm fee shall be in addition to the False Alarm Fee imposed pursuant to §81-12A. The False Fire



Alarm fee shall be established from time to time by resolution of the Board of Supervisors.

- B. Each such payment provided for in §81-13A shall be a civil claim by the Township and is in addition to and shall not affect the penalty provisions prescribed in §81-14.
- C. If the owner, lessee or user of any Alarm System fails to pay the false fire alarm fee within 30 days after receiving an invoice from the Township, the Township shall enforce such fee, together with interest at the legal rate and court costs, in a civil enforcement proceeding brought before a District Justice. Proceedings for collection thereof shall not affect or impair the Township's enforcement of this chapter pursuant to the penalty provisions of §81-14 hereof.
- E. Violation. It shall be a violation of this chapter for any person to activate or cause to be activated an Alarm System with the intent or for the purpose of sending a False Fire Alarm.

**§ 81-14. Violations and penalties.**

- A. Any person who violates or permits the violation of any provision of this chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township before a District Justice, pay a fine for each such violation in an amount not less than \$100 and not more than \$600, plus all court costs, including reasonable attorney's fees, incurred by the Township. No judgment shall be imposed until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.
- B. Any person found liable of misuse, false activation or continual activation of an Alarm System shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township before a District Justice, pay a fine for each such violation in an amount not less than \$100 and not more than \$600, plus all court costs, including reasonable attorneys fees, incurred by the Township. No judgment shall be imposed until the date of determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

**SECTION 2. Severability.** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had

such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 3. Repealer.** All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

**SECTION 4. Effective Date.** This Ordinance shall become effective five days after its enactment as law provides.

ENACTED AND ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
Louis F. Smith, Secretary

\_\_\_\_\_  
E. Martin Shane, Chairman

\_\_\_\_\_  
Carmen R. Battavio, Vice-Chairman

\_\_\_\_\_  
Charles W. Proctor, III, Esquire, Member

\_\_\_\_\_  
Janet L. Emanuel, Member

\_\_\_\_\_  
Michael P. Lynch, Member

**EAST GOSHEN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**RESOLUTION 2017-34A**

**A RESOLUTION ESTABLISHING AND CONSOLIDATING  
THE VARIOUS FEES AND CHARGES IMPOSED  
PURSUANT TO THE CODE OF THE TOWNSHIP**

**WHEREAS**, the Code of East Goshen Township authorizes the Board of Supervisors to establish various fees and charges by resolution, and:

**WHEREAS**, the Board of Supervisors believes that it's in the best interests of the Township to consolidate all of the fees and charges into a single resolution.

**BE IT RESOLVED THAT** the East Goshen Township Board of Supervisors hereby establishes the following fee schedule for 2017.

1. **Building/Zoning Permit Fees**

- a. Residential Dwelling Units - includes all types of residential buildings.
  - i. New Construction - Calculated using the ICC method with a minimum charge of \$200.00.
  - ii. Accessory Buildings - Calculated using the ICC method with a minimum charge of \$200.00.
  - iii. Building Additions - Calculated using the ICC method with a minimum charge of \$200.00.
  - iv. Decks, Patios, Terraces
    - 1. 150 square feet or smaller - \$100.00
    - 2. Greater than 150 square feet - \$150.00
    - 3. Re-decking of surface materials and or replacement of railings or steps - \$50.00
  - v. New and replacement plumbing, HVAC, and sprinkler systems; any other permanent system; re-roofing; and re-siding shall be calculated at 1% of the project cost with a minimum permit fee of \$100.00.
  - vi. Flagpoles - all permit fees shall be waived for the installation of a flagpole on any residential lot.
  - vii. Alarms - New and replacement monitored alarm systems - \$40.00 permit.
  - viii. Zoning Permit – Any project which increases the footprint of a residential structure or adds a structure to the property requires a zoning permit - \$50.00

NOTES:

- All measurements and calculations shall be outside dimensions.
  - The above fee includes the residential building code plan review, all required inspections, Certificate of Occupancy and the Building Energy Act if applicable.
  - The ICC permit fee method and construction costs tables are published in the ICC Building Safety Journal.
  - The Township Permit Fee Multiplier used to calculate the ICC Permit Fee shall be .01.
- b. Non-Residential Buildings - Includes commercial, industrial, and institutional buildings.
- i. New Construction and Additions - Calculated using the ICC method with a minimum charge of \$200.00
  - ii. New plumbing, HVAC, alarm and sprinkler systems shall be calculated @ 1% of the project value with a minimum charge of \$200.00.
  - iii. Replacement plumbing, HVAC, alarm and sprinkler systems; any other permanent systems; re-roofing; and re-siding shall be calculated @ 1% of the project value with a minimum charge of \$200.00.
  - iv. Alterations and fitting out of space - Calculated using the ICC method with a minimum charge of \$200.00
  - v. Flagpoles - All permit fees shall be waived for the installation of a flagpole on any commercial or industrial lot.
  - vi. Zoning Permit – Any project which increases the footprint of a commercial building structure or adds a structure requires a zoning permit - \$150.00

NOTES:

- The above fee includes the commercial building code plan review, all required inspections, Certificate of Occupancy and the Building Energy Act if applicable.
- The Township Permit Fee Multiplier used to calculate the ICC Permit Fee shall be .01.

c. Miscellaneous Categories

- i. Swimming Pools
  - 1. In-Ground - \$225.00
  - 2. Above-Ground - \$75.00
  - 3. Jacuzzi or Hot Tub - \$75.00

- ii. Demolitions
    - 1. Residential - \$50.00
    - 2. Commercial - Shall be calculated at 1% of estimated cost with a minimum of \$100.00.
  - iii. Impervious Surfaces - \$75.00 plus engineering, stormwater management permit and inspection costs: includes new driveways, widening of existing driveways by more than 25%, parking lots, tennis courts, etc. Driveways with new homes excluded.
  - iv. Renovations, alterations, structures, and facilities; including but not limited to porch enclosures, satellite dishes, silos and water towers, antenna towers, wind and solar energy systems, and the completion of unfinished areas shall be calculated at 1% of estimated cost with a minimum permit fee of \$100.00.
    - 1. As per Section 108 of the ICC 2006, if, in the opinion of the building official, the valuation of the permit is under-estimated, the permit will be denied unless detailed estimates can be shown to meet the approval of the building official. The final building valuation will be set by the building official.
  - v. Missed Inspections - \$25.00 per occurrence - All missed inspection fees shall be paid prior to the issuance of the Certificate of Occupancy.
  - vi. No Permit Fee - Any person who commences work on a building, structure, electrical, gas, mechanical, or plumbing system prior to obtaining the necessary permits shall be subject to a \$150.00 fee for residential and \$200.00 for commercial in addition to the applicable building permit and/or zoning permit fee. The Township in its sole discretion may elect to issue a citation for violation of the applicable building code.
  - vii. PA UCC Continuing Education Fee of \$4.00 for every Building Permit Issued.
- d. Zoning Permits. Although a Building Permit is not required for the following structures pursuant to the Uniform Construction Code (Act 45 of 1999), a Zoning Permit is required. The Zoning Permit fee is \$50.00.
- i. The following structures if the structure has a building area less than 500 square feet and is accessory to a single family detached dwelling.
    - 1. Carport
    - 2. Detached Garage
    - 3. Greenhouse
    - 4. Sheds
  - ii. An agricultural building as defined under section 103 of the Uniform Construction Code (Act 45 of 1999).
  - iii. Manufactured or industrialized housing pursuant to section 901 of the Uniform Construction Code (Act 45 of 1999)

## 2. Subdivision and Land Development Fees

- a. Subdivision Review
  - i. 2 lots - \$200.00 per plan
  - ii. 3 or more lots on existing streets - \$250.00 per plan
  - iii. 3 or more lots requiring new streets - \$400.00 per plan
- b. Land Development Review
  - i. Less than 4 Acres - \$200.00 per plan
  - ii. 4 Acres to 24.99 Acres - \$350.00 per plan
  - iii. 25 Acres to 99.99 Acres - \$600.00 per plan
  - iv. 100 Acres or More - \$850.00 per plan
- c. Lot Line and/or Minor Revision Review
  - i. \$150.00 per plan
- d. Additional costs for Subdivision, Land Development and Lot Line and/or Minor Revision Reviews shall be as follows:
  - i. The applicant shall pay the review fees of the professional consultants utilized by the Township during its review of the subdivision or land development application. The applicant shall submit \$2,000.00 to the Township at the time of the submission of the subdivision or land development application. This money shall be placed in an interest bearing account held by the Township and monies shall be disbursed from this account to pay the actual costs of the professional consultants. The Township shall provide the applicant with a breakdown of all monies disbursed from the account. If the account balance goes below \$500.00 the applicant shall deposit additional monies sufficient to bring the account balance back up to \$2,000.00. Upon approval or denial of the land development or subdivision application and payment of the final invoices from the professional consultants the balance of funds in the account plus any interest shall be returned to the applicant.
  - ii. The applicant shall reimburse the Township for the actual cost of all legal, engineering, inspections and materials tests, incurred during construction and up to acceptance, by the Township, of the improvements.
  - iii. The applicants shall pay all Chester County Planning Commission, Chester County Health Department, Department of Environmental Protection, Chester County Soil Conservation District and Penn Dot review fees, and all recording costs.
- e. Inspections
  - i. Township Engineer - prevailing rate
  - ii. Township Engineer Inspector - prevailing rate

iii. Township Inspector - prevailing rate

3. **Public Hearings before the Zoning Hearing Board and Board of Supervisors**

- a. The applicant shall deposit with the Township \$450.00 to defray the cost of the following:
  - i. One half (½) the cost of preparation and publication of "Notice of Public Hearing".
  - ii. Posting of the property by the Township Staff.
  - iii. One half (½) of the appearance fee of the court reporter.
  - iv. Other miscellaneous administrative charges.
  - v. The cost for mailing a hearing notice letter to all property owners within 1,000 feet of the property.
- b. If the monies paid to the Township pursuant to Section a. are insufficient to insure payment of all costs incurred in the disposition of the application the Township shall require additional deposits in increments of one hundred dollars (\$100.00). The failure of the Township to demand additional deposits from time to time shall not relieve the applicant from liability for all costs, charges, fees and expenses in excess of deposits.
- c. Monies paid which are in excess of the actual costs shall be refunded to the applicant within 30 days of receipt of the written decision.
- d. Referring to b and c above; if the total costs exceed the monies paid by less than \$10.00 there will be no additional charge and conversely, there will be no refunds given for amounts under \$10.00.
- e. Conditional Use Professional Consultants – The applicant shall pay the review fees of the professional consultants utilized by the Township during its review of the conditional use application. The applicant shall submit \$2,000.00 to the Township at the time of the submission of the application for a conditional use. This money shall be placed in an interest bearing account held by the Township and monies shall be disbursed from this account to pay the actual costs of the professional consultants. The Township shall provide the applicant with a breakdown of all monies disbursed from the account. If the account balance goes below \$500.00 the applicant shall deposit additional monies sufficient to bring the account balance back up to \$2,000.00. Upon approval or denial of the conditional use application and payment of the final invoices from the professional consultants the balance of funds in the account plus any interest shall be returned to the applicant.

4. **Sign Permits**

- a. Less than 32 Square Feet - \$25.00
- b. 32 Square Feet or More - \$75.00

5. **Hearings Before the International Code Council Board of Appeals and Stormwater Appeals Board**

- a. There shall be a filing fee of \$100.00.
- b. In addition, the applicant shall deposit with the Township \$400.00 to defray the cost of the following:
  - i. Preparation and mailing of the list and/or labels bearing the names of property owners to be notified.
  - ii. Preparation of the hearing notice and affidavit of certification.
  - iii. Publication of "Notice of Public Hearing".
  - iv. Posting of the property by the Building Inspector.
  - v. One half (½) of the appearance fee of the court reporter.
  - vi. Other miscellaneous administrative charges.
  - vii. The cost for a copy of the transcript if requested by the applicant.
- c. If the monies paid by the applicant pursuant to Section b are insufficient to insure payment of all costs incurred in the disposition of the application, the Township shall require additional deposits in increments of one hundred dollars (\$100.00). The failure of the Township to demand additional deposits from time to time shall not relieve the applicant from liability for all costs, charges, fees and expenses in excess of deposits.
- d. Monies paid which are in excess of the actual costs shall be refunded to the applicant.
- e. Referring to c and d above; if the total costs exceed the monies paid by less than \$10.00 there will be no additional charge and conversely, there will be no refunds given for amounts under \$10.00.

6. **Sewer, Refuse and Real Estate Tax Certification**

- a. Per Certification - \$5.00 – Fee must be paid prior to certification being issued.

7. **Collection Procedures**

- a. The Township Manager is authorized to collect any monies due and payable to the Township under this resolution in the manner prescribed by law.
- b. Any costs associated with the collection of these fees shall be the responsibility of the applicant and/or property owner as applicable.

8. **Returned Checks & ACH Payments**



- a. Any check or ACH payment received by the Township pursuant to this resolution or any other ordinance shall be deposited in the authorized Township depository (bank).
- b. All checks or ACH payments returned by the Township depository (bank) to the Township, for insufficient funds or any other reason shall have a letter written to the check writer or ACH payee advising that their check or ACH payment has been returned by the bank and that they should re-issue payment immediately.
- c. The check writer or ACH payee's account shall be updated to indicate that a payment was not made.
- d. Any check or ACH payment that is returned to the Township will result in the imposition of a \$20.00 fee in addition to any fees imposed by the Township depository (bank), both of which shall be applied to the appropriate account.

9. **Park Fees**

- a. The following fees will be charged to those groups or individuals who reserve a facility for a specific date and time.

NOTES:

- The use of passive parks is limited to passive events only.
  - Each day is divided into three time periods:
    - Morning - 7 am to Noon
    - Afternoon - Noon to 5 pm
    - Evening - 5 pm to Dusk
  - The West Chester Area School District is exempt from all fees.
  - Separate checks shall be provided in the event a deposit is required.
  - Deposit checks will be returned after the facility has been inspected and found to be in good condition.
- i. Pavilion (per event):
    1. 1 to 100 people - \$100.00 rental fee with \$50.00 refundable deposit
    2. Over 100 people - \$200.00 rental fee with \$100.00 refundable deposit
  - ii. Volleyball Courts (cost per court):
    1. \$30.00 per time period
  - iii. Passive Parks (all Township owned open space except for the 55 acre Township Park. Per event):
    1. 1 event - \$50.00 with \$25.00 refundable deposit
  - iv. Baseball, Softball, Soccer Fields and Tennis Courts; excluding T-Ball (cost per field/court):

1. 1 field - \$30.00
  2. Tennis Courts for approved Leagues - \$30.00 for 3 courts per time period
- v. Tennis Court Keys:
1. Township Residents: - \$30.00 each
  2. Non Residents of Township: - \$50.00 each
  3. Replacement Key - \$6 each

10. **Copying of Township Records** - the cost for the copying of Township records pursuant to the “Right to Know Law” Act 3 of 2008, as amended, shall be as follows:

- a. Postage - the actual cost of mailing.
- b. Duplication - The fees are based upon the duplication of records maintained and duplicated in black & white on standard 8 ½ by 11 inch paper, 8 ½ x 14 inch paper or 11 x 17 inch paper. All larger records, including but not limited to plans, maps and similar documents are “over-size records” for purposes of the fee schedule.
  - i. Photocopy - \$0.25 per single sided copy
  - ii. Color Photocopy - \$0.35 per single sided copy
  - iii. Facsimile/Microfiche/Other Media – the Township’s cost to duplicate the record original media.
  - iv. Conversion of electronic media only records to paper – if a record is only maintained in electronic media the fee shall be the lesser of: \$ 0.25 per page (8½’ x 11’), or the Township’s cost to duplicate the record in the electronic media.
  - v. Over-size Records - \$4.00 per sheet
  - vi. Over-size Color Records - the Township’s cost to duplicate the record.
  - vii. Court Reporter Transcripts – Prior to the decision being “final, binding and nonappealable” - \$2.00 per page.
- c. Certification of a record – \$5.00 per certification.
- d. Use of own copier or photographing a record – A requester may utilize their own copier provided the device is self-powered, (it may not be plugged into a Township power outlet) or camera. Any duplication by the requester must be done with a Township employee present.
- e. Direct access to the Township computer system is prohibited.
- f. No original records may be removed from the Township Building by a requester.
- g. Inspection of Redacted Records. If a requester seeks to inspect rather than receive copies which contain both public and non-public information, the Township shall redact the non-public information. While the Township may not charge the requester for the redaction itself, the Township will charge the requester for any

copies it must make in order to securely redact the record before allowing the requester to view the record.

**11. Code Books, Pamphlets and Zoning Maps**

- a. Complete Code Book (includes subscription service for amendments for the balance of the calendar year) - \$110.00.
- b. Code Book Subscription Service - \$25.00 per year
- c. Zoning Pamphlet with Zoning Map - \$13.00
- d. Subdivision Pamphlet - \$7.00

**12. Re-Sale and Re-Occupancy Inspections**

- a. Residential - \$60.00
- b. Non-Residential Building – \$150.00

**13. Contractor Registration**

- a. \$25.00 - per year

**14. Refuse charges pursuant to Section 194-8 of the Township Code**

- a. Single Family Residential      \$69.88 per quarter
- b. Multi-family Residential      \$69.88 per quarter

**15. Sewer Charges pursuant to Sections 188-3, 188-4 and 188-5 of the Township Code**

Fixed Rate per unit

- a. Fixed rate      \$27.26 per quarter
- b. Meter reading surcharge      \$ 8.00 per quarter

Variable Rate

- a. Variable Rate      \$8.38 per 1,000 gallons of water
- b. Variable Rate (East Whiteland)      \$5.60 per 1,000 gallons of water

Permits/Inspections

- a. Sewer Laterals      \$60.00 per lateral
- b. Water Meter/Measuring Device      \$60.00 per meter/measuring device

**16. Stormwater Management submissions pursuant to Ordinance 129-F-2013**

- a. Regulated activities that meet the criteria for the Simplified Approach shall be charged an application and plan review fee of \$100.00.

- b. Regulated activities that do not meet the criteria for the Simplified Approach shall reimburse the Township for the actual cost of all engineering, inspections and materials tests, incurred in the review of the plans and calculations, and in the inspection of the improvements during construction. These costs shall be billed at the Township Engineer's prevailing rate.
- c. Post Construction Maintenance inspections shall be billed at the Township Engineer's prevailing rate.
- d. The actual cost to record the stormwater agreement and plan.

**17. Solicitation Fees**

- a. License Fee - (Except for those listed in §169-6) \$10.00
- b. PA State Police Background Check Fee; (all applicants) \$10.00

**18. Wireless Telecommunications Carrier Fees**

- a. Annual Registration Fee – \$25.00 per location.
- b. Penalty for untimely filing of Annual Report - \$100.00 per location.

**19. Alarm fees pursuant to Sections 81-12 and 81-13 of the Township Code**

- a. Section 81-12A – False Alarm Fee Schedule.
  - 1. For the first false alarm, per rolling twelve months: a warning will be issued.
  - 2. For the second false alarm, per rolling twelve months: a warning will be issued.
  - 3. For the third through the fourth false alarm in any rolling twelve months: \$100 for each false alarm.
  - 4. For the fifth through the sixth false alarm in any rolling twelve months: \$200 for each false alarm.
  - 5. For the seventh false alarm and for each false alarm thereafter in any rolling twelve months: \$500 for each false alarm.
- b. Section 81-13A - False Fire Alarm Fee Schedule.
  - 1. For the first false fire alarm, per rolling twelve months: a warning will be issued.
  - 2. For the second false fire alarm, per rolling twelve months: a warning will be issued.

3. For the third through the fourth false fire alarm in any rolling twelve months: \$500 for each false fire alarm.
4. For the fifth through the sixth false fire alarm in any rolling twelve months: \$1,000 for each false fire alarm.
5. For the seventh false fire alarm and for each false fire alarm thereafter in any rolling twelve months: \$2,000 for each false fire alarm.

**20. Effective Date**

The fees outlined in this resolution shall be effective on \_\_\_\_\_, 2017.

**RESOLVED AND ADOPTED**, this \_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS**

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Memo

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To: Board of Supervisors  
From: Jon Altshul  
Re: January 2017 Financial Report  
Date: February 16, 2017

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Net of pass-through accounts, as of January 31<sup>st</sup> the general fund had revenues of \$386,278 and expenses of \$945,137 for a year-to-date deficit of \$558,859. Compared to the YTD budget, revenues were \$175,233 over budget and expenses were \$52,465 under budget for a favorable budget variance of \$227,698. As of January 31<sup>st</sup>, the general fund balance was \$4,434,792.

As you know, January is the low point annually for cash flow. The reasons for this are two-fold: 1) the WEGO payment for January is always the largest of the year and 2) we have not yet received any real estate tax revenue. However, the positive budget variance in January augurs well for the rest of the year. At the same time, there is not enough financial data after one month for this month's report to be very meaningful.

Public Works was \$62,820 under-budget due to the absence of any major snow events. Codes was 11,832 over-budget, due primarily to the normal slowdown in building permit activity in January.

On the revenue side, Earned Income Tax was \$150,528 over budget, due to the final January disbursement likely reflecting Q4 withholdings (normally, we receive the first large disbursements from Q4 in the first week of February). Real Estate Transfer Tax is \$25,338 over budget due to in large part to the transfer of three properties for over \$1 million in December.

## Other funds

- The **State Liquid Fuels Fund** had \$0 revenues and \$0 expenses. The fund balance is \$302.
- The **Sinking Fund** had \$66,851 in revenues (primarily from the last installment of the bridge grant) and \$126,516 in expenses. The fund balance is \$6,019,610.
- The **Transportation Fund** had \$384 in revenues and \$0 in expenses. The fund balance is \$1,075,243.
- The **Sewer Operating Fund** had \$344,161 in revenues and \$406,893 in expenses. The fund balance is \$489,444.
- The **Refuse Fund** had \$116,570 in revenues and \$91,692 in expenses. The fund balance is \$641,784.
- The **Sewer Sinking Fund** had \$105 in revenues and \$14,148 in expenses. The fund balance is \$2,069,821.
- The **Operating Reserve Fund** had \$234 in revenues and no expenses. The fund balance is \$2,490,838.
- The **Events Fund** had \$1 in revenues and no expenses. The fund balance is \$60,028.

## Audit Update

The auditors completed their fieldwork on February 10<sup>th</sup>. No issues were identified.

Cost of Services Report

The Cost of Service report is attached.

Date for Annual Financial Planning Session

I would like to begin planning for the 2017 annual planning session. Please let me know if Wednesday, May 24<sup>th</sup> at 10:00am works with your schedules.

**EAST GOSHEN TOWNSHIP**  
**JANUARY 2017 GENERAL FUND SUMMARY**  
**January 31, 2017**

Account Title	Annual Budget	Y-T-D Budget	Y-T-D Actual	Budget-Actual Variance
<b>GENERAL FUND</b>				
EMERGENCY SERVICES EXPENSES	4,520,632	508,135	510,731	2,596
PUBLIC WORKS EXPENSES	2,615,463	210,796	148,175	(62,621)
ADMINISTRATION EXPENSES	1,883,346	201,795	197,377	(4,418)
ZONING/PERMITS/CODES EXPENSES	413,748	31,484	35,520	4,036
PARK AND RECREATION EXPENSES	682,542	34,415	42,354	7,939
<b>TOTAL CORE FUNCTION EXPENSES</b>	<b>10,115,731</b>	<b>986,625</b>	<b>934,158</b>	<b>(52,467)</b>
EMERGENCY SERVICES REVENUES	61,480	2,281	2,998	717
PUBLIC WORKS REVENUES	1,005,147	241	440	199
ADMINISTRATION REVENUES	377,720	17,093	13,843	(3,250)
ZONING/PERMITS/CODES REVENUES	279,875	17,226	9,431	(7,795)
PARK AND RECREATION REVENUES	272,435	4,992	9,721	4,729
<b>TOTAL CORE FUNCTION REVENUES</b>	<b>1,996,657</b>	<b>41,833</b>	<b>36,432</b>	<b>(5,401)</b>
<b>NET EMERGENCY SERVICES EXPENSES</b>	<b>4,459,152</b>	<b>505,854</b>	<b>507,733</b>	<b>1,879</b>
<b>NET PUBLIC WORKS EXPENSES</b>	<b>1,610,316</b>	<b>210,555</b>	<b>147,735</b>	<b>(62,820)</b>
<b>NET ADMINISTRATION EXPENSES</b>	<b>1,505,626</b>	<b>184,702</b>	<b>183,534</b>	<b>(1,168)</b>
<b>NET ZONING/PERMITS/CODES EXPENSES</b>	<b>133,873</b>	<b>14,258</b>	<b>26,090</b>	<b>11,832</b>
<b>NET PARK AND RECREATION EXPENSES</b>	<b>410,107</b>	<b>29,423</b>	<b>32,634</b>	<b>3,211</b>
<b>CORE FUNCTION NET SUBTOTAL</b>	<b>8,119,074</b>	<b>944,792</b>	<b>897,726</b>	<b>(47,066)</b>
DEBT - PRINCIPAL	520,999	0	0	0
DEBT - INTEREST	129,198	10,977	10,979	2
<b>TOTAL DEBT</b>	<b>650,197</b>	<b>10,977</b>	<b>10,979</b>	<b>2</b>
<b>TOTAL CORE FUNCTION NET</b>	<b>8,769,271</b>	<b>955,769</b>	<b>908,705</b>	<b>(47,064)</b>
<b>NON-CORE FUNCTION REVENUE</b>				
EARNED INCOME TAX	4,916,400	121,038	271,566	150,528
REAL ESTATE PROPERTY TAX	2,027,128	1,200	684	(516)
REAL ESTATE TRANSFER TAX	525,000	40,000	65,338	25,338
CABLE TV FRANCHISE TAX	473,690	0	0	0
LOCAL SERVICES TAX	348,000	4,359	6,561	2,202
OTHER INCOME	40,341	2,615	5,697	3,082
<b>TOTAL NON CORE FUNCTION REVENUE</b>	<b>8,330,559</b>	<b>169,212</b>	<b>349,846</b>	<b>180,634</b>
<b>NET RESULT</b>	<b>(438,712)</b>	<b>(786,557)</b>	<b>(558,859)</b>	<b>227,698</b>



SUMMARY OF FUNDS REPORT (AKA "JOE REPORT")  
ALL FUNDS JANUARY 2017  
\* NOTE: GENERAL FUND INCLUDES PASS-THROUGH ACCOUNTS

	GENERAL FUND*	LIQUID FUELS STATE FUND	SINKING FUND	TRANSPORT. FUND	SEWER OP. FUND	REFUSE FUND	SEWER SINK FUND	OPERATING RESERVE	EVENTS FUND	TOWNSHIP FUNDS	MUNICIPAL AUTHORITY
<b>01/01/17 BEGINNING BALANCE</b>	\$5,099,106	\$302	6,079,275	1,074,859	552,175	616,907	\$2,083,864	\$2,490,604	\$60,027	\$18,057,119	\$1,415,651
<b>RECEIPTS</b>											
310 TAXES	\$344,686	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$344,686	\$0
320 LICENSES & PERMITS	\$2,118	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,118	\$0
330 FINES & FORFEITS	\$2,998	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$2,998	\$0
340 INTERESTS & RENTS	\$14,485	\$0	\$846	\$384	\$16	\$191	\$105	\$234	\$1	\$16,263	\$595
350 INTERGOVERNMENTAL	\$0	\$0	\$66,005	\$0	\$0	\$0	\$0	\$0	\$0	\$66,005	\$0
360 CHARGES FOR SERVICES	\$20,194	\$0	\$0	\$0	\$344,145	\$116,379	\$0	\$0	\$0	\$480,717	\$0
380 MISCELLANEOUS REVENUES	\$4,112	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,112	\$0
390 OTHER FINANCING SOURCES	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	\$388,593	\$0	\$66,851	\$384	\$344,161	\$116,570	\$105	\$234	\$1	\$916,900	\$595
<b>EXPENDITURES</b>											
400 GENERAL GOVERNMENT	\$93,949	\$0	\$7,236	\$0	\$0	\$0	\$14,148	\$0	\$0	\$115,333	\$0
410 PUBLIC SAFETY	\$637,583	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$637,583	\$0
420 HEALTH & WELFARE	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
426 SANITATION & REFUSE	\$9,257	\$0	\$0	\$0	\$376,617	\$91,692	\$0	\$0	\$0	\$477,566	\$9,249
430 HIGHWAYS,ROADS & STREETS	\$117,771	\$0	\$76,317	\$0	\$0	\$0	\$0	\$0	\$0	\$194,088	\$0
450 CULTURE-RECREATION	\$38,213	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$38,213	\$0
460 CONSERVATION & DEVELOPMENT	\$180	\$0	\$42,963	\$0	\$0	\$0	\$0	\$0	\$0	\$43,143	\$0
470 DEBT SERVICE	\$11,353	\$0	\$0	\$0	\$30,276	\$0	\$0	\$0	\$0	\$41,629	\$0
480 MISCELLANEOUS EXPENDITURES	\$143,216	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$143,216	\$0
490 OTHER FINANCING USES	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	\$1,051,522	\$0	\$126,516	\$0	\$406,893	\$91,692	\$14,148	\$0	\$0	\$1,690,772	\$9,249
<b>2017 SURPLUS/(DEFICIT)*</b>	(662,930)	\$0	(\$59,665)	\$384	(\$62,731)	\$24,878	(\$14,043)	\$234	\$1	(\$773,872)	(\$8,654)
<b>CLEARING ACCOUNT ADJUSTMENTS</b>	(\$1,384)										
<b>1/31/2017 ENDING BALANCE</b>	\$4,434,792	\$302	\$6,019,610	\$1,075,243	\$489,444	\$641,785	\$2,069,821	\$2,490,838	\$60,028	\$17,281,862	\$1,406,997

# 2016 Cost of Services Report

East Goshen Township

Total Township Indirect Costs	1,998,198
PW share of these costs	1,018,700
Non-PW share of costs	979,497

Total Public Works Indirect Costs **836,071**

Activity	Direct Costs	Non-Public Works Personnel Costs	Public Works Personnel Costs	Non-Public Works Indirect Costs	Public Works Indirect Costs	Total Expense	Total Revenue	Net Expenses	% of all net expenses
<b>EMERGENCY SERVICES</b>									
Police	3,775,328	-	-	-	-	3,775,328	46,184	3,729,144	41.2%
Fire	404,202	4,493	-	13,333	-	422,028	26,903	395,125	4.4%
<b>Subtotal</b>	<b>4,179,530</b>	<b>4,493</b>	<b>-</b>	<b>13,333</b>	<b>-</b>	<b>4,197,356</b>	<b>73,087</b>	<b>4,124,269</b>	<b>45.6%</b>
<b>PUBLIC WORKS</b>									
Road Maintenance	424,451	-	14,525	40,781	33,470	513,228	4,927	508,301	5.6%
Stormwater & MS4	204,355	6,182	46,461	141,094	106,908	505,000	-	505,000	5.6%
Snow	127,728	-	63,528	145,417	119,347	456,020	100,247	355,773	3.9%
Paving	610,109	-	81,299	230,626	189,280	1,111,313	469,174	642,139	7.1%
Trees	65,380	-	28,840	79,584	65,316	239,120	-	239,120	2.6%
Signs/Signals	198,287	-	8,015	24,010	19,706	250,019	78,050	171,969	1.9%
<b>Subtotal</b>	<b>1,630,311</b>	<b>6,182</b>	<b>242,668</b>	<b>661,512</b>	<b>554,027</b>	<b>3,074,700</b>	<b>652,398</b>	<b>2,422,302</b>	<b>21.2%</b>
<b>ADMINISTRATION</b>									
ABCs	28,398	23,723	-	55,177	-	107,299	-	107,299	1.2%
District Court	169,691	-	-	-	-	169,691	104,934	64,757	0.7%
<b>Subtotal</b>	<b>198,089</b>	<b>23,723</b>	<b>-</b>	<b>55,177</b>	<b>-</b>	<b>276,990</b>	<b>104,934</b>	<b>172,056</b>	<b>1.9%</b>
<b>ZONING/PERMITS/CODES</b>									
Zoning & Codes	42,398	73,357	-	131,157	-	246,912	3,775	243,137	2.7%
Permits	12,766	156,505	-	481,538	-	650,809	277,309	373,499	4.1%
Re-Occupancy	1,000	28,845	-	81,875	-	111,720	49,430	62,290	0.7%
Comp Plan	-	-	-	-	-	-	-	-	0.0%
Deer	1,046	2,473	-	4,333	-	7,852	-	7,852	0.1%
<b>Subtotal</b>	<b>57,211</b>	<b>261,180</b>	<b>-</b>	<b>698,903</b>	<b>-</b>	<b>1,017,293</b>	<b>330,514</b>	<b>686,779</b>	<b>7.6%</b>
<b>PARK AND RECREATION</b>									
Park Maintenance	373,414	-	59,106	172,032	141,190	745,742	8,773	736,969	8.1%
Open Space	22,400	-	35,405	98,802	81,089	237,696	-	237,696	2.6%
Grass - Park	-	-	11,171	38,958	31,974	82,103	-	82,103	0.9%
Other Park Events	30,150	8,973	2,064	24,594	4,317	70,099	-	70,099	0.8%
Rec Programs	42,323	26,500	-	66,208	-	135,032	43,570	91,462	1.0%
Trail Planning	30,888	7,298	-	15,167	-	53,353	4,600	48,753	0.5%
Summer Rec	37,478	24,433	-	59,375	-	121,285	43,389	77,896	0.9%
Milltown Dam	110,525	-	-	-	-	110,525	-	110,525	1.2%
Bathrooms & Park Trash Service	636	-	13,855	38,125	31,290	83,907	-	83,907	0.9%
Community Day	22,167	4,487	3,375	18,646	6,412	55,086	25,111	29,976	0.3%
Ball Fields	3,708	7,178	1,700	22,125	3,933	38,644	12,080	26,564	0.3%
HM Dam	19,481	-	-	-	-	19,481	-	19,481	0.2%
Tot-Lot	2,060	4,487	753	12,917	1,710	21,927	-	21,927	0.2%
Tennis Courts	218	897	39	2,323	128	3,606	2,730	876	0.0%
<b>Subtotal</b>	<b>695,448</b>	<b>84,253</b>	<b>127,468</b>	<b>569,272</b>	<b>302,044</b>	<b>1,778,485</b>	<b>140,252</b>	<b>1,638,233</b>	<b>18.1%</b>
<b>General Fund Totals</b>									
	<b>\$6,760,589</b>	<b>\$379,831</b>	<b>\$370,136</b>	<b>\$1,998,198</b>	<b>\$836,071</b>	<b>\$10,344,824</b>	<b>\$1,301,185</b>	<b>\$9,043,639</b>	

**Robert W. Cosby  
1507 Greenhill Road  
West Chester, PA 19380**

February 8, 2017

## **Open Letter to the East Goshen Board of Supervisors Regarding Hershey's Mill Dam**

This letter explains why I and other concerned East Goshen residents believe the Board of Supervisors erred when it recently voted to breach Hershey's Mill Dam at its heart: the dam's tall masonry wall and spillway located very close to the historic Hershey's Mill building.

The Board vote reflects a fundamental misunderstanding of the dam's age and historical significance. Board members have stated in public meetings that the dam was built in 1972 and is therefore undeserving of preservation as a historic structure. But there is clear proof that the dam in nearly its current form has been an important part of our community since at least the 1800s.

### **A. The Mill Complex**

The mill building, the existing dam, and the former large pond the dam impounded were under common ownership until the 1970s, when East Goshen Township took ownership of the dam and pond in connection with development of the Hershey's Mill Estates neighborhood. It is clear from the placement of the mill, dam, pond and remaining fixtures at the site that these components functioned as an integrated complex before the mill was converted into a residence in the mid 20<sup>th</sup> century.

Water drawn from the mill pond was routed through a pipe (whose now-closed intake is located near Hershey Mill Road immediately behind the mill building and dam) under the dam and used to turn a water wheel (later a turbine) in the mill's basement, providing power to spin the mill's grind stones. That water flow exited the mill basement into the stream below the dam.

Excess water from the upper streams that fed the mill pond flowed over the dam's spillway into the lower stream creating the lovely waterfall that many fondly remember and miss now that the pond has been drained. Today the upper streams flow into a different pipe installed to carry water under the dam directly into the lower stream. That is why the pond is now dry and the waterfall disabled, despite the continuing existence of the dam.

It is undisputed that the mill building itself is very old.\* The fact that it was part of a complex that included the existing dam and former pond suggests that the mill, dam and pond were developed together and are all of a similar age.

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\* Prior historical research (chronicled in a document that Township Manager Rick Smith kindly provided me) established, from a review of Chester County's real estate and tax records, that a mill has existed in the Hershey's Mill area since at least 1796 and possibly as early as 1748.

But that reasoning does not conclusively establish that the dam is as old as the mill building. It leaves open the possibility, discussed in the following section, of a prior dam at a different location.

## **B. The Prior Dam Theory**

The East Goshen Historical Commission advised the Board that it could only establish conclusively that a dam was in place at its current location in 1940. The Historical Commission also advised the Board that the dam was rebuilt in 1972 to repair storm damage and add strength.

The Historical Commission developed a theory for how the mill could have operated without the adjacent dam, which has influenced Board actions on the dam. That theory postulates the mill originally relied on a smaller dam and pond located near the present day intersection of Hershey Mill Road and Tanglewood Drive, and a millrace to direct water to the mill and amplify its force. While there are no remains of such a dam or millrace, there are certain unexplained old fixtures in the area that the Historical Commission thought might relate to an early dam. The Historical Commission also based its theory on the common use of millraces by dams in the era in which the mill was built.

But even the Historical Commission believed the Board of Supervisors placed undue reliance on the prior dam theory in voting to breach the dam at its most vital spot. The Historical Commission supported preserving the dam, and six of its seven members resigned following the recent Board vote.

## **C. Conclusive Evidence of the Dam's Antiquity**

Documentary evidence proves that Hershey's Mill Dam existed well over a century ago in nearly the same form as today.

A detailed farm map of East Goshen from an atlas published in 1883 (which hangs in the Township building) clearly depicts a "grist mill" and pond in the same locations as the existing mill building and now-dry pond. The pond shown on this map is of the same size and shape as the modern pond, which indicates that in the 19<sup>th</sup> century the pond was impounded by the same dam that exists today, or at least by a dam of the same height and at same location as today's dam.

An original of this map is at the Chester County Historical Society's library. The library collection also includes an older, very similar farm map of East Goshen from an 1873 atlas.

A picture book of East Goshen that the Township once sold, and which is still available at the CCHS museum shop, contains an old photo of the dam and one of an ox cart in front of the mill.\* The book dates the photos to the 1890s. It is striking how much the old photographic image of the dam looks like the existing dam. The photo even shows the tree near the spillway to the west that is still there today!

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\* *Images of America: East Goshen Township*, Linda M. Gordon, Arcadia Publishing, 2009, p. 38.

The photo also shows a gushing hole in the dam wall, a man near the hole dressed in late 19<sup>th</sup> or early 20<sup>th</sup> century attire, and flood debris beneath the dam. These details date the photo to early 1904 based on the following newspaper account:

**Hershey's Dam Damaged.**

The big Hershey dam, in East Goshen, has been badly damaged by the flood. It is about sixteen feet in height and an immense hole was torn in it yesterday to the bottom. Since then the rush of water has widened the break and the dam is in serious condition.

That article appeared in the February 23, 1904 issue of the *Daily Local News* published in West Chester. A follow-up article in the August 4, 1904 issue reported:

M.&T.E. Farrell have completed the breast of Enoch P. Hershey's dam, in East Goshen, and the mill can run after a vacation of several months. The completion of the work is also a source of satisfaction to the boys of the neighborhood who have had no convenient place to swim during the early months of the Summer.

These newspaper clippings and prints of the old photos are in the CCHS library (catalogued as Mills--E. Goshen Twp., Hershey's Mill; and Waterfalls--E. Goshen Twp., Hershey Falls).

While very similar in appearance to the dam depicted in the old photo, the existing dam is not identical in all respects. Like any old structure exposed to the elements, operational wear and tear, and obsolescence as new technologies and materials develop over time, the dam has seen repairs and upgrades during its long life, most recently in 1972. But changes to the dam's outward appearance have been minimal for over a century.

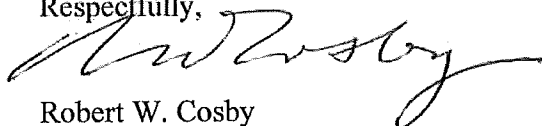
**D. Conclusion**

The East Goshen Board of Supervisors has voted to destroy Hershey's Mill Dam's most historically significant and scenic features by breaching the dam at the spillway area. The Board rejected a feasible alternative presented by the engineering firm the Township hired to develop breaching options, to breach the dam further east away from the sensitive area. Concerned residents overwhelmingly prefer that option, if the dam must be breached at all.

I recognize that the Board of Supervisors acted in good faith in adopting the simplest approach to breaching the dam from an engineering standpoint. But this letter shows that Board members have had an incorrect understanding of the dam's history. As a result, the Board has failed to give proper weight to historical preservation imperatives.

If the Board of Supervisors does not reconsider its action, East Goshen Township will be untrue to its commitment—stated in the Township's motto—to “Preserving the Past.”

Respectfully,



Robert W. Cosby

# Memo

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To: Board of Supervisors  
From: Department of Parks and Recreation  
Re: Bicentennial Celebration  
Date: February 16th, 2017

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The Bicentennial Celebration has been scheduled for Saturday, June 3rd with a rain date of Sunday, June 4th. Per Township procurement standards, the Director of Parks and Recreation has received the following price quotes with accompanying recommendations. Quotes were for the exact type, quality and quantity of service. It is important to note, the Friends of East Goshen 501c3 anticipates financially supporting the event in its entirety.

Name	Service Provided	Price Quote
D & M Fireworks	Fireworks Demonstration	\$13000
Grant Pyrotechnics	Fireworks Demonstration	\$14000
International Fireworks	Fireworks Demonstration	\$15000

Name	Service Provided	Price Quote
Bette's Bounces	Inflatables and Carnival Games	\$4808
One Stop Party Shop	Inflatables and Carnival Games	\$5475

The Department's recommendation is to select D & M Fireworks as the fireworks vendor for the event. They, along with International Fireworks, have over twenty years' experience with similar sized shows in the SE PA and New Jersey. Based on the above price quote, the show would be 16-18 minutes in length and be more intense, in comparison to previous Community Day fireworks displays. Community Day fireworks displays have averaged 16-18 minutes in length. The general rule of thumb is anything longer than twenty minutes is unnecessary and the crowd begins to lose interest. These factors, along with being the lowest qualifying price quote, inform the recommendation.

The department recommends selecting Bette's Bounces as the inflatables and carnival games vendor for the Bicentennial Celebration. We have worked with both Bette's Bounces and One Stop Party Shop numerous times over the last four years, and they are both high quality organizations. That said, the recommendation is made based on being the lowest qualifying price quote.

Action on this item should be taken after West Goshen Township has formally recognized and funded their portion of the Bicentennial Celebration.

Motion:

I approve D & M Fireworks and Bette's Bounces for the above listed Bicentennial Celebration services.

*Computer/H:/East Goshen Township/Budget*

# Memo

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To: Board of Supervisors  
From: Jon Altshul & Mark Miller  
Re: Consider security cameras for Township Building & Ridley Creek Sewer Plant  
Date: February 1, 2017

---

As you may remember, we budgeted \$12,750 in the 2016 sewer sinking fund for security cameras at the sewer plant and \$12,750 in the 2016 sinking fund budget for security cameras at the Township building. These enhancements were proposed in response to recent incidents of vandalism to Township property. Given time constraints, we were unable to do the projects last year and we deferred them to 2017.

We received two price quotes through COSTARS/PA State Contract, as summarized below. These proposals reflect the cost for 2 mega pixel resolution cameras, which we believe is the most cost effective solution. In all, there would be five exterior cameras around the Township building, two cameras inside the Township building and four exterior cameras at the sewer plant. Images would be maintained for approximately two weeks at a time on existing computers at the Township building and the sewer plant that Burt plans to refurbish.

Vendor	Location	Cost Twp Bldg	Cost Sewer Plant	Total Capital Cost
Premium Fire & Security	Kennett	\$6,100	\$7,135	\$13,235
Protection Bureau	Exton	\$6,850	\$9,553	\$16,303

Note that we also budgeted \$12,750 in 2016 for cameras in the park; however, given the planned upgrades to the playground and the construction traffic that's expected, we would propose waiting on installing cameras there until construction is complete.

**Suggested motion:** Mr. Chairman, I move that we contract with Premium Fire & Security for the installation of security cameras in and around the township building and at the sewer plant at a combined cost of \$13,325

# Memo

## East Goshen Township

Date: February 16, 2017  
To: Board of Supervisors  
From: Rick Smith, Township Manager  
Re: West Chester Pike Green Light-Go Program

As you know the Township has been awarded a grant to install and adaptive signal technology at nine traffic signals on West Chester Pike in East Goshen, West Goshen and Westtown: and the interconnected signal at North Chester Road and Manley Road.

Penn DOT has contracted with Jacob Engineering Group to design the improvements. Since they are amending the existing traffic signal permits an application is required for each signal. In addition Penn DOT requires that a resolution authorizing the submission be submitted with each application.

The East Goshen Township signals are located at:

West Chester Pike & Ellis Lane  
West Chester Pike and Rose Hill/Mary Fran Drive  
West Chester Pike and Westtown Way  
West Chester Pike and Chester Hollow Road  
West Chester Pike and Manley Road  
Manley Road and North Chester Road

Westtown and West Goshen will need to take similar action for their signals.

**Motion** – I move that we adopt resolutions 2017-159 thru 2017-164 authorizing the Township Manager to submit Traffic Signal Permit applications for the following signals.

- West Chester Pike & Ellis Lane
- West Chester Pike and Rose Hill/Mary Fran Drive
- West Chester Pike and Westtown Way
- West Chester Pike and Chester Hollow Road
- West Chester Pike and Manley Road
- Manley Road and North Chester Road



# Application for Traffic Signal Approval

Please Type or Print all information in Blue or Black Ink



County : \_\_\_\_\_  
Engineering District : \_\_\_\_\_  
Department Tracking # : \_\_\_\_\_  
Initial Submission Date : \_\_\_\_\_

## A - Applicant's (Municipal) Contact Information

Municipal Contact's Name : Rick Smith Title : Township Manager  
Municipal Name : East Goshen Township  
Municipal Address : 1580 Paoli Pike, West Chester, PA 19380  
Municipal Phone Number : 610-692-7171 Alternative Phone Number : \_\_\_\_\_  
E-mail Address : rsmith@eastgoshen.org  
Municipal Hours of Operation : 8:00 AM - 5:00 PM

## B - Application Description

Location (*intersection*) : West Chester Pike (SR 0003) & Ellis Lane

Traffic Control Device is :  NEW Traffic Signal  EXISTING Traffic Signal (Permit Number) : 62-1717

Type of Device (*select one*)  Traffic Control Signal (MUTCD Section 4D, 4E, 4G)  Flashing Beacon (MUTCD Section 4L)  School Warning System (MUTCD Section 7B)  
 Other : \_\_\_\_\_

Is Traffic Signal part of a system? :  YES  NO System Number (*if applicable*) : \_\_\_\_\_

If YES, provide locations of all signalized intersections in system.

### Explain the proposed improvements :

The project will involve the installation of adaptive signal control technology (ASCT) at 10 intersections located on or adjacent to West Chester Pike (SR 0003) in East Goshen, West Goshen and Westtown Townships. All of the intersections are located on a "Critical Corridor".

Associated with Highway Occupancy Permit (HOP)? :  YES  NO If YES, HOP Application # : \_\_\_\_\_

## C - Maintenance and Operation Information

### Maintenance and Operations are typically performed by? :

Municipal Personnel  Municipal Contractor  Municipal Personnel & Contractor  
 Other : \_\_\_\_\_

Maintenance and Operations Contact Name : Donald Higgins Jr Company/Organization : Charles A Higgins & Sons, Inc

Phone # : 610-566-3700 Alternative Phone # : \_\_\_\_\_ E-mail : higginselec25@verizon.net

## D - Attachments Listing

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Municipal Resolution ( <i>required</i> ) | <input type="checkbox"/> Location Map               | <input type="checkbox"/> Traffic Volumes / Pedestrian Volumes |
| <input type="checkbox"/> Letter of Financial Commitment           | <input type="checkbox"/> Photographs                | <input type="checkbox"/> Turn Lane Analysis                   |
| <input type="checkbox"/> Traffic Signal Permit                    | <input type="checkbox"/> Straight Line Diagram      | <input type="checkbox"/> Turn Restriction Studies             |
| <input type="checkbox"/> Warrant Analysis                         | <input type="checkbox"/> Capacity Analysis          | <input type="checkbox"/> Other : _____                        |
| <input type="checkbox"/> Crash Analysis                           | <input type="checkbox"/> Traffic Impact Study (TIS) |   |
| <input type="checkbox"/> Traffic Signal Study                     | <input type="checkbox"/> Condition Diagram          |   |

# Application for Traffic Signal Approval

Please Type or Print all information in Blue or Black Ink



County : \_\_\_\_\_

Engineering District : \_\_\_\_\_

Department Tracking # : \_\_\_\_\_

Initial Submission Date : \_\_\_\_\_

## E - Applicant (Municipal) Certification

The applicant desires to own, operate, and maintain the traffic control device in the location indicated above; and the Vehicle Code requires the approval of the Department of Transportation ("Department") before any traffic signals may be legally erected or modified. A signed Application for Traffic Signal Approval (TE-160) must be submitted in conformance with the instructions provided by the Department, and a Traffic Signal Permit must be issued, before any work can begin.

If the Department approves a traffic signal after a traffic engineering study and engineering judgment indicates the need, the traffic signal shall be installed, owned, operated, and maintained within the parameters indicated in the Vehicle Code and the Department's regulations relating to traffic signs, signals, and markings. The Department may direct appropriate alterations to the design or operation (including, but not limited to, hours of operation) of the traffic signal, or require removal of the traffic signal, if traffic conditions or other considerations necessitate alteration or removal.

All items associated with the traffic control device (geometric features, signs, signals, pavement markings, pedestrian accommodations, and other traffic control device associated items) are the applicant's responsibility. The Traffic Signal Permit will then document all of the items associated with operation of each traffic control device. The applicant, at its sole expense, shall provide the necessary inspection, maintenance, and operation activities in conformance with the Department's Publication 191 or as otherwise agreed to by the Department. The applicant shall perform the preventative and responsive maintenance requirements and recordkeeping in accordance with the exhibits specified below. If the applicant fails to provide the required inspection, maintenance, or operation services within thirty (30) days of receipt of written notice from the Department, the Department shall have the right to perform the required inspection, maintenance, or operation services in the applicant's stead and the applicant shall reimburse the Department for all costs incurred. Federal- and/or state-aid participation may be withheld on all future projects if the applicant fails to demonstrate to the Department the ability to provide all required maintenance and operation services. The applicant certifies that it has funds available and committed for the operation and maintenance of the traffic control device and that it will make available sufficient funds for all required future inspection, maintenance, and operation activities.

The applicant shall indemnify, save harmless and, defend (if requested) the Commonwealth of Pennsylvania, its agents, representatives, and employees from and against any damages recoverable under the Sovereign Immunity Act, 42 Pa. C.S. §§ 8521-8528, up to the limitations on damages under said law, arising out of any personal injury or damage to property which is finally determined by a court to be caused by or result from acts or omissions of the applicant and for which a court has held applicant, its officials, or employees to be liable. This provision shall not be construed to limit the applicant in asserting any rights or defenses. Additionally, the applicant shall include in any contracts into which it enters for maintenance, operation, or inspection of the traffic control device this same obligation to indemnify the Commonwealth and its officers, agents, and employees; and it shall require its contractor(s) to provide public liability insurance coverage, naming the Commonwealth and the applicant as additional insureds for bodily injury, including death and property damage, in the minimum amounts of \$500,000 per person, \$1,000,000 per occurrence, it being the intention of parties to have the contractor fully insure and indemnify the Commonwealth and the applicant.

The applicant shall comply with the study and ordinance requirements of 75 Pa. C.S. § 6109. The applicant submits this application with the intention of being legally bound.

Neither this application nor any Traffic Signal Permit creates any rights or obligations with respect to parties other than the applicant and the Department. Third parties may not rely upon any representations made by either the applicant or the Department in connection with the submission or approval of this application or any work permitted or approved that is related to this application, as regards either payment of funds or performance of any particular item of maintenance precisely as specified.

The applicant agrees to comply with the attached Exhibits:

- Exhibit "A": Preventative and Response Maintenance Requirements (Sheet 3 of 5 )
- Exhibit "B": Recordkeeping (Sheet 4 of 5 )
- Exhibit "C": Signal Maintenance Organization (Sheet 5 of 5 )

Printed Municipal Contact Name : \_\_\_\_\_ Date : \_\_\_\_\_

Signed By : \_\_\_\_\_ Witness or Attest : \_\_\_\_\_

Title of Signatory : \_\_\_\_\_ Title of Witness or Attester: \_\_\_\_\_

2017-159

RESOLUTION

BE IT RESOLVED, by authority of the BOARD OF SUPERVISORS  
(Name of governing body)

of the EAST GOSHEN TWP., CHESTER County, and it  
(Name of MUNICIPALITY)

is hereby resolved by authority of the same, that the TOWNSHIP MANAGER  
(designate official title)

of said MUNICIPALITY is authorized and directed to submit the attached Application for Traffic

Signal Approval to the Pennsylvania Department of Transportation and to sign this Application on behalf of the MUNICIPALITY.

ATTEST:

EAST GOSHEN TWP.  
(Name of MUNICIPALITY)

\_\_\_\_\_  
(Signature and designation of official title)

By: \_\_\_\_\_  
(Signature and designation of official title)

I, Louis F Smith,  
(Name)

TOWNSHIP SECRETARY  
(Official Title)

of the EAST GOSHEN TOWNSHIP BOARD OF SUPERVISORS, do hereby certify that the foregoing  
(Name of governing body and MUNICIPALITY)

is a true and correct copy of the Resolution adopted at a regular meeting of the

BOARD OF SUPERVISORS, held the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
(Name of governing body)

DATE: \_\_\_\_\_

\_\_\_\_\_  
(Signature and designation of official title)

WEST CHESTER PIKE & ELLIS LANE

62-1717

# Memo

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To: Board of Supervisors  
From: Pension Committee  
Re: 2016 Pension Committee Highlights  
Date: February 7, 2017

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As you know, the Pension Committee oversees the management of five pension funds and irrevocable trusts, representing over \$6.5 million in total assets. These funds are the frozen Non-uniformed Defined Benefit plan; the Non-uniformed Defined Contribution plan; the Firefighters' Defined Benefit plan, the Police Pension Trust (not to be confused with the WEGO Pension Plan) and the Police Other Post-Employment Benefit Trust (not to be confused with the OPEB trust established in the Police Commission's name). This memo highlights our work in 2016.

## Fund advisor

In March, the Pension Committee voted to move all pension funds and irrevocable trust assets under the management of INR Advisors. Previously, the funds had been split 50/50 between INR and another investment advisor. However, we found that funds managed by INR consistently outperformed those managed by the other advisor. INR uses a passive investment strategy and invests in low-cost index funds, an investment strategy that has been shown to consistently outperform more active management styles over the long-run.

## 2016 returns

2016 returns were strong and generally met and/or outperformed their benchmarks, as shown below. Please note that the annual returns only reflect the period of time that the funds were managed by INR; therefore, the returns for the Firefighters DB plan and Police OPEB Trust only reflect performance from April 18, 2016 (the date of the transition) to December 31, 2016.

Fund/Trust	Target asset allocation (stocks/bonds)	Target return	Actual return
Non-uniformed DB plan (Frozen)	70/30	7%	7.92%
Non-uniformed DC plan	60/40	7%**	6.76%
Firefighters DB plan	70/30	7%	5.26%*
Police Pension Trust	70/30	8%**	8.13%
Police OPEB Trust	70/30	8%**	4.81%*
Hypothetical returns of money invested 70% in S&P 500 & 30% in Barclay's Bond Index with no fees	70/30	n/a	7.47%
Hypothetical returns of money invested 60% in S&P 500 & 40% in Barclay's Bond Index with no fees	60/40	n/a	6.78%

\*Firefighters DB and Police OPEB Trust only reflect returns from April 18 through December 31, 2016. Returns for these two funds with the other advisor for the first three and a half months were about 1%.  
\*\* Target returns for the DC plan and the two police trusts are guidance for the Pension Committee and the investment advisor only; they have no impact on MMOs or any other actuarial assumptions.

## Meeting with employees

INR and Anderson Associates, the Township's pension consultant, plan to meet with Township employees in mid-April to discuss retirement planning.

# Memorandum

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East Goshen Township  
1580 Paoli Pike  
West Chester, PA 19380  
Voice: 610-692-7171  
Fax: 610-692-8950  
E-mail: [mgordon@eastgoshen.org](mailto:mgordon@eastgoshen.org)

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Date: 2/16/2017  
To: Planning Commission  
From: Mark Gordon, Township Zoning Officer  
Re: Medical Marijuana Uses

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Dear Board Members,

As I'm sure you are aware the PA State Legislature approved the Medical Marijuana Act on April 17, of 2016. Since inaction of the act The PA Dept. of Health (PADH) has established a Medical Marijuana (MMJ) Department with a Director which are overseen by the Medical Marijuana Advisory Board comprised of 15 members. The PA Dept. of Health is promulgating regulations and procedures for the program now.

I have included with this memo an extensive amount of information regarding the PA MMJ program for your review and I'm happy to provide you with a hard copy of the act if you'd like to read all 49 pages of it. Here's a link <http://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2016&sessInd=0&act=16>

## **BACKGROUND:**

The Act breaks the PA MMJ industry into two categories:

1. MMJ Grower/Processors –industrial growing and production use
2. MMJ Dispensaries –retail distribution use

These are the two uses that Municipalities in PA need to understand. In the 49 pages of the act there are two sentences that address zoning for MMJ; and they are: **Section 2107. Zoning.**

***The following apply:***

***(1) A grower/processor shall meet the same municipal zoning and land use requirements as other manufacturing, processing and production facilities that are located in the same zoning district.***

***(2) A dispensary shall meet the same municipal zoning and land use requirements as other commercial facilities that are located in the same zoning district.***

Those two sentences tell me one thing; MMJ is not an agricultural use. Grower/processors are to be treated as a manufacturing use and dispensaries are to be treated as a commercial use.

The act and PADH have established strict guidelines and regulations for both dispensaries and grower/processors. The PADH will regulate and enforce them through the rigorous permit process and strict operational regulations and oversight. The industry will be scrutinized similarly to pharmaceutical manufacturers and pharmacies; even as far as the potency of the products they produce. Since they are producing **Medical Marijuana** it appears that these uses should be treated similarly to pharmaceutical manufacturing and retail commercial pharmacies.

**MMJ USES IN EAST GOSHEN:**

After a close look at the ordinance and speaking with many colleagues about these uses the uses appear to be most similar to a commercial retail use and an industrial manufacturing use. The East Goshen Township zoning ordinance currently provides for both of these uses.

**Dispensaries** – Currently, retail sales of legal drugs as outlined in the zoning ordinance, is a permitted “By Right” use in the C-2 and C-4 districts.

**Grower/processors** – Currently, production, manufacturing and storage of pharmaceuticals, as outlined in the zoning ordinance, is permitted “By Conditional Use” in the I-2 district.

**POLICY QUESTION:**

**Does the Board wish to specifically define MMJ uses and develop standards in the zoning ordinance to regulate the use?**

**STAFF COMMENTARY:**

Staff has looked at this closely and believes that the existing ordinance and the PADH regulations will dictate where the uses can locate however it is a policy decision to specify the use.

There have been two inquiries for MMJ Dispensaries in the last week or so. I told both that the current ordinance and the State requirements would most likely require a MMJ dispensary to be located in the C-4 district along West Chester Pike. All the properties in the C-2 are in close proximity to schools.

**Memo**  
**East Goshen Township**  
**1580 Paoli Pike**  
**West Chester, PA 19380**

Date: February 16, 2017  
To: Board of Supervisors  
From: Rick Smith, Township Manager  
Re: Hershey Mill Dam Costs

As part of their scope of work, both Gannett Fleming and Simone Collins will be providing us with cost estimates for the cost of their respective improvements. After discussing the Hershey Mill Dam project with Marty, we concluded that it may be useful to have Gannett Fleming develop a cost estimate to rehabilitate the dam in accordance with the permit using the same methodology that they are using to develop their costs to breach the dam. Accordingly, I requested the attached proposal.



*Excellence Delivered As Promised*

February 13, 2017

Mr. Rick Smith, Jr., Township Manager  
East Goshen Township  
1580 Paoli Pike  
West Chester, PA 19380-6199

Dear Mr. Smith,

**Subject: Dam Related Engineering Services for East Goshen Township  
Hershey Mill Dam (DEP ID No. D15-125)  
Independent Construction Cost Estimate of Dam Rehabilitation Design**

As requested by East Goshen Township (Township), we are pleased to provide you with a scope and fee proposal to prepare an independent construction cost estimate for the improvements to Hershey's Mill Dam (DEP ID No. D15-125) as detailed on the drawings prepared by Edward B. Walsh & Associates, Inc., dated April 10, 2012, revised June 11, 2014 and which were approved by DEP Dam Safety on July 15, 2014. The proposed improvements include the addition of a 58-foot-wide auxiliary spillway adjacent to the existing 22-foot-wide principal spillway and raising the top of dam by as much as 1.5-feet in some areas in order to convey the 100-year flood without overtopping the embankment. The intent of the assignment is to utilize the same methodology (i.e., unit prices, assumptions, etc.) in estimating the construction cost for the design provided by Edward B. Walsh & Associates as was used by Gannett Fleming to estimate the construction costs for the proposed dam decommissioning concepts which were recently presented to the Township. In this manner, a better cost comparison can be made between the rehabilitation and decommissioning options.

The following describes our scope and fee estimate based on our understanding of this assignment.

## **SCOPE OF SERVICES**

Gannett Fleming will review the drawings prepared by Edward B. Walsh & Associates (six sheets) last revised on June 11, 2014 and prepare an independent construction cost estimate based on the information shown. Quantities will be estimated from the drawing set and/or from the AutoCAD files previously provided by the Township. Unit cost information will be

**Gannett Fleming, Inc.**

P.O. Box 67100 • Harrisburg, PA 17106-7100 | 207 Senate Avenue • Camp Hill, PA 17011-2316

t: 717.763.7211 • f: 717.763.8150

[www.gannettfleming.com](http://www.gannettfleming.com)



estimated from published cost data (i.e, RS Means), past construction bid tabs and engineering judgement and were applicable, shall be consistent with the unit prices used to estimate the dam decommissioning options.

If appropriate, Gannett Fleming will identify areas of the design where additional field investigations, engineering analysis and/or modifications of the rehabilitation design may be warranted. Likewise, opportunities to simplify the design, resulting in cost savings to the Township, will also be identified.

Gannett Fleming will prepare a simple letter memorandum summarizing the results of the construction cost review. The letter report will be provided in pdf format.

### **ASSUMPTIONS**

The following assumptions were made in the preparation of this scope and fee proposal:

1. No hydrologic or hydraulic analysis are included as part of this proposal.
2. No geotechnical investigations or analysis are included as part of this proposal.
3. Cost estimates are based on the best available information. The Engineer makes no guarantee to the accuracy or completeness of the estimate. It is noted that actual contractor bids are affected by a number of factors beyond the control of the Township and Engineer, such as the supply and demand for materials, weather conditions, global and local economic conditions, etc. Consequently, actual contractor bids may vary significantly from the estimated construction costs.

### **COMPENSATION**

Our proposed lump sum fee to prepare an independent construction cost estimate for the dam rehabilitation design shown on the drawings prepared by Edward B. Walsh & Associates, Inc. as described within this proposal letter is \$2,630.00.

### **SCHEDULE**

GF is prepared to begin work upon receiving notice to proceed from the Township. It is anticipated that the work as described herein can be completed within three weeks of receiving notice to proceed.

***Gannett Fleming***

Mr. Rick Smith  
East Goshen Township

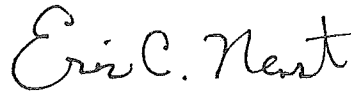
3

February 13, 2017

These services can be provided under our current Master Services Agreement. Should the Township choose to secure our services to perform the construction cost review as described within this proposal, we will provide you with a Service Authorization under a separate cover letter to amend our Master Services Agreement for this work activity. If you have any questions about the proposed services or need additional information, please do not hesitate to call me at 717-763-7212, extension 2828. We thank you for the opportunity to provide this proposal and look forward to continuing our relationship with the Township.

Sincerely,

GANNETT FLEMING, INC.  
Environmental Resources Division

A handwritten signature in black ink that reads "Eric C. Neast". The signature is written in a cursive style with a large initial "E".

ERIC C. NEAST, P.E.  
Project Manager  
Dams and Hydraulics Section

**EAST GOSHEN TOWNSHIP  
BOARD OF SUPERVISORS MEETING  
1580 PAOLI PIKE  
TUESDAY, FEBRUARY 7, 2017– 7:00 pm  
DRAFT MINUTES**

**Present:** Chairman Marty Shane, Vice Chairman Carmen Battavio, Supervisors Janet Emanuel, Chuck Proctor, Michael Lynch, Township Manager Rick Smith, Township CFO Jon Altshul, ABC Member Erich Meyer (Conservancy Board), Judge Tom Tartaglio.

**Call to order & Pledge of Allegiance:**

Marty called the meeting to order at 6:55 pm and asked Senya to lead the assembly in the Pledge of Allegiance.

**Moment of Silence:**

Carmen called for a moment of silence to honor the troops who defend of our Nation and for those that given the ultimate – their lives.

**Swearing In Ceremony:** Judge Tartaglio performed the swearing in ceremony of Michael Lynch as newly appointed Supervisor. Michael repeated the oath after Judge Tartaglio and was sworn in as Supervisor. Michael read a statement thanking his parents and his wife, Cathy, for their love and support, as well as thanking the Board for their vote of confidence in his candidacy. Carmen suggested that Michael’s statement be included in the next Township Newsletter.

**Chairman’s Report:**

- a. Marty recognized Al Zuccarella and Erich Meyer in attendance.
- b. Marty announced that the Board met in executive session on January 30<sup>th</sup> and 31<sup>st</sup> for a personnel matter, and prior to tonight’s meeting for a real estate and personnel matter.

**Emergency Services Report:**

**Goshen Fire Company:** Rick and Carmen commented on the Goshen Fire Report. Carmen drew attention to the 8% increase from last year in the total hours for EMS calls.

Al Zuccarella asked if there was a problem with the individual alarm systems in Hershey’s Mill. Rick explained the current false alarm ordinance and stated that on February 21, 2017 the Board will be considering an amendment to this ordinance. Janet commented that if Hershey’s Mill decides to upgrade, they will need to meet all new codes and guidelines. Carmen stated that he gets a monthly report of all false fire alarms and sends that to the Township.

Marty recognized Dave Molnar for attending the meeting.

**Fire Marshall Report:** Carmen commented on the fire incident at 1422 Larch Lane on January 23, 2017.

**Appointments to ABC Committees:** Marty announced the following appointments:

- 1 • Lori Kier, Esquire to the Zoning Hearing Board (3 year term)
- 2 • Silvia Shin, Esquire to the Planning Commission (term expires at end of 2018)
- 3 • Ernest Harkness, P.E. to Planning Commission (term expires at end of 2018)
- 4 • Michael James, Esquire to the Futurist Committee

5  
6 **New Business:**

7 a. **Consider Jim Benoit as the Member at Large for the Police Commission:** Carmen  
8 motioned to appoint Jim Benoit as the Member at Large for the Police Commission.  
9 Janet seconded. The Board voted unanimously in favor of the motion.

10  
11 b. **Consider Recommendation for Purchase of Iron Worker:** The Board discussed the  
12 quotes to purchase a metal iron worker. They were:

- 13 • Sharp Sales Inc. \$11,800
- 14 • Norman Machine and Tool \$11,832
- 15 • Liberty Tool \$12,210
- 16 • Geka-Bendicrop 50 \$14,900

17 Michael motioned to purchase the Iron Worker from Sharp Sales in the amount of  
18 \$11,800. Carmen seconded. The Board voted unanimously in favor of the motion.

19  
20 c. **Consider Proposal for Playground Project:** Rick discussed the progress of the project  
21 to renovate the Playground in the Township Park and under the terms of the grants, the  
22 need for an engineered plan as well as the services of an architect. Carmen motioned to  
23 accept the February 2, 2017 proposal from Pennoni in the amount of \$9,000 and the  
24 February 2, 2017 proposal from Comitta Associates in the amount of \$33,000. Janet  
25 seconded. Michael asked if these types of services are usually put out for RFP. Rick and  
26 Carmen commented that the Township regularly RFPs these types of services, but  
27 because Pennoni is the Township Engineer, and Comitta Associates has been an integral  
28 part in the Park Master Plans, an RFP was not done in this instance. The Board voted  
29 unanimously in favor of the motion.

30  
31 d. **Consider Replacement for Fire Alarm System:** Rick discussed the need for and the  
32 price quotes for a new fire alarm system. The quotes received were from:

<u>Vendor</u>	<u>Cost</u>	<u>Service Contract</u>	<u>Monitoring Contract</u>	<u>10-year Cost</u>
<b>Protection Bureau</b>	\$23,840	\$2,300/year	\$360/year	\$48,140
<b>Premium Fire &amp; Security</b>	\$16,295	\$390/year	\$250/year	\$22,305

34  
35 Carmen motioned to contract with Premium Fire & Security for the installation of a new  
36 fire alarm system at a cost of \$16,295, with service contract of \$390/year; monitoring  
37 contract of \$250/year, and 10-year cost of \$22,305. Mike seconded. The Board voted  
38 unanimously in favor of the motion.

1 e. **Consider Storm water Agreements for 1680 East Boot Road and 1555 Colonial**  
2 **Lane:** Carmen motioned to authorize the Chairman to execute the storm water  
3 management operation and maintenance agreements for the above locations. Janet  
4 seconded. The Board voted unanimously in favor of the motion. Mike asked if the  
5 Township records all of these agreements. Rick stated that all are recorded, as required  
6 by Ordinance.  
7

8 f. **Review ABC Goals:** The Board reviewed the ABC Goals for 2017. Marty  
9 recommended adopting the goals as presented, but suggested that status reports from each  
10 of the Committees in April and August would be a good idea. The Board discussed  
11 Section 9 of the Orientation Manual which addresses the expectations and time  
12 commitments required by all Committee members and whether the Committee members  
13 are made fully aware of this. Marty suggested that in an effort to create more of a team  
14 feeling between the Board and the Committee members, it would be a good idea to have  
15 quarterly meetings with the Chairs of each Committee. Mike asked if there was a trend  
16 in lack of interest amongst the Committees, and if progress of the ABC goals is tracked.  
17 Janet commented that she does not see a lack of interest amongst the Committee  
18 members, that the Board members are to act as liaisons to their respective Committee  
19 assignments, and that it is unreasonable to require the Committee volunteers to attend  
20 more meetings than they already do. Mike was also in agreement with Janet unless the  
21 Board saw a real problem with Committee meeting attendance.

22 Marty stated that he will create a letter to the ABC Committee Chairs prioritizing their  
23 objectives, encouraging them to register for Constant Contact and suggesting quarterly  
24 update meetings. The Board agreed 4/1 in favor of this suggestion, with Janet in  
25 opposition of the quarterly meeting requirement.

26 Janet motioned to adopt the 2017 ABC Goals as presented. Carmen seconded. The  
27 Board voted unanimously in favor of the motion.  
28

29 **Approval of Minutes:** The Board reviewed, corrected and approved the following minutes:

- 30 a. January 10, 2017: Marty motioned to approve. Carmen seconded. The Board voted  
31 unanimously in favor of the motion.  
32 b. January 17, 2017: Marty motioned to approve. Carmen seconded. The Board voted  
33 unanimously in favor of the motion.  
34

35 **Treasurer's Report:**

36 *See attached Treasurer's Report for February 2, 2017.* The Board reviewed the Treasurer's  
37 Report and the current invoices. Carmen moved to graciously accept the Treasurer's Report and  
38 the Expenditure Register Report as recommended by the Treasurer, to accept the receipts and to  
39 authorize payment of the invoices just reviewed. Michael seconded. The Board voted  
40 unanimously to approve the motion.  
41

42 **Correspondence, Reports of Interest:** The Board acknowledged receipt of the following:

- 43 a. Letter from Mark Gordon determining that John McDonald is not operating a No Impact  
44 Home Based Business, Home Related Business or Home Occupation from the property at  
45 1349 Morstein Road

- 1        b. Letter from James Jackson regarding Executive Order Banning Immigration dated  
2            1/27/17  
3        c. Notice about Willistown Backyard Farm Initiative  
4

5        **Adjournment:**

6        There being no further business, Carmen motioned to adjourn the meeting at 8:10 pm. Janet  
7        seconded. The Board voted unanimously to adjourn.  
8

9        Respectfully submitted,

10       *Christina Rossetti Hartnett*

11       *Recording Secretary*  
12

13       Attachment: *Treasurer's Report for February 2, 2017*

February 16, 2017

**TREASURER'S REPORT  
2017 RECEIPTS AND BILLS**

**GENERAL FUND**

Real Estate Tax	\$297,077.11
Earned Income Tax	\$354,568.66
Local Service Tax	\$64,961.11
Transfer Tax	\$42,163.18
<i>General Fund Interest Earned</i>	\$1,691.89
Total Other Revenue	\$25,432.80
<b>Total Receipts:</b>	<b><u>\$785,894.75</u></b>

Accounts Payable	\$57,880.04
<u>Electronic Pmts:</u>	
Credit Card	\$0.00
Postage	\$0.00
Debt Service	\$11,353.36
Payroll	\$107,238.81
<b>Total Expenditures:</b>	<b><u>\$176,472.21</u></b>

**STATE LIQUID FUELS FUND**

Receipts	\$0.00
<i>Interest Earned</i>	\$0.00
<b>Total State Liquid Fuels:</b>	<b><u>\$0.00</u></b>

<b>Expenditures:</b>	<b><u>\$0.00</u></b>
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**SINKING FUND**

Receipts	\$0.00
<i>Interest Earned</i>	\$846.26
<b>Total Sinking Fund:</b>	<b><u>\$846.26</u></b>

Accounts Payable	\$0.00
<i>Credit Card</i>	\$0.00
<b>Total Expenditures:</b>	<b><u>\$0.00</u></b>

**TRANSPORTATION FUND**

Receipts	\$0.00
<i>Interest Earned</i>	\$383.88
<b>Total Sinking Fund:</b>	<b><u>\$383.88</u></b>

<b>Expenditures:</b>	<b><u>\$0.00</u></b>
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**SEWER OPERATING FUND**

Receipts	\$324,553.48
<i>Interest Earned</i>	\$13.66
<b>Total Sewer:</b>	<b><u>\$324,567.14</u></b>

Accounts Payable	\$20,649.95
<i>Debt Service</i>	\$30,275.50
<i>Credit Card</i>	\$0.00
<b>Total Expenditures:</b>	<b><u>\$50,925.45</u></b>

**REFUSE FUND**

Receipts	\$50,205.63
<i>Interest Earned</i>	\$2.22
<b>Total Refuse:</b>	<b><u>\$50,207.85</u></b>

<b>Expenditures:</b>	<b><u>\$57,910.03</u></b>
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**SEWER SINKING FUND**

Receipts	\$0.00
<i>Interest Earned</i>	\$105.47
<b>Total Sewer Sinking Fund:</b>	<b><u>\$105.47</u></b>

<b>Expenditures:</b>	<b><u>\$0.00</u></b>
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**OPERATING RESERVE FUND**

Receipts	\$0.00
<i>Interest Earned</i>	\$234.04
<b>Total Operating Reserve Fund:</b>	<b><u>\$234.04</u></b>

<b>Expenditures:</b>	<b><u>\$0.00</u></b>
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**Events Fund**

Receipts	\$0.00
<i>Interest Earned</i>	\$1.37
<b>Total Events Fund:</b>	<b><u>\$1.37</u></b>

<b>Expenditures:</b>	<b><u>\$0.00</u></b>
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**EAST GOSHEN TOWNSHIP  
MEMORANDUM**

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**TO:** BOARD OF SUPERVISORS  
**FROM:** BRIAN MCCOOL  
**SUBJECT:** PROPOSED PAYMENTS OF BILLS  
**DATE:** 02-16-2017

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Please accept the attached Treasurer's Report and Expenditure Register Report for consideration by the Board of Supervisors. I recommend the Treasurer's Report and each register item be approved for payment.

Real Estate Tax revenue is higher than usual due to the 2017 invoices being mailed prior to the first week of February. Sewer and Refuse revenues are above average for this time of year because of the change of due date. EIT revenue is also above average due to receipt of 4<sup>th</sup> quarter remittances.

Please advise if the Board decides to make any changes or if the reports are acceptable as drafted.



Report Date 02/06/17

Expenditures Register  
GL-1702-56736

PAGE 1

MARP05 run by BARBARA 9 : 51 AM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
01		GENERAL FUND								
3762				PAPER HANGING BY ED ROSSI						
50158	1	01409	3740	TWP. BLDG. - MAINT & REPAIRS	020617	02/06/17	02/06/17	02/06/17	12760	3,420.00
				WALLPAPERING - 2ND FLOOR 76 ROLLS						
50158	2	01409	3740	TWP. BLDG. - MAINT & REPAIRS	020617	02/06/17	02/06/17	02/06/17	12760	700.00
				PAINT CEILINGS - 2ND FLOOR						
										4,120.00
										4,120.00
										1 Printed, totaling 4,120.00

FUND SUMMARY

Fund	Bank Account	Amount	Description
01	01	4,120.00	GENERAL FUND
		4,120.00	

PERIOD SUMMARY

Period	Amount
1702	4,120.00
	4,120.00

Report Date 02/16/17

Expenditures Register  
GL-1702-56870

PAGE 1

MARP05 run by BARBARA 3 : 49 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
01		GENERAL FUND								
2226	50163	1	01401 3400	21ST CENT.MEDIA-PHILLY #884433 ADVERTISING - PRINTING NOTICE - FUTURIST COMM.	1236491	02/16/17		02/16/17		73.67
										73.67
1903	50165	1	01487 4600	ALTHOUSE, GARY TRAINING & SEMINARS-EMPLY REIMBURSMNT - WEBINAR	021417	02/16/17		02/16/17		20.00
										20.00
1657	50166	1	01411 3630	AQUA PA HYDRANT & WATER SERVICE	020117 HY6	02/16/17		02/16/17		137.52
	50167	1	01411 3630	03099870309987 12/30/16-1/31/17 HY6 HYDRANT & WATER SERVICE	020117 279	02/16/17		02/16/17		4,696.50
	50167	2	01411 3631	03100330310033 12/30/16-1/31/17 186 HYDRANTS - RECHARGE EXPENSE	020117 279	02/16/17		02/16/17		2,348.25
										7,182.27
2690	50169	1	01413 3000	ASFPM GENERAL EXPENSE 2017 ANNUAL MEMBERSHIP - M.GORDON	020717	02/16/17		02/16/17		150.00
										150.00
82	50168	1	01430 2330	ASSOCIATED TRUCK PARTS VEHICLE MAINT AND REPAIR NUT COVERS	100910	02/16/17		02/16/17		36.70
										36.70
2973	50170	1	01430 2330	BORTEK INDUSTRIES INC. VEHICLE MAINT AND REPAIR REPAIR BRUSH & VACUUM CIRCUIT	AB048453	02/16/17		02/16/17		566.88
										566.88
259	50171	1	01413 3000	CC2020/MPP GENERAL EXPENSE MASTER PLANNER CLASS - L.KIER	021317	02/16/17		02/16/17		155.00
										155.00

Report Date 02/16/17

Expenditures Register  
GL-1702-56870

MARPO5 run by BARBARA 3 : 49 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
3249	50172	1	01401 3210	COMCAST 8499-10-109-0107712 COMMUNICATION EXPENSE 0107712 2/5-3/4/17 EG PARK LED	020417	02/16/17		02/16/17		115.25
										115.25
364	50173	1	01401 3000	DELCHESTER PUBLIC WORKS ASSOC GENERAL EXPENSE 2017 MEMBERSHIP- M.MILLER, K.MILLER G.THOMPSON, S.BIONDI, & C.LINDER	020117	02/16/17		02/16/17		25.00
	50173	2	01401 3000	GENERAL EXPENSE 2017 MEMBERSHIP- M.ENNIS, J.BROWN, E.KILGORE, M.HOLMES, W.MINIHAN, S. WALKER	020117	02/16/17		02/16/17		60.00
										85.00
3220	50174	1	01487 4600	DIMARTINI, VINCENT TRAINING & SEMINARS-EMPLY REIMBURSEMNT - WEBINAR	021417	02/16/17		02/16/17		20.00
										20.00
2631	50176	1	01401 2100	GRAPHIC IMPRESSIONS OF AMERICA INC. MATERIALS & SUPPLIES 3 BOXES BOS LETTERHEAD	17-7549	02/16/17		02/16/17		168.00
										168.00
3131	50177	1	01401 3840	GREAT AMERICA FINANCIAL SERVICES RENTAL OF EQUIP. -OFFICE FEB.2017 - LANIER MP C5503 COPIER	20052572	02/16/17		02/16/17		295.00
										295.00
2442	50179	1	01432 2500	KENT AUTOMOTIVE SNOW - MAINTENANCE & REPAIRS CABINET, RED OXIDE PAINT & PRIMER	9304669435	02/16/17		02/16/17		466.64
										466.64
1641	50180	1	01430 2330	NAPA AUTO PARTS VEHICLE MAINT AND REPAIR NOTCHED HI-LIFT & SPARK PLUGS	2-688564	02/16/17		02/16/17		305.65
	50181	1	01430 2330	VEHICLE MAINT AND REPAIR FUEL FILTERS,NOTCHED HI-LIFTS, OIL & AIR FILTERS, SPARK PLUGS, OIL & BATTERIES	2-688556	02/16/17		02/16/17		839.15
	50182	1	01430 2330	VEHICLE MAINT AND REPAIR MASKING PAPER	2-689790	02/16/17		02/16/17		35.28

Report Date 02/16/17

Expenditures Register  
GL-1702-56870

MARP05 run by BARBARA 3 : 49 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
01		GENERAL FUND								
1641				NAPA AUTO PARTS						
	50183	1	01430 2330	VEHICLE MAINT AND REPAIR AEROSOL	2-690349	02/16/17		02/16/17		53.91
	50184	1	01430 2330	VEHICLE MAINT AND REPAIR AEROSOL	2-690348	02/16/17		02/16/17		17.97
	50185	1	01430 2330	VEHICLE MAINT AND REPAIR ACC/BEAMS	2-690955	02/16/17		02/16/17		35.98
	50186	1	01430 2330	VEHICLE MAINT AND REPAIR ACCUFIT - REAR	2-690947	02/16/17		02/16/17		9.99
	50187	1	01430 2330	VEHICLE MAINT AND REPAIR CREDIT ON ACCOUNT	2-685098	02/16/17		02/16/17		-9.00
										1,288.93
3470				NASK DOOR INC.						
	50188	1	01409 3745	PW BUILDING - MAINT REPAIRS 8'X8'1" NON-INSULATED DOOR	Q-1485419	02/16/17		02/16/17		1,250.00
										1,250.00
3679				NETCARRIER TELECOM INC. 67846						
	50190	1	01401 3210	COMMUNICATION EXPENSE FEBRUARY 1 - FEBRUARY 28, 2017	428085	02/16/17		02/16/17		359.92
										359.92
3680				NETCARRIER TELECOM INC. 67891						
	50194	1	01401 3210	COMMUNICATION EXPENSE FEBRUARY 1 - FEBRUARY 28, 2017	428092	02/16/17		02/16/17		132.65
										132.65
2876				P T EQUIPMENT LLC.						
	50204	4	01409 3740	TWP. BLDG. - MAINT & REPAIRS 2017 SERVICE CONTRACT - GENERATOR	020217	02/16/17		02/16/17		936.00
	50204	5	01409 3745	PW BUILDING - MAINT REPAIRS 2017 SERVICE CONTRACT - GENERATOR	020217	02/16/17		02/16/17		936.00
										1,872.00
2352				PECO - 99193-01400						
	50200	1	01434 3610	STREET LIGHTING 99193-01400 12/27/16-1/27/17	020217	02/16/17		02/16/17		783.47
	50200	2	01433 2470	UTILITIES - TRAFFIC LIGHTS 99193-01400 12/27/16-1/27/17	020217	02/16/17		02/16/17		668.94
										1,452.41

Report Date 02/16/17

Expenditures Register  
GL-1702-56870

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MARP05 run by BARBARA 3 : 49 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
01		GENERAL FUND								
3153	50202	1	01409 7505	PECO - 01360-05046 BOOT & PAOLI LED SIGN 01360-05046 12/29/16-1/31/17 PAOLI PIKE LED	020217	02/16/17		02/16/17		50.66
										50.66
2593	50196	1	01454 3600	PECO - 18510-39089 UTILITIES 18510-39089 1/4-2/3/17 BOW TR.PUMP	020617	02/16/17		02/16/17		27.13
										27.13
1555	50199	1	01409 3840	PECO - 45168-01609 DISTRICT COURT EXPENSES 45168-01609 12/22/16-1/26/17 GAS	013017	02/16/17		02/16/17		1,829.77
	50199	2	01409 3605	PW BLDG - FUEL, LIGHT, SEWER & WATER 45168-01609 12/22/16-1/26/17 ELEC.	013017	02/16/17		02/16/17		1,050.12
										2,879.89
2591	50201	1	01454 3600	PECO - 59500-35010 UTILITIES 59500-35010 12/22/16-1/26/17 POND PUMP	013017	02/16/17		02/16/17		38.84
										38.84
1032	50197	1	01409 3600	PECO - 99193-01302 TWP. BLDG. - FUEL, LIGHT, WATER 99193-01302 12/27/16-2/1/17	020817	02/16/17		02/16/17		4,573.88
	50197	2	01454 3600	UTILITIES 99193-01302 12/27/16-2/1/17	020817	02/16/17		02/16/17		453.79
										5,027.67
991	50203	1	01401 3070	PSATS PSATS EXPENSE 2017 PSATS DUES	INV.-13567-P3X7	02/16/17		02/16/17		2,209.00
	50203	2	01401 3070	PSATS EXPENSE TWP. LEGAL DEFENSE PARTNERSHP & NEW LAWS 2017	INV.-13567-P3X7	02/16/17		02/16/17		205.00
	50203	3	01401 3070	PSATS EXPENSE 2016 TWP. NEWS ARCHIVE	INV.-13567-P3X7	02/16/17		02/16/17		45.00
	50203	4	01401 3070	PSATS EXPENSE TWNShp NEWS SUBSCRIPTIONS - R.SMITH, C.PROCTOR, M.SHANE, J.EMANUEL & M.LYNCH & C. BATTAVIO	INV.-13567-P3X7	02/16/17		02/16/17		216.00

Report Date 02/16/17

Expenditures Register  
GL-1702-56870

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MARP05 run by BARBARA 3 : 49 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
										2,675.00
1161				REILLY & SONS INC						
	50205	1	01430 2320	VEHICLE OPERATION - FUEL 195.1 GALLONS GASOLINE	117102	02/16/17		02/16/17		330.89
	50206	1	01430 2320	VEHICLE OPERATION - FUEL 536.9 GALLONS DIESEL	11701	02/16/17		02/16/17		941.19
	50207	1	01430 2320	VEHICLE OPERATION - FUEL 272.9 GALLONS DIESEL	116534	02/16/17		02/16/17		466.66
										1,738.74
1196				S&S WORLDWIDE INC						
	50208	1	01452 2000	SUMMER PROGRAM SUPPLIES PICKLE BALL SET	9496552	02/16/17		02/16/17		241.49
	50209	1	01452 2000	SUMMER PROGRAM SUPPLIES VARIOUS SUMMER CAMP SUPPLIES	9496531	02/16/17		02/16/17		967.46
										1,208.95
1203				SAFETY-KLEEN CORPORATION						
	50210	1	01430 2330	VEHICLE MAINT AND REPAIR PARTS WASHER SOLUTION	72441654	02/16/17		02/16/17		434.50
										434.50
3258				SENN REPAIRS						
	50211	1	01430 2330	VEHICLE MAINT AND REPAIR ANTIFREEZE, BOLTS, SEALS, AIR COMPRESSOR & LABOR	2521	02/16/17		02/16/17		2,158.26
										2,158.26
2121				SHERWIN-WILLIAMS CO.						
	50212	1	01409 3745	PW BUILDING - MAINT REPAIRS MAROON & DEEP GOLD PAINT - PW	4737-9	02/16/17		02/16/17		169.90
	50213	1	01409 3740	TWP. BLDG. - MAINT & REPAIRS PAINTER'S TAPE	1054-1	02/16/17		02/16/17		31.98
										201.88
2108				SIDELINES SPORTSWEAR & PROMOTIONS						
	50214	1	01487 1910	UNIFORMS LONG SLEEVE POLOS EMBROIDERED (6)	5385	02/16/17		02/16/17		221.20
										221.20

Report Date 02/16/17

Expenditures Register  
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Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
1783	50215	1	01411 6000	STATE WORKERS INSURANCE FUND VOLUNTEER FIREFIGHTER WORKERS COMP POLICY #05918452 INST.3 OF 11	020117	02/16/17		02/16/17		4,777.00
										4,777.00
2289	50216	1	01438 3840	SUNBELT RENTALS EQUIPMENT RENTAL SCRUBBER RENTAL 1/23-1/30/17	66367282-001	02/16/17		02/16/17		768.00
										768.00
2933	50217	1	01409 3745	TRANS-FLEET CONCRETE PW BUILDING - MAINT REPAIRS 26 CYDS OFFSEASON CONCRETE WITH TRUCKING CHARGE	142127	02/16/17		02/16/17		3,276.00
										3,276.00
2231	50218	1	01437 2460	ULINE GENERAL EXPENSE - SHOP 3 STEP GRAY UTILITY STEP LADDER	83815617	02/16/17		02/16/17		221.97
										221.97
2055	50219	1	01454 7301	UNIVEST CORP HERSHEY MILL DAM - GENERAL HERSHEY MILL DAM - GEN.LIABILITY	44771	02/16/17		02/16/17		3,250.00
										3,250.00
1389	50220	1	01408 3130	UNRUH TURNER BURKE FREES ENGINEERING SERVICES LEGAL SERV. 7/25-12/29/16 MCNEELY	142649	02/16/17		02/16/17		2,938.22
										2,938.22
2829	50224	1	01401 3210	VERIZON - TWP.FIOS 0001-74 COMMUNICATION EXPENSE 12/28/16 - 1/27/17 FIOS TWP.	012717	02/16/17		02/16/17		89.99
	50224	2	01401 3210	COMMUNICATION EXPENSE 1/28/17 - 2/27/17 FIOS TWP.	012717	02/16/17		02/16/17		89.99
										179.98

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MARP05 run by BARBARA 3 : 49 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
2942				VERIZON WIRELESS						
	50221	1	01401 3210	COMMUNICATION EXPENSE DEC.21,2016 - JAN.20,2017	9778992119	02/16/17		02/16/17		822.49
	50222	1	01401 3210	COMMUNICATION EXPENSE JAN.13 - JAN.20, 2017	9778992120	02/16/17		02/16/17		245.04
										1,067.53
2940				WIRELESS ZONE						
	50226	1	01407 2130	COMPUTER EXPENSE 2 NEW IPADS - C.PROCTOR & J.EMANUEL	W1285IN3727	02/16/17		02/16/17		759.98
	50227	1	01401 3210	COMMUNICATION EXPENSE NEW IPAD - J.LANG	W1285IN3806	02/16/17		02/16/17		379.99
	50228	1	01437 2460	GENERAL EXPENSE - SHOP IPHONE CASE	W1285IN3758	02/16/17		02/16/17		130.00
										1,269.97
550				XYLEM DEWATERING SOLUTIONS INC.						
	50229	1	01454 7300	HERSHEY MILL DAM REPAIR GODWIN DIESEL PUMP, FITTINGS, HOSES & QD BENDS	400675558	02/16/17		02/16/17		3,658.33
										3,658.33



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MARP05 run by BARBARA 3 : 49 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
05				SEWER OPERATING						
3767	50178	1	05364 1000	CH'OU, HSIAO-WEI CHRIS REVENUE - SEWER FEES REFUND - RE: OVERPYMT.UTILITY BILL	021517	02/16/17		02/16/17		940.00
										940.00
1747	50175	1	05429 4520	EAST WHITELAND TOWNSHIP CONTR. SERV. MALVERN INSTITUTE 4TH QTR.2016 SEWER	013117	02/16/17		02/16/17		1,988.00
										1,988.00
3675	50192	1	05420 3602	NETCARRIER TELECOM INC. 67889 C.C. COLLECTION -UTILITIES FEBRUARY 1 - FEBRUARY 28, 2017	428090	02/16/17		02/16/17		48.07
										48.07
3676	50193	1	05422 3600	NETCARRIER TELECOM INC. 67890 R.C STP -UTILITIES FEBRUARY 1 - FEBRUARY 28, 2017	428091	02/16/17		02/16/17		43.08
										43.08
3677	50189	1	05420 3602	NETCARRIER TELECOM INC. 67887 C.C. COLLECTION -UTILITIES FEBRUARY 1 - FEBRUARY 28, 2017	428088	02/16/17		02/16/17		48.17
										48.17
3678	50191	1	05420 3602	NETCARRIER TELECOM INC. 67888 C.C. COLLECTION -UTILITIES FEBRUARY 1 - FEBRUARY 28, 2017	428089	02/16/17		02/16/17		48.19
										48.19
3725	50195	1	05420 3702	NETCARRIER TELECOM INC. 68255 C.C. COLLEC.-MAINT.& REPR. FEBRUARY 1 - FEBRUARY 28, 2017	428300	02/16/17		02/16/17		49.28
										49.28
2876	50204	1	05420 3702	P T EQUIPMENT LLC. C.C. COLLEC.-MAINT.& REPR. 2017 SERVICE CONTRACT - GENERATOR	020217	02/16/17		02/16/17		936.00
	50204	2	05422 3701	R.C. COLLEC.-MAINT.& REPR 2017 SERVICE CONTRACT - GENERATOR	020217	02/16/17		02/16/17		936.00
	50204	3	05422 3700	R.C. STP-MAINT.& REPAIRS 2017 SERVICE CONTRACT - GENERATOR	020217	02/16/17		02/16/17		936.00

Report Date: 02/16/17

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MARP05 run by BARBARA 3 : 49 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
-----										2,808.00
1031				PECO - 99193-01204						
50198	1	05420	3602	C.C. COLLECTION -UTILITIES 99193-01204 12/27/16-2/1/17	020817	02/16/17		02/16/17		874.14
50198	2	05420	3600	C.C. METERS - UTILITIES 99193-01204 12/27/16-2/1/17	020817	02/16/17		02/16/17		10.12
50198	3	05422	3601	R.C. COLLEC.-UTILITIES 99193-01204 12/27/16-2/1/17	020817	02/16/17		02/16/17		398.87
50198	4	05422	3600	R.C STP -UTILITIES 99193-01204 12/27/16-2/1/17	020817	02/16/17		02/16/17		13,133.28
-----										14,416.41
3529				VERIZON - MODEMS						
50223	1	05420	3601	C.C. INTERCEPTOR-UTILITIES DEC.26,2016 - JAN.25,2017 MODEMS	9779324974	02/16/17		02/16/17		80.77
-----										80.77
2773				VERIZON - FW FIOS 0001-15						
50225	1	05422	3601	R.C. COLLEC.-UTILITIES 12/28/16 - 1/27/17 FIOS FW	012717	02/16/17		02/16/17		89.99
50225	2	05422	3601	R.C. COLLEC.-UTILITIES 1/28/17 - 2/27/17 FIOS FW	012717	02/16/17		02/16/17		89.99
-----										179.98

Report Date: 02/16/17

Expenditures Register  
GL-1702-56870

MARP05 run by BARBARA 3 : 49 PM

Vendor	Req #	Budget#	Sub#	Description	Invoice Number	Req Date	Check Dte	Recpt Dte	Check#	Amount
06				REFUSE						
2762				AJB A.J. BLOSENSKI INC.						
50164	1	06427	4500	CONTRACTED SERV.	72100137	02/16/17		02/16/17		57,910.03
				RESIDENTIAL PICK-UP - FEB.2017						
										57,910.03
										132,320.02
0 Printed, totaling										132,320.02

FUND SUMMARY

Fund	Bank Account	Amount	Description
01	01	53,760.04	GENERAL FUND
05	05	20,649.95	SEWER OPERATING
06	06	57,910.03	REFUSE
		132,320.02	

PERIOD SUMMARY

Period	Amount
1702	132,320.02
	132,320.02



February 13, 2017

**CERTIFIED MAIL NO. 7015 1520 0002 1486 2620**

Mr. Matthew L. Gordon  
Sunoco Pipeline, L.P.  
535 Fritztown Road  
Sinking Spring, PA 19608

Re: Erosion and Sediment Control (E&S) Permit  
PA Pipeline Project/Mariner East 2  
E&S Permit No. ESG 01 000 15 001  
Chester and Delaware Counties

Dear Mr. Gordon:

In compliance with the provisions of the Pennsylvania Clean Streams Law, as amended, 35 P.S. Sections 691.1 et seq., the Department of Environmental Protection (DEP) hereby approves your application for an Erosion and Sediment Control Permit (E&S Permit) for the PA Pipeline Project/Mariner East 2 project. Your permit is enclosed. DEP has made a determination that the earth disturbances proposed in your Notice of Intent (NOI) for coverage under the ESCGP-2 general permit are most appropriately addressed through an individual permit and has therefore treated your NOI submission as an application for an individual permit.

**The permit is effective on February 13, 2017, and will expire on February 12, 2022.** You must comply with all conditions of the permit in accordance with Sections 402 and 611 of The Clean Streams Law (35 P.S. Sections 691.402 and 691.611).

**Please be advised that you are not authorized to commence construction that will result in earth disturbances until a pre-construction meeting is held in accordance with Part C VI of the permit and 25 Pa. Code Section 102.5(e).** The purpose of this meeting is to review all aspects of the E&S Permit with the permittee, co-permittees, operators, consultants, DEP inspectors, and licensed professionals or their designees who will be responsible for the implementation of the critical stages of the approved post-construction stormwater management (PCSM)/restoration plan.

In addition to the E&S Permit authorization, the permittee and any subsequent co-permittees have additional responsibilities related to this authorization. E&S Permit requirements and state regulations require that operators who are not the permittee shall be a co-permittee. Please be advised that once an operator/contractor has been selected for the project, the E&S

Permit must either be transferred to the operator/contractor or the operator/contractor must be made a co-permittee and enter into an agreement with the permittee. Please use the enclosed Transferee/Co-Permittee Application form to transfer the permit or to add a co-permittee. This form must be received by DEP at least 30 days prior to the co-permittee/transferee action taking place.

As part of the operation and maintenance of best management practices (BMPs), the permittee or co-permittee(s) must conduct inspections of the BMPs on a weekly basis, at a minimum, and after each measurable storm event to include the repair or replacement of BMPs to ensure effective and efficient operation (see Part A III.C of the permit). The Visual Site Inspection Report Form is enclosed and must be used to document these required site inspections.

For any property containing a PCSM BMP, the permittee or co-permittee shall record an instrument with the recorder of deeds which will assure disclosure of the PCSM BMP and the related obligations in the ordinary course of a title search of the subject property. The recorded instrument must identify the PCSM BMP, provide for necessary access related to long-term operation and maintenance for PCSM BMPs and provide notice that the responsibility for long-term operations and maintenance of the PCSM BMP is a covenant that runs with the land that is binding upon and enforceable by subsequent grantees. Unless a later date is approved by DEP in writing, the permittee shall record an instrument as required under 25 Pa. Code Section 102.8(m)(2) and Part C XII of the permit within 45 days from the date of issuance of this permit. The permittee shall provide DEP and the conservation district with the date and place of recording along with a reference to the docket, deed book or other record, within 90 days from the date of issuance of this permit or authorization.

The Notice of Termination (NOT) form is also enclosed and must be completed and filed when construction activities have ceased and final stabilization has been achieved as a condition of this E&S Permit as specified in Part B I.B of the permit. The NOT is an E&S Permit requirement, as well as a regulatory requirement under 25 Pa. Code Chapter 102 Section 102.7. The NOT must identify the responsible person(s) for the long-term operation and maintenance of the PCSM BMPs. Please be advised that the permittee and any co-permittees remain responsible for all operational maintenance for this project site until the NOT has been filed and acknowledged by DEP or the conservation district.

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, P.O. 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

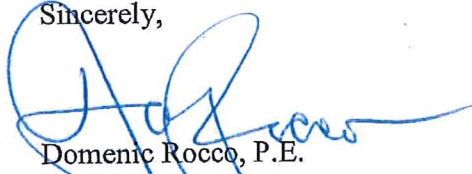
available in braille or on audiotape from the Secretary to the Board at 717.787.3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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 contact Mr. Christopher Smith at 484.250.5152.

Sincerely,



Domenic Rocco, P.E.  
Regional Manager  
Waterways and Wetlands

Enclosures: E&S Control Permit  
Visual Site Inspection Report Form  
Transferee/Co-permittee Application Form  
Notice of Termination Form  
Riparian Forest Buffer Reporting Form (when applicable)  
PCSM Instrument Filing Notice

cc: Mr. Simcik, P.E. – Tetra Tech  
Ms. Ferri – Delaware County Conservation District  
Mr. Sofranko – Chester County Conservation District  
East Goshen Township  
East Nantmeal Township  
East Whiteland Township  
Elverson Borough  
Upper Uwchlan Township  
Uwchlan Township  
Wallace Township  
West Goshen Township  
West Nantmeal Township  
Westtown Township  
West Whiteland Township  
Aston Township  
Brookhaven Borough  
Chester Township  
Edgmont Township  
Middletown Township  
Thornbury Township  
Upper Chichester Township  
Re 30 (GJS17WAW)41



**EROSION AND SEDIMENT CONTROL (E&S) PERMIT  
FOR EARTH DISTURBANCE ASSOCIATED WITH OIL AND GAS EXPLORATION,  
PRODUCTION, PROCESSING, OR TREATMENT OPERATIONS  
OR TRANSMISSION FACILITIES**

**E&S PERMIT NO.: ESG 01 000 15 001**

In compliance with the provisions of Pennsylvania's Clean Streams Law, as amended, 35 P.S. §§ 691.1 *et seq.*, 58 Pa.C.S. §§ 3201-3274 (2012 Oil and Gas Act) and regulations promulgated thereto, including 25 Pa Code Chapters 78.93 and 102, and sections 1905-A, 1917-A and 1920-A of the Administrative Code of 1929, 71 P. S. §§ 510-5, 510-17 and 510-20, earth disturbances associated with oil and gas activities are authorized for the project identified below, in accordance with the application submitted to the Department of Environmental Protection (DEP) and accompanying plans and additional information, as revised, subject to the requirements specified herein.

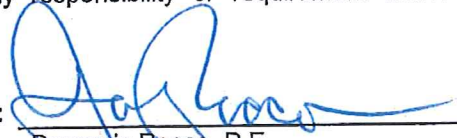
<u>Project Name and Location(s)</u>	<u>Permittee Name and Address</u>
PA Pipeline Project / Mariner East 2 Counties: Mariner East 2	Sunoco Pipeline, L.P. 535 Fritztown Road Sinking Spring, PA 19608

**THIS PERMIT SHALL BECOME EFFECTIVE ON FEBRUARY 13, 2017  
AND SHALL EXPIRE ON FEBRUARY 12, 2022.**

The authority granted by this permit is subject to the following further qualifications:

1. This permit is issued for earth disturbances associated with oil and gas activities subject to the use of erosion and sediment control (E&S) and post-construction stormwater management (PCSM) best management practices (BMPs) to control discharges composed entirely of stormwater to surface waters identified in the application. Authorization to discharge is subject to implementation of the plans and additional information submitted as part of the application. This permit incorporates by reference the application and any other attachments, reports, plans, plan drawings, supplements, and other materials submitted by the applicant, as revised.
2. Any construction or earth disturbance activities that are not presented on the plans submitted in support of the application are not authorized by the permit. A request to modify this permit must be submitted by the permittee and approved by DEP before the permittee may commence any construction or earth disturbance activities that are not included in the information submitted in support of the application.
3. Earth disturbance activities conducted in accordance with the terms and conditions herein may commence on the effective date of this permit or the date other necessary permits and authorizations are obtained, whichever occurs later.
4. Coverage under this permit may be extended by DEP or an authorized conservation district if a timely and administratively complete application for renewal is submitted at least 180 days prior to the permit expiration date.
5. DEP may terminate this permit prior to the expiration date upon notice. The permittee may request termination of the permit prior to the expiration date through the submission of an acceptable Notice of Termination (NOT).
6. No condition of this permit shall release the permittee(s) from any responsibility or requirement under Pennsylvania's statutes or regulations or local ordinances.

DATE PERMIT ISSUED: FEBRUARY 13, 2017

ISSUED BY:   
Domenic Rocco, P.E.  
Environmental Program Manager  
Waterways and Wetlands Program  
DEP Southeast Regional Office



## PART A

## EFFLUENT LIMITATIONS, MONITORING, AND REPORTING REQUIREMENTS

## I. DEFINITIONS

**Accelerated erosion** – The removal of the surface of the land through the combined action of human activities and the natural processes, at a rate greater than would occur because of the natural process alone.

**BMPs – Best Management Practices** – Activities, facilities, measures, planning, or procedures used to minimize accelerated erosion and sedimentation and manage stormwater to protect, maintain, reclaim and restore the quality of waters, and existing and designated uses of waters of the Commonwealth before, during, and after earth disturbance activities.

**Conservation District** – A Conservation District, as defined in Section 3(c) of the Conservation District Law (3 P.S. § 851(c), as amended) that has the authority under a delegation agreement executed with DEP to administer and enforce all or a portion of the erosion, sediment, and stormwater management program in the Commonwealth of Pennsylvania (also referred to as "authorized conservation district").

**Co-Permittee/Permittee** – Person(s) identified in this permit as responsible for the discharges of stormwater associated with construction activity who is jointly and individually responsible together with the permittee for compliance with all conditions of this permit and applicable laws.

**Critical stages** – The installation of underground treatment BMPs, structurally engineered BMPs, or other BMPs as deemed appropriate by the Department or the conservation district.

**Earth disturbance activity** – A construction or other human activity which disturbs the surface of the land, including land clearing and grubbing, grading, excavations, embankments, land development, agricultural plowing or tilling, operation of animal heavy use areas, timber harvesting activities, road maintenance activities, oil and gas activities, well drilling, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials.

**Erosion** – The natural process by which the surface of the land is worn away by water, wind, or chemical action.

**E&S Plan** – Erosion and Sediment Control Plan– A site-specific plan consisting of both drawings and a narrative that identifies BMPs to minimize accelerated erosion and sedimentation before, during, and after earth disturbance activities.

**Forested riparian areas** – Areas that consist of permanent vegetation that is predominantly native trees, shrubs, and forbs along surface waters.

**Licensed professional** – Professional engineers, landscape architects, geologists and land surveyors licensed to practice in the Commonwealth.

**Long-term operation and maintenance** – The routine inspection, maintenance, repairs, or replacements, of a BMP to ensure proper function for the duration of time that the BMP is needed.

**Municipality** – A county, city, borough, town, township, school district, institution or authority or another public body created by or pursuant to State Law. For the purposes of this definition, town includes an incorporated town.

**NOT – Notice of Termination** – A request, on a form provided by the Department, to terminate coverage under an erosion and sedimentation control general permit for earth disturbances associated with oil and gas exploration, production, processing or treatment operations or transmission facilities.

**Oil and gas activities** - Earth disturbance associated with oil and gas exploration, production, processing or treatment operations or transmission facilities.

**Operator** – A person who has one or more of the following:

- Oversight responsibility of earth disturbance activity on a project site or a portion thereof, who has the ability to make modifications to the E&S Plan, PCSM Plan, or site specifications.
- Day-to-day operational control over earth disturbance activity on a project site or a portion thereof to ensure compliance with the E&S Plan or PCSM plan.

**Owner** – A person or persons who hold legal title to the land subject to construction activity. This term also includes the person(s) who held legal title to the land subject to construction activity at the time such activity was commenced on a site.

**PCSM / SR Plan – Post-Construction Stormwater Management Plan / Site Restoration** – A site-specific plan consisting of both drawings and a narrative that identifies BMPs to manage changes in stormwater runoff volume, rate, and water quality after earth disturbance activities have ended and the project site is permanently stabilized.

**Permanent stabilization** – Long-term protection of soil and water resources from accelerated erosion.

**Person** – Any operator, individual, public or private corporation, partnership, association, municipality or political subdivision of this Commonwealth, institution, authority, firm, trust, estate, receiver, guardian, personal representative, successor, joint venture, joint stock company, fiduciary; Department agency or instrumentality of State, Federal or local government, or an agent or employee thereof; or any other legal entity. Whenever used in any clause prescribing and imposing a penalty, or imposing a fine or imprisonment or both, the term "person" shall not exclude the members of an association and the directors, officers, or agents of a corporation.

**Point Source** – Any discernable, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, Concentrated Animal Feeding Operation, landfill leachate collection system, or vessel or other floating craft, from which pollutants are or may be discharged.

**Post-construction stormwater** – Stormwater associated with a project site after the earth disturbance activity has been completed and the project site is permanently stabilized.

**RPG Plan** – A written plan that identifies an emergency response program, material and waste inventory, spill and leak prevention and response, inspection program, housekeeping program, security and external factors, and that is developed and implemented at the construction site to control potential discharges of pollutants other than sediment into waters of the Commonwealth.

**Project site** – The entire area of activity, development, lease or sale including:

- The area of the earth disturbance activity.
- The area planned for the earth disturbance activity.
- Other areas which are not subject to earth disturbance activity.

**Stabilization** – The proper placing, grading, constructing, reinforcing, lining, and covering of soil, rock, or earth to ensure their resistance to erosion, sliding, or other movement.

**Stormwater** – Runoff from precipitation, snow melt runoff, surface runoff and drainage.

**Surface Waters** – Perennial and intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps and estuaries, excluding water at facilities approved for wastewater treatment such as wastewater treatment impoundments, cooling water ponds and constructed wetlands used as part of a wastewater treatment process.

**Total Maximum Daily Load (TMDL)** – The sum of individual waste load allocations for point sources, load allocations for nonpoint sources and natural quality and a margin of safety expressed in terms of mass per time, toxicity or other appropriate measures.

**Transferee** – Person(s) identified through the co-permittee/transferee form as having new responsibility for the discharges of stormwater during construction activities and responsibility for compliance with all conditions of this permit and all applicable laws for discharges of stormwater during the earth disturbance activity.

**Wasteload Allocation (WLA)** – The portion of a surface water's loading capacity that is allocated to existing and future point source discharges.

Waters of the Commonwealth – Rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs and other bodies or channels of conveyance of surface and underground water; or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

Wetlands – Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

## II. EFFLUENT LIMITATIONS

- A. BMPs – Except as required by 25 Pa. Code §102.11(c), this permit establishes narrative performance-based effluent limitations in the form of BMPs identified in E&S Plans, PCSM Plans, and PPC Plans, which control the volume, rate, and quality of stormwater runoff and associated pollutants from being discharged into surface waters, and which replicate pre-construction infiltration and runoff conditions to the maximum extent practicable.
1. Operators of all earth disturbance activities shall implement and maintain E&S and PCSM BMPs and other pollution prevention measures required by this permit to minimize accelerated erosion and sedimentation before, during, and after construction activities.
  2. E&S BMPs shall be implemented to meet the standards and specifications identified in DEP's regulations, including 25 Pa. Code § 102.4 (relating to Erosion and Sediment Control requirements) and 102.11(a)(1) (relating to general requirements), and identified in DEP's *Erosion and Sediment Pollution Control Program Manual* (363-2134-008) as amended and updated, or an approved alternative that is at least as effective.
  3. PCSM BMPs shall be implemented to meet the standards and specifications identified in DEP's regulations, including 25 Pa. Code § 102.8 (relating to PCSM requirements) and 102.11(a)(2), and identified in DEP's *Pennsylvania Stormwater Best Management Practices Manual* (363-0300-002), as amended and updated, or an approved alternative that is as at least as effective.
  4. The E&S Plan, PCSM Plan, and PPC Plan shall identify appropriate BMPs that will be implemented to ensure that existing and designated uses of surface waters are protected and maintained.
  5. The permittee or co-permittee shall maintain the E&S Plan, PCSM Plan, PPC Plan, and other documents required by this permit at the project site and shall make these documents available for review by DEP, an authorized conservation district, or other authorized local, state, or federal agent or representative.
  6. Discharges to surface waters identified as impaired waters must be managed with non-discharge and/or ABACT BMPs.
- B. Applicable Effluent Limitations – Activities covered under this permit must comply with applicable effluent limitations established in 25 Pa. Code Chapters 91, 93, 96, 102, and 105 and any applicable federal law or regulation.
- C. Water Quality Based Effluent Limitations – Water quality based effluent limitations are applicable to activities conducted under this permit when required under applicable state and federal law or regulation to ensure that the water quality standards of the receiving water are attained. Activities conducted under this permit shall not result in a violation of such water quality standards.

## III. MONITORING, INSPECTION, AND REPORTING REQUIREMENTS

### A. Monitoring.

DEP or the authorized conservation district may require monitoring of stormwater discharges and/or disturbed soils where an increased risk of potential pollution is present, or pollution is suspected to be occurring from an earth disturbance activity subject to this permit. The permittee or co-permittee shall commence such monitoring upon receipt of written notification from DEP or an authorized conservation district in accordance with the instructions set forth in the notification.

B. Test Procedures.

Unless otherwise specified in this permit, the test procedures for the analysis of pollutants shall be those contained in 40 CFR Part 136, alternate test procedures approved pursuant to that part, or other alternate procedures approved by DEP.

C. Visual Inspections.

1. The permittee and co-permittee(s) shall visually inspect the project site weekly, at a minimum, and within 24 hours of the conclusion of each measurable (> 0.1 inch) storm event throughout the duration of earth disturbance and until the permittee and co-permittee(s) receive acknowledgement of the NOT from DEP or an authorized conservation district. The visual site inspections shall be conducted by qualified personnel, trained and experienced in erosion and sediment control.
2. Each inspection must include an evaluation of E&S, PCSM and PPC BMPs, as applicable, to determine whether the BMPs are adequate and properly implemented in accordance with the terms of this permit or whether additional control measures are needed. If needed, such measures shall be implemented and immediately and DEP and the authorized conservation district shall be notified.
3. Each inspection must include an evaluation of equipment needed to implement E&S, PCSM, and PPC Plans, such as spill response equipment, as applicable.
4. The permittee shall document all visual inspections on an inspection report form that is provided by DEP. In addition to the information required above, the permittee shall document the date, time, name and signature of the person(s) conducting the inspection. All inspection reports shall be made available on the project site for review by DEP and an authorized conservation district.
5. If the permittee discovers conditions in the field that pose a threat of pollution to waters of the Commonwealth, the permittee shall temporarily stabilize the site and cease earth disturbance activities. Thereafter the permittee shall submit a plan and schedule to DEP for review and approval to resume earth disturbance activities while protecting waters of the Commonwealth. The permittee shall implement the plan upon DEP's approval.

D. Licensed Professional Oversight of Critical Stages.

A licensed professional or a designee shall be present on-site and responsible during critical stages of implementation of the approved PCSM Plan. The critical stages may include the installation of underground treatment or storage BMPs, structurally engineered BMPs, or other BMPs as deemed appropriate by DEP or the authorized conservation district.

E. Noncompliance Reporting.

Where E&S, PCSM or PPC BMPs are found to be inoperative or ineffective during an inspection or any other time the permittee becomes aware of any incident causing or threatening pollution as described in 25 Pa. Code § 91.33 (relating to incidents causing or threatening pollution), the permittee and co-permittee(s) shall, within 24 hours, contact the Department or authorized conservation district, by phone or personal contact, followed by the submission of a written report within five (5) days of the initial contact. Noncompliance reports shall include the following information:

1. Any condition on the project site which may endanger public health, safety, or the environment, or involve incidents which cause or threaten pollution.
2. The period of noncompliance, including exact dates and times and/or anticipated time when the activity will return to compliance.
3. Steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.
4. The date or schedule of dates, and identifying remedies for correcting noncompliance conditions.

Additionally, when BMPs are found to be inoperative or ineffective, a licensed professional shall be consulted to ensure BMP adequacy, as designed.

F. Availability of Reports.

Except for data determined to be confidential under Section 607 of the Clean Streams Law, all reports and other information prepared in accordance with the terms of this permit shall be available for public inspection at the appropriate DEP Regional Office or authorized conservation district office.

**IV. RECORD KEEPING**

A. Recording of Results.

For each measurement or sample taken pursuant to the requirements of this permit, the permittee or co-permittee shall record the following information:

- The exact place, date and time of sampling or measurements.
- The person(s) who performed the sampling or measurements.
- The dates the analyses were performed.
- The person(s) who performed the analyses.
- The analytical techniques or methods used.
- The results of such analyses.

B. Retention of Records.

The permittee and co-permittee(s) shall retain records of all monitoring information including copies of all monitoring and inspection reports required by this permit, all monitoring information (including site log book, calibration and maintenance records) and records of data used to complete the application for this permit, for a period of three years from the date of the termination of coverage under this permit. This period of retention must be extended during the course of any unresolved compliance, enforcement, or litigation or when requested by DEP or an authorized conservation district.

C. Reporting of Monitoring Results.

Visual inspection monitoring results shall be submitted to DEP or an authorized conservation district upon request.

## PART B

## STANDARD CONDITIONS

## I. MANAGEMENT REQUIREMENTS

## A. Permit Modification, Termination, or Revocation and Reissuance.

1. If changes to site conditions or the design have the potential to increase runoff, the permittee shall contact DEP to evaluate whether a permit modification is required. The permittee shall manage any increase in stormwater rate, volume or quality by adding appropriate BMPs.
2. This permit may be modified, suspended, revoked, reissued, or terminated during its term for any of the causes specified in 25 Pa. Code Chapter 102 (relating to erosion and sediment control), or to require compliance with updated effluent limitation guidelines, water quality standards, impaired water listings, or new TMDLs, including but not limited to, the following.
  - Violation of any terms or conditions of the permit.
  - Obtaining a permit by misrepresentation or failure to discuss fully all relevant facts.
  - A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.
3. The filing of a request by the permittee or co-permittee for a permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated non-compliance, does not stay any permit condition.
4. Permit modification or revocation will be conducted according to 25 Pa. Code Chapter 102.

## B. Notice of Termination.

## 1. Termination of Coverage.

- a. Upon permanent stabilization of earth disturbance activity under 25 Pa. Code § 102.22(a)(2) (relating to permanent stabilization) and installation of BMPs in accordance with the approved plan prepared and implemented in accordance with 25 Pa. Code §§ 102.4 and 102.8, the permittee and/or co-permittee shall submit a NOT to DEP or an authorized conservation district. The NOT must include:
  - The facility name, address, and location;
  - The operator name and address;
  - The permit number;
  - The reason for the permit termination; and
  - Identification of the persons who have agreed to and will be responsible for the long-term operation and maintenance of PCSM BMPs.
- b. Until the permittee or co-permittee has received written approval of the NOT, the permittee or co-permittee will remain responsible for compliance with the permit terms and conditions, including long-term operation and maintenance of all PCSM BMPs on the project site in accordance with 25 Pa. Code § 102.8(m). DEP or an authorized conservation district may conduct a follow up inspection and approve or deny the NOT within 30 days of receipt in accordance with 25 Pa. Code § 102.7(c) (relating to permit termination).

## 2. Final Certification.

- a. The permittee shall enclose with the NOT "Record Drawings" along with a final, signed certification statement from a licensed professional, which shall read as follows:

"I (name) do hereby certify pursuant to the penalties of 18 Pa. C.S.A. § 4904 to the best of my knowledge, information, and belief, that the accompanying record drawings accurately reflect the as built

conditions, are true and correct, and are in conformance with Chapter 102 of the rules and regulations of the Department of Environmental Protection and that the project site was constructed in accordance with the approved PCSM Plan, all approved plan changes, and accepted construction practices."

- b. The permittee shall retain a copy of the record drawings as part of the approved PCSM Plan. The permittee shall also provide a copy of the record drawings as part of the approved PCSM Plan to the persons identified as responsible for the long term operation and maintenance of PCSM BMPs. Permittees shall also provide copies of both the record drawings and the long-term operation and maintenance plan to the Department, authorized conservation district, and municipality.

C. Duty to Provide Information.

1. The permittee or co-permittee(s) shall furnish to DEP or an authorized conservation district within thirty (30) days of the date of request, any information that DEP or an authorized conservation district may request to determine whether cause exists for modifying, revoking, reissuing, or terminating this permit or coverage approved under this permit or to determine compliance with this permit.
2. The permittee or co-permittee shall furnish, upon request, to DEP or an authorized conservation district, copies of records required to be kept by this permit.
3. When the permittee or co-permittee becomes aware that they failed to submit any relevant facts or submitted incorrect information in the application, E&S Plan, PCSM Plan, or PPC Plan or in any other report to DEP or an authorized conservation district, the permittee or co-permittee shall within 24 hours of becoming aware of the deficiency submit or correct such facts or information.
5. The permittee or co-permittee shall give seven (7) calendar days' advance notice to DEP or an authorized conservation district of any planned physical alterations or additions to the permitted facility which could, in any way, substantially affect the quality and/or quantity of stormwater discharged from the activity.

D. Signatory Requirements.

Documents required, submitted, or maintained under this permit shall be signed in accordance with the following:

1. Notices of Intent, Transferee/Co-permittee Form, and Notices of Termination.
  - a. Corporations: (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or (2) the manager of one or more manufacturing, production, or operating facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - b. Partnerships or sole proprietorships: a general partner or the proprietor, respectively.
  - c. Municipalities, state, federal, or other public agencies: either a principal executive officer or ranking elected official such as: (1) the chief executive officer or secretary of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., PennDOT District Executive).
2. All reports, plans, documents, and other information required by the permit or requested by DEP or an authorized conservation district shall be signed by a duly authorized representative of the permittee.
3. If there is a change in the duly authorized representative of the permittee or co-permittee, the permittee or co-permittee shall notify DEP or an authorized conservation district within thirty (30) days of the change.

E. Transfer of Ownership or Control.

1. This permit is not transferable to any person except after notice and acknowledgment by DEP or an authorized conservation district.

- a. In the event of any pending change in control or ownership of facilities, the permittee or co-permittee shall notify DEP or an authorized conservation district using the form entitled "Transferee/Co-permittee Application" of such pending change prior to the change in ownership or control.
  - b. The Transferee/Co-permittee Application form shall be accompanied by a written agreement between the existing permittee and the new owner or operator stating that the existing permittee shall be liable for violations of the permit up to and until the date of coverage transfer and that the new owner or operator shall be jointly and individually liable for permit violations under the permit from that date on.
  - c. After receipt of an administratively complete and acceptable Transferee/Co-permittee Application form, DEP or an authorized conservation district shall notify the existing permittee and the new owner or operator of its decision concerning approval of the transfer of ownership or control. Such requests shall be deemed approved unless DEP or an authorized conservation district notifies the applicant otherwise within thirty (30) days. For the purposes of this permit, this modification is considered to be a minor permit modification.
2. For purposes of this permit, operators shall include general contractors. If prior to construction activities, the owner is the permittee and an operator/general contractor is later identified to become a co-permittee, the owner shall:
- a. Notify DEP or an authorized conservation district by submitting an administratively complete and acceptable Transferee/Co-permittee Application form; and
  - b. Ensure that monitoring reports and any other information requested under this permit shall reflect all changes to the permittee and the co-permittee name.
3. Upon authorization of a change in ownership or control, the existing permittee shall provide a copy of the permit and approved plans to the new owner and/or co-permittee.

F. Removed Substances.

Solids, sediments, and other pollutants removed in the course of treatment or control of stormwater shall be disposed in accordance with federal and state law and regulations, in order to prevent any pollutant in such materials from adversely affecting the environment.

G. BMP Construction, Operation and Maintenance.

The permittee and co-permittee(s) are responsible for the design, installation, operation, and maintenance of the BMPs identified in the E&S Plan, PCSM Plan, and PPC Plan.

H. Adverse Impact.

The permittee and co-permittee(s) shall take all reasonable steps to prevent, minimize, or cease any discharge in violation of this permit.

I. Reduction, Loss, or Failure of BMP.

Upon reduction, loss, or failure of any BMP, the permittee and co-permittee shall take immediate action to restore, repair, or replace the BMP or provide an alternative method of treatment. Such restored BMP or alternative treatment shall be at least as effective as the original BMP when properly installed. These actions should be undertaken to ensure that there are no pollutional discharges to the waters of the Commonwealth. This requirement is applicable in situations where the BMP is rendered ineffective, whether the cause or source of the reduction, loss or failure is within or beyond the control of the permittee or co-permittee.

## II. COMPLIANCE RESPONSIBILITIES

A. Duty to Comply.



The permittee and co-permittee must comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the Pennsylvania Clean Streams Law and is grounds for enforcement action; for permit termination, revocation, reissuance, or modification; or for denial of a permit or permit renewal.

B. Penalties for Violations of Permit Conditions.

Any person who violates a permit condition, fails to take corrective action to abate violations or falsifies report or other documents may be subject to criminal and/or civil penalties or other appropriate action for violations of the terms and conditions of this permit under Sections 602 and 605 of the Clean Streams Law (35 P.S. §§ 691.602 and 691.605), which are incorporated by reference.

C. Need to Halt or Reduce Activity Not a Defense.

The permittee and/or co-permittee may not use as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the conditions of this permit.

D. Penalties and Liability.

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee or co-permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject.

E. Property Rights.

This permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

F. Severability.

The provisions of this permit are severable; and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

G. Other Laws.

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee or co-permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation.

H. Right of Entry

Pursuant to Sections 5(b) and 305 of the Pennsylvania Clean Streams Law (35 P.S. §§ 691.5(b) and 691.305), and Section 1917-A of the Administrative Code of 1929, the permittee and co-permittee shall allow the Director of DEP, and/or an authorized representative of DEP, conservation district or, in the case of a facility which discharges to a municipal separate storm sewer, an authorized representative of the municipal operator of the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents, as may be required by law, to:

1. Enter upon the permittee's or co-permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of this permit.
3. Inspect any facilities or equipment (including monitoring and control equipment).
4. Observe or sample any discharge of stormwater.

I. Availability of Reports.

Except for data determined to be confidential under Section 607 of the Clean Streams Law (35 P.S. § 691.607), all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of DEP or authorized conservation district. As required by the Clean Streams Law, permit applications, permits, and other documents related to this permit shall not be considered confidential.

**J. Penalties for Falsification of Reports.**

Any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including reports of compliance or noncompliance is subject to criminal sanctions as set forth for false swearing and unsworn falsification at 18 Pa. C.S. §§ 4903-4904 and Section 611 of the Clean Streams Law (35 P.S. § 691.611).

**K. The permittee or co-permittee shall contact DEP or an authorized conservation district for clarification of any requirements contained in the E&S Plan, PCSM Plan, PPC Plan, or other documents related to this permit.**

**PART C**

**OTHER REQUIREMENTS**

**I. PROHIBITED DISCHARGES**

- A. All discharges covered by this permit shall be composed entirely of stormwater. Discharges of substances other than stormwater must be in compliance, when required, with an NPDES permit (other than this permit) issued for the discharge. Discharges of sewage or industrial waste to waters of the Commonwealth or a BMP is not permitted.
- B. The permittee or co-permittee(s) may not discharge floating materials, oil, grease, scum, foam, sheen, and substances which: produce odor, taste, or turbidity or settle to form deposits in concentrations or amounts sufficient to be, or create a danger of being, inimical to the water uses to be protected or human, animal, plant, or aquatic life.

**II. EROSION AND SEDIMENT CONTROL (E&S) PLANS**

- A. The permittee shall implement its approved E&S Plan, including all BMPs contained therein. The E&S Plan is incorporated into this permit.
- B. E&S Plans required under this permit are considered reports that shall be available to the public under Section 607 of the Clean Streams Law (35 P.S. § 691.607). The owner or operator of a facility with stormwater discharges covered by this permit shall make E&S Plans available to the public upon request. E&S Plans must be made available at the site of the construction activity at all times.
- C. The staging of earth disturbance activities and maintenance requirements contained in the approved E&S Plan must be followed.
- D. Upon the installation or stabilization of all perimeter sediment control BMPs and at least three (3) days prior to proceeding with the bulk earth disturbance activities, the permittee or co-permittee shall provide notification to DEP or an authorized conservation district.
- E. All manufactured BMPs, including erosion control matting and water quality devices, shall be installed and maintained in accordance with manufacturer's recommendations.
- F. General site clearing, grubbing and topsoil stripping shall not commence in any stage or phase of the project until the E&S BMPs specified by the E&S Plan for that stage or phase have been installed and are functioning as described in the E&S Plan.
- G. Regardless of slope, erosion control blankets shall be used for all seeded areas within 100 feet of a High Quality or Exceptional Value surface water. For all slopes that are 3H:1V or steeper or where potential exists for sediment pollution to receiving waters, erosion control blankets shall be used for all seeded areas within 50 feet of a surface water.
- H. In accordance with the E&S and Site Restoration Plans, measures shall be taken to ensure that proper soil de-compaction occurs for all areas of site restoration for the project. The permittee shall implement such measures in accordance with the guidance on soil restoration in the PA Stormwater BMP Manual (BMP 6.7.3, Chapter 6, page 221).
- I. Where compost filter sock is necessary to elevate the pumped water filter bag to an ABACT E&S BMP, the compost filter sock shall be placed to sufficient length to manage all flow from the pumped water filter bag.
- J. For all discharges from the project site associated with earth disturbance activities, the permittee shall implement, maintain, repair and if necessary replace BMPs to minimize the potential for accelerated erosion and sedimentation and to protect, maintain, reclaim and restore water quality and existing and designated uses.

### III. POST-CONSTRUCTION STORMWATER MANAGEMENT (PCSM) PLANS

- A. The permittee shall implement its approved PCSM Plan, including all BMPs contained therein. The PCSM Plan is incorporated into this permit.
- B. PCSM Plans required under this permit are considered reports that shall be available to the public under Section 607 of the Clean Streams Law (35 P.S. § 691.607). The owner or operator of a facility with stormwater discharges covered by this permit shall make PCSM Plans available to the public upon request. The PCSM Plans must be made available at the site of the construction activity at all times.
- C. A licensed professional or their designee shall be present on-site and be responsible for oversight of critical stages of implementation of the approved PCSM Plan. The licensed professional will be responsible to provide a final certification, pursuant to 25 Pa. Code § 102.8(l) along with the required NOT and record drawings, indicating that the project site was constructed in accordance with the approved or modified PCSM Plan.
- D. The PCSM Plan must be consistent with the assumptions and requirements of any available WLAs for the discharges as set forth in any applicable TMDLs established for the receiving waters.
- E. The portion of a site reclamation or restoration plan that identifies PCSM BMPs to manage stormwater from pipelines or other similar utility infrastructure may be used to satisfy the PCSM requirements if the PCSM reclamation, or restoration plan meets the requirements of 25 Pa. Code § 102.8(b), (c), (e), (f), (h), (i) and (l), and when applicable, (m).
- F. All manufactured BMPs, including erosion control matting and water quality devices, shall be installed and maintained in accordance with manufacturer's recommendations.
- G. In accordance with the E&S and Site Restoration Plans, measures shall be taken to ensure that proper soil de-compaction occurs for all areas of site restoration for the project. The permittee shall implement such measures in accordance with the guidance on soil restoration in the PA Stormwater BMP Manual (BMP 6.7.3, Chapter 6, page 221).
- H. Upon reduction, loss, or failure of any PCSM BMP, the permittee shall immediately take measures to prevent pollution to waters of the Commonwealth and adverse impacts to the environment. The permittee shall immediately submit to DEP for review and approval a Corrective Action Plan (CAP) and, if necessary, a permit modification, which shall include a schedule for the repair and/or replacement of the PCSM BMP. Upon DEP's approval of the CAP, the permittee shall implement the CAP.
- I. The permittee shall implement PCSM BMPs as detailed in the approved PCSM Plan. Any changes to the PCSM Plan, including the introduction of alternate PCSM BMPs or the elimination of any approved PCSM BMPs, must be approved by DEP prior to the implementation of these changes.
- J. The PCSM Plan, inspection reports, and monitoring records shall be made available at the project site for review and inspection by DEP and the authorized conservation district.

### IV. PREPAREDNESS, PREVENTION, AND CONTINGENCY (PPC) PLANS

- A. If toxic, hazardous, or other polluting materials will be on site, the permittee or co-permittee(s) must implement a PPC Plan for use while those materials are on-site in accordance with 25 Pa. Code § 91.34 (relating to activities utilizing pollutants). The PPC Plan shall identify areas which may include, but are not limited to, waste management areas, raw material storage areas, fuel storage areas, temporary and permanent spoils storage areas, maintenance areas, and any other areas that may have the potential to cause noncompliance with the terms and conditions of this permit due to the storage, handling, or disposal of any toxic or hazardous substances such as oil, gasoline, pesticides, herbicides, solvents, concrete washwaters, etc. BMPs shall be developed and implemented for each identified area.
- B. The PPC Plan shall be maintained on-site at all times and shall be made available for review at the request of DEP or an authorized conservation district.

**V. RECYCLING AND DISPOSAL OF BUILDING MATERIALS AND WASTES**

All building materials and wastes must be removed from the site and recycled or disposed in accordance with DEP's Solid Waste Management Regulations at 25 Pa. Code Chapter 260a (relating to hazardous waste management system: general), Chapter 271 (related to municipal waste management system – general provisions), and Chapter 287 (relating to residual waste management system – general provisions). No building material or wastes or unused building materials shall be burned, buried, dumped, or discharged at or from the site.

**VI. PRE-CONSTRUCTION MEETINGS**

For earth disturbance activities authorized by this permit, at least one pre-construction meeting is required. The permittee shall contact DEP to schedule the pre-construction meeting and provide at least seven (7) days' notice of the pre-construction meeting to all invited attendees, unless otherwise approved by DEP in writing. Permittees, co-permittees, operators, and licensed professionals, or designees responsible for earth disturbance activity, including implementation of E&S, PCSM and PPC Plans and critical stages of implementation of the approved PCSM Plan, shall attend the pre-construction meeting(s). Permittees, co-permittees, operators and licensed professionals are responsible for ensuring that all activities on the site comply with the requirements of the permit.

**VII. SPOIL OR BORROW AREAS**

- A. An E&S Plan or other authorization meeting the regulatory requirements detailed in 25 Pa. Code § 102.4(b) shall be received and approved by DEP or an authorized conservation district and implemented for all spoil and borrow areas, regardless of their locations.
- B. Clean Fill Requirements – Any person placing clean fill that has been affected by a spill or release of a regulated substance must use DEP Form FP-001 (Certification of Clean Fill) to certify the origin of the fill material and the results of the analytical testing to qualify the materials as clean fill. The form must be retained by the owner of the property receiving the fill. Fill material not qualifying as clean fill is regulated fill and must be managed in accordance with DEP's municipal or residual waste regulations based on 25 Pa. Code Chapters 271 or 287, whichever is applicable.

**VIII. PHASED PROJECTS**

Prior to the commencement of earth disturbance activities for subsequent phases of the project, the permittee or co-permittee shall submit an E&S Plan and PCSM Plan and supporting information for each additional phase or portion of the project to DEP or an authorized conservation district for approval. Coverage under this permit is only granted for those phases or portions of a project for which an E&S Plan and PCSM Plan has been submitted and approved by DEP or an authorized conservation district.

**IX. WETLAND PROTECTION**

If hydric soils or other wetland features are present, a wetland determination must be conducted in accordance with DEP procedures. A copy of the wetland determination shall be provided to DEP or an authorized conservation district as part of the application. All wetlands identified must be included on the E&S Plan and PCSM Plan. Special precautions must be taken to protect wetlands and other water resources identified in the application, plans, and other supporting documents.

**X. INFILTRATION BMPs**

- A. Where infiltration and/or restoration BMPs are being utilized, the permittee and co-permittee must ensure that soil compaction is avoided or minimized in those areas. If the areas planned for infiltration and/or restoration BMPs are compromised through compaction or other means, measures shall be taken to ensure that proper soil de-compaction occurs. The permittee shall implement such measures in accordance with the guidance on soil restoration in the PA Stormwater BMP Manual (BMP 6.7.3, Chapter 6, page 221). Additional soil testing must be performed to verify that the BMPs will perform as planned.

- B. To protect the effective infiltration area(s) at PCSM BMPs during construction activities (including earth disturbance and conversion or installation), the infiltration area(s) for a PCSM BMP shall be protected by entirely surrounding the infiltration area with an 18-inch compost filter sock. This is only necessary in those areas where specific infiltration BMPs are being utilized. The compost filter sock shall remain in place and be properly maintained until the contributing drainage area has reached permanent stabilization (a minimum uniform 70% perennial vegetative cover or other permanent non-vegetative cover with a density sufficient to resist accelerated erosion) and DEP or an authorized conservation district approves the removal of the compost filter sock.

## XI. STABILIZATION

The time period between the trench excavation to the beginning of disturbed area stabilization for the main line pipeline installation shall not exceed thirty (30) calendar days, unless sufficient justification for an extension of time is provided to and approved by DEP in writing. Upon temporary cessation of any earth disturbance activity, including topsoil and soil stockpiles, for which the cessation of the earth disturbance activities will exceed four (4) calendar days, the disturbed area shall be temporarily stabilized in accordance with the E&S Plan and with 25 Pa. Code § 102.22(b). Proper E&S BMPs shall be implemented and maintained throughout the entire project until permanent stabilization and Notice of Termination approval.

## XII. LONG-TERM OPERATION AND MAINTENANCE

- A. The permittee or co-permittee shall be responsible for long-term operation and maintenance of PCSM BMPs unless a different person is identified in the NOT and that person has agreed to long-term operation and maintenance of PCSM BMPs.
- B. For any property containing a PCSM BMP, the permittee or co-permittee shall record an instrument with the Recorder of Deeds which will assure disclosure of the PCSM BMP and the related obligations in the ordinary course of a title search of the subject property. The recorded instrument must identify the PCSM BMP, provide for necessary access related to long-term operation and maintenance for PCSM BMPs, and provide notice that the responsibility for long-term operation and maintenance of the PCSM BMPs is a covenant that runs with the land that is binding upon and enforceable by subsequent grantees, and provide proof of filing with the NOT under 25 Pa. Code § 102.8(m)(2).
- C. For Commonwealth owned property, a covenant that runs with the land is not required until the transfer of the land containing a PCSM BMP occurs. Upon transfer of the Commonwealth-owned property containing the PCSM BMP, the deed must comply with 25 Pa. Code § 102.8(m)(3). An agency of the federal government shall not be required to make or record a declaration of covenants on its property until transfer of the property to a non-federal or non-commonwealth entity or individual. Upon transfer of the Commonwealth owned or federally owned property containing the PCSM BMP, the deed must comply with 25 Pa. Code § 102.8(m)(3).
- D. The person responsible for performing long-term operation and maintenance may enter into an agreement with another person, including a conservation district, nonprofit organization, municipality, authority, private corporation, or other person, to transfer the responsibility for PCSM BMPs or to perform long-term operation and maintenance and provide notice thereof to DEP.
- E. A permittee or co-permittee that fails to transfer long-term operation and maintenance of the PCSM BMPs or otherwise fails to comply with this requirement, shall remain jointly and severally responsible with the landowner for long-term operation and maintenance of the PCSM BMPs located on the property.
- F. Unless a later date is approved by DEP in writing, the permittee shall record an instrument as required under 25 Pa. Code Subsection 102.8(m)(2) and paragraph XII.B within 45 days from the date of issuance of this permit or authorization. Unless DEP authorizes a different procedure, the long-term operation and maintenance plan shall be recorded along with the instrument. Unless a later date is approved by DEP in writing, the permittee shall provide the conservation district and DEP with the date and place of recording along with a reference to the docket, deed book or other record, within 90 days from the date of issuance of this permit or authorization.
- G. Unless an alternative process is approved by DEP in writing, upon the sale or other transfer of any parcel, lot, road or other real property included within the permit boundary, the permittee shall notify the purchaser, grantee, or transferee of the long-term PCSM BMP operation and maintenance requirements. The permittee

shall expressly identify the PCSM BMPs on each property, the schedule for inspection and reporting, the person or entity responsible for long-term operation and maintenance of the PCSM BMPs and how access to the BMPs will be achieved and shall obtain approval from the purchaser, grantee or transferee. Unless a later date is approved by DEP in writing, the permittee shall provide the conservation district and DEP with notice of compliance with this section within 45 days from the date of transfer of the property and at the time the permittee files a Notice of Termination.

### **XIII. PRIOR CONTAMINATION**

The permittee shall implement the following procedures at any location of the project site where it knows or has reason to believe that soils are or may be contaminated due to past land uses or upon receipt of written notification from DEP:

- A. Minimize Disturbance – Limit the extent and duration of earth disturbance activities, including the use of less intrusive earth disturbance techniques/equipment, and avoiding and minimizing the impact of ancillary areas that are not necessary for the project.
- B. Incorporate a contingency plan and additional safety protocols in the event unexpected contamination is uncovered. These protocols shall be established in the permittee's PPC Plan. Incorporate appropriate dust control and suppression practices and procedures during dry and windy periods.
- C. Implement immediate stabilization on all contaminated areas of the project site involving earth disturbance. This may be achieved using mats/blankets/linings/mulching (including compost); temporary and/or permanent seeding/vegetation; tarping or other impermeable/impervious cover; or temporary daily cover.
- D. Implement and maintain perimeter E&S BMPs including but not limited to compost filter berms, compost filter socks or weighted sediment filter tubes, and/or non-acrylamide flocculants.

### **XIV. WATER SUPPLY NOTIFICATION**

Prior to beginning any construction or earth disturbance activities, all public water supplies or other users of surface waters within one (1) mile downstream that may be affected by turbidity increases or other water quality changes caused by construction or earth disturbance activities shall be notified at least 72 hours prior to commencing the activities.

### **XV. ARCHAEOLOGICAL SPECIMENS**

The permittee shall not begin work in areas subject to Phase I or Phase II archeological investigations recommended by the Pennsylvania Historical and Museum Commission (PHMC) until the permittee secures the necessary clearances for these areas from PHMC. In addition, the permittee and its agents shall visually inspect for archaeological specimens, as the term is defined in the Pennsylvania State History Code (37 Pa. C.S.A., Section 101 *et seq.*), during earth disturbance activities, and shall immediately cease earth disturbance activities upon discovery of archaeological specimens. Upon discovery the permittee shall immediately notify DEP and PHMC (Phone: (717) 783-8947).

### **XVI. DISCHARGES TO NON-SURFACE WATERS**

This permit authorizes proposed discharges of stormwater to non-surface waters. Discharges to areas that are not surface waters shall not cause accelerated erosion or stormwater damage to down slope or adjacent properties. These areas that are not surface waters shall be maintained to prevent erosion from stormwater flows.

### **XVII. RIPARIAN AREA REPLANTING**

Prior to submission of the Notice of Termination, the permittee shall replant forested riparian areas in temporary right of ways along surface waters. Replanting shall be conducted for a minimum distance of fifty (50) feet landward from the top of both banks of warm water fisheries and trout stocked fisheries; 100 feet from cold water fisheries; and 150 feet from HQ/EV streams. The density of replanted trees shall be similar to the density that existed prior to the permittee conducting construction activities but shall provide no less than 60% uniform canopy

cover upon maturation and shall be appropriate to the geographic location. Maintenance and inspections shall ensure survival and growth of plantings and protection from competing plants and animals including noxious weeds and invasive species over a 5-year establishment period to ensure and proper functioning of riparian forest buffers, and shall include measures to repair damage to the buffer from storm events greater than the 2-year/24-hour storm.

#### XVIII. HABITAT CONSERVATION PLANS AND THREATENED AND ENDANGERED SPECIES PROTECTION

- A. The permittee shall comply with all applicable provisions of the Habitat Conservation Plan submitted and approved by the U.S. Fish and Wildlife Service (USFWS), PA Game Commission (PGC), PA Fish and Boat Commission (PFBC) and PA Department of Conservation and Natural Resources (DCNR) to protect federal and state listed species. The permittee shall provide a copy of the plan to DEP prior to initiation of any work under this permit.
- B. The permittee shall implement the approved Habitat Conservation Plan in accordance with all PGC approvals for the Allegheny Woodrat (*Neotoma magister*). This includes no blasting or the use of herbicides on the project or in the vicinity of the project on DCNR lands as identified in the PGC clearance. The permittee shall provide a copy of the plan to DEP prior to initiation of any work under this permit.
- C. The permittee shall implement the Migratory Bird Conservation Plan approved by the USFWS. The permittee shall provide a copy of the plan to DEP prior to initiation of any work under this permit.
- D. The permittee shall implement all Avoidance Measures identified by the jurisdictional resource agencies for any threatened or endangered species or species of special concern.
- E. Where applicable, the permittee shall implement the Avoidance Measures identified in Appendix A of the Department's permit issued under Chapter 105 for all open trench wetland crossings in bog turtle (*Clemmys muhlenbergii*) counties identified by the USFWS as occupied, potentially occupied or adjacent habitats, unless otherwise specified by the USFWS.
- F. The permittee shall comply with all protocols set forth by the USFWS for protection of the Rusty Patch Bumble Bee.
- G. Prior to conducting any future maintenance activities on the pipeline or right of way which involves disturbance, the permittee shall conduct a then current Pennsylvania Natural Diversity Inventory search, shall obtain clearance(s) for any species or resource where a potential impact is identified, provide the avoidance and mitigation plan to DEP prior to initiating such maintenance work, and shall implement and adhere to all avoidance measures outlined in such clearance(s).

Re 30 (GJS17WAW)41a



## Sunoco Pennsylvania Pipeline Project/ Mariner East II

This information sheet serves as a summary overview of the project  
Additional information on the project can be found at [www.dep.pa.gov](http://www.dep.pa.gov).

### WHERE

The PA Pipeline Project (PPP)/Mariner East II is an expansion of the existing Sunoco Mariner East pipeline system. Sunoco recently upgraded its existing Mariner East I pipeline to transport natural gas liquids from Ohio and the Pittsburgh area to its Marcus Hook Facility in Delaware County. More than 80% of the PPP will follow the same pipeline corridor as Mariner East I. The pipeline will traverse 17 counties in the southern tier of Pennsylvania.

### WHAT

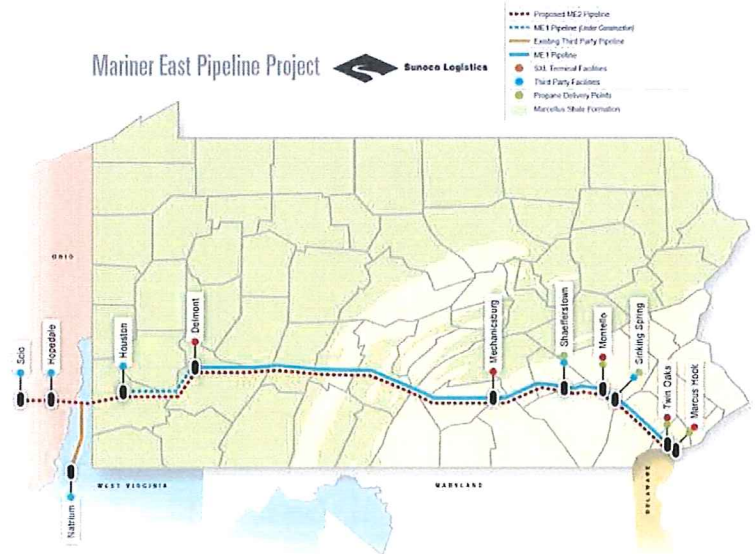
The overall pipeline project involves construction of two new, larger pipelines to convey natural gas liquids. The Pennsylvania Public Utility Commission (“PUC”) enforces federal and PUC pipeline safety regulations as they apply to public utilities providing natural gas distribution and intrastate transmission service, and public utilities providing intrastate transmission of hazardous liquids in Pennsylvania. Additionally, the federal Pipeline and Hazardous Materials Safety Administration (PHMSA) inspects pipelines transporting natural gas and hazardous liquids in interstate commerce. As a result, the regulation or enforcement of standard safety practices for the transportation of natural gas liquids is outside the scope of the Department’s permitting authority.

The two new pipelines will extend more than 300 miles, across three regions of the Pennsylvania Department of Environmental Protection (DEP): (5 counties in the Southwest Region, 10 counties in the South-Central Region, and 2 counties in the Southeast Region). The project involves construction or expansion of existing pump stations, and includes proposed work beyond the existing pipeline right-of-way for site access, avoidance of environmental or cultural resources, avoidance of surface features, and others.

The project required several DEP permits – as noted below.

- FOET** Chapter 105 – Water Obstruction and Encroachment Permits: These permits are required for activities located in, along, across or projecting into a watercourse, floodway or body of water, including wetlands. For this project, the majority of the regulated activities are associated with crossings of wetlands, streams and floodways.
  - o Each DEP regional office received a separate Ch. 105 application for each of the counties in their respective region for a total of seventeen Ch. 105 permit applications.

- FOET** Chapter 102 – Erosion and Sediment Control Permit: A permit is required for earth disturbances associated with



oil and gas exploration, production, processing or treatment operations or transmission facilities when earth disturbance is five acres or greater. For this project, regional staff worked closely with the County Conservation Districts to review and process applications. Sunoco applied for coverage under General Permit, but upon review of the applications, the Department determined that the project was more appropriately regulated through three Individual Permits – one per DEP region. <sup>F0 E1</sup>

<sup>F0 E1</sup> NPDES Permit for Hydrostatic Test Water Discharges (PAG-10): This general permit authorizes the discharge of wastewater generated as a result of pressure testing pipes to test for any leaks before they are put into service. <sup>F0 E1</sup>

- The DEP Southwest and South-Central regional offices received these permit applications for the project's proposed test water discharges. Discharges in the Southeast will be under the purview of an existing permit with the Delaware County Regional Water Authority (DELCORA). Permitting related to water associated withdrawals is handled by the respective river basin commissions, where applicable.

<sup>F0 E1</sup> Air Quality Permit: Each DEP region has received Request(s) for Determination or application(s) for state operating plan approval(s) associated with modification(s)/addition(s) of pump station(s) and other activities of the project that may need to comply with federal and/or state air emissions regulations. These applications are under review.

## APPLICATION REVIEW HIGHLIGHTS

<sup>F0 E1</sup> Ch. 102 and Ch. 105 applications were submitted to DEP in the summer of 2015. All 20 applications were deemed administratively complete by June 2016. The department accepted public comments from June 25, 2016 through August 24, 2016. During this comment period, 5 public hearings were held across the regions. <sup>F0 E1</sup>

<sup>F0 E1</sup> DEP sent technical deficiency letters for each application on September 6, 2016. The Department received responses from the applicant on December 5, 2016. <sup>F0 E1</sup>

<sup>F0 E1</sup> Regional staff from all three regions conducted a thorough and rigorous review of the applications, revision material and the public comments. Additional clarifications were addressed by the applicant directly to the department through February 2017. <sup>F0 E1</sup>

<sup>F0 E1</sup> The final Ch. 102 and 105 permits were issued on February 13, 2017. The permits all include project specific and/or special conditions. <sup>F0 E1</sup>

## MORE INFORMATION

Copies of the signed permits and associated documents for this project are available on DEP's Mariner East Pipeline web page. <http://www.dep.pa.gov/Business/ProgramIntegration/Pennsylvania-Pipeline-Portal/Pages/Mariner-East-II.aspx>



February 13, 2017

Mr. Matthew L. Gordon  
Sunoco Pipeline, L.P.  
535 Fritztown Road  
Sinking Spring, PA 19608

Re: Water Obstruction and Encroachment  
Permit No. E15-862  
Pennsylvania Pipeline Project (a.k.a. Mariner East II)  
APS No. 879047, AUTH No. 1087479  
West Nantmeal, East Nantmeal, Wallace, Upper Uwchlan,  
Uwchlan, West Whiteland, West Goshen, East Goshen,  
Westtown Townships and Elverson Borough  
Chester County

Dear Mr. Gordon:

Enclosed is your State Water Obstruction and Encroachment Permit. Please review the permit so that you are aware of the extent of authorization and the conditions that apply.

Please be advised this permit does not have Federal authorization for this project and such authorization is required prior to starting your project. We encourage you to contact the U.S. Army Corps of Engineers, 215.656.6728, concerning any Federal permits or approvals you may also need.

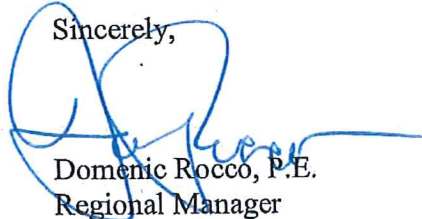
Prior to the commencement of construction, the enclosed *Acknowledgment of Notification of Permit Conditions* must be completed and signed by the permittee and an individual responsible for the supervision or control of the construction work acknowledging and accepting the general and special conditions, if any, contained in the permit. Unless the signed *Acknowledgment of Notification of Permit Conditions* is submitted to this office, the permit is void.

Also, a copy of both the permit and the *Acknowledgment of Notification of Permit Conditions* must be available at the work site for inspection upon request by any officer or agent of DEP or any other Federal, State, County, and Municipal agency.

Finally, the Completion Report form must be signed by you and the supervising engineer indicating that the work has been completed as approved. The Completion Report must be submitted to this office within 30 days of the completion of the approved project.

If you have any questions concerning this matter, please call Mr. John Hohenstein at the telephone number located in the first page footer.

Sincerely,



Domenic Rocco, P.E.  
Regional Manager  
Waterways and Wetlands

Enclosure

cc: Mr. Schaeffer — Tetra Tech, Inc.  
U.S. Army Corps of Engineers, Philadelphia District  
U.S. Army Corps of Engineers, Baltimore District  
Pennsylvania Fish and Boat Commission, Division of Environmental Services  
Pennsylvania DEP, Southwest Regional Office, Waterways and Wetlands Program  
Pennsylvania DEP, Southcentral Regional Office, Waterways and Wetlands Program  
Chester County Conservation District  
Chester County Planning Commission  
West Nantmeal Township  
East Nantmeal Township  
Wallace Township  
Upper Uwchlan Township  
Uwchlan Township  
West Whiteland Township  
West Goshen Township  
East Goshen Township  
Westtown Township  
Elverson Borough  
Mr. Hohenstein, PADEP, SERO, WAW  
Mr. Knorr, PADEP, SERO, WAW  
Mr. Nassani, PADEP, SERO, WAW  
Re 30 (GJS17WAW)41-5

COMMONWEALTH OF PENNSYLVANIA  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 SOUTHEAST REGIONAL OFFICE  
 WATERWAYS AND WETLANDS

WATER OBSTRUCTION AND ENCROACHMENT PERMIT

The Department of Environmental Protection ("DEP"), established by the Act of December 3, 1970, P.L. 834 (71 P.S. §§ 510-1 et seq.) and empowered to exercise certain powers and perform certain duties under and by virtue of the Act of November 26, 1978, P.L. 1375, as amended by the Act of October 23, 1979, P.L. 204 (32 P.S. §§ 693.1 et seq.) known as the "Dam Safety and Encroachments Act"; Act of October 4, 1978, P.L. 851 (32 P.S. §§ 679.101 et seq.) known as the "Flood Plain Management Act"; Act of June 22, 1937, P.L. 1987 (35 P.S. §§ 691.1 et seq.) known as the "Clean Streams Law"; and the Administrative Code, Act of April 9, 1929, P.L. 177, as amended, which empowers DEP to exercise certain powers and perform certain duties by law vested in and imposed upon the Water Supply Commission of Pennsylvania and the Water and Power Resources Board, hereby issues this permit to:

Sunoco Pipeline, L.P. (SPLP)  
 535 Fritztown Road  
 Sinking Spring, PA 19608

giving its consent to install and maintain approximately 24 miles long, of 20-inch and 16 inch pipeline and appurtenant structures. The proposed project impacts in Chester County include a total of 52 linear feet of temporary impacts to Marsh Creek (HQ-TSF,MF), 1 unnamed tributary to Marsh Creek (HQ-TSF,MF), a total of 1,095 linear feet of permanent impacts to Black Horse Creek (HQ-TSF,MF), 2 unnamed tributaries to Black Horse Creek (HQ-TSF,MF), East Branch Chester Creek (TSF,MF), 3 unnamed tributary to East Branch Chester Creek (TSF,MF), Marsh Creek (HQ-TSF,MF), 26 unnamed tributaries to Marsh Creek (HQ-TSF), Shamona Creek (HQ-TSF,MF), 7 unnamed tributaries to Shamona Creek (HQ-TSF,MF), South Branch French Creek (EV,MF), 5 unnamed tributaries to South Branch French Creek (EV,MF), Valley Creek (CWF,MF), 9 unnamed tributaries to Valley Creek (CWF,MF), 2 unnamed tributaries to School House Run (HQ-TSF,MF), 1 unnamed tributary to Ridley Creek (HQ-TSF,MF), and 3.435 acres of permanent floodway impacts, and 1.833 acres of temporary floodway impacts, and 0.001 acres of temporary impacts to Palustrine Emergent (PEM), Palustrine Forested (PFO) and Palustrine Scrub-Shrub (PSS) wetlands and 3.713 acres of permanent impacts to PEM, PFO, and PSS wetlands. No compensation is being proposed by the applicant for the proposed permanent project impacts in Chester County. The proposed project impacts in this permit application are associated with a proposed transmission pipeline project extending approximately 306 miles and 255 miles in Pennsylvania between Houston Borough, Washington County, PA and Marcus Hook Borough, Delaware County, PA.

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

If this work is not completed on or before the 31st day of December A.D. 2022, this permit, if not previously revoked or specifically extended by DEP, in writing, shall become void without further notification.

This permit is issued in response to an application filed with DEP on the **31st** day of **August** A.D. **2015**, and with the understanding that the work shall be performed in accordance with the maps, plans, profiles, and specifications filed with and made a part of the application on **January 30, 2017**, subject, however, to the provisions of the Dam Safety and Encroachments Act, the Flood Plain Management Act, the Clean Streams Law, the Administrative Code, the Rules and Regulations promulgated thereunder and the following conditions and restrictions:

1. The permittee shall sign the *Acknowledgement of Notification of Permit Conditions* thereby expressly certifying the permittee's acceptance of, and agreement to comply with, the terms and conditions of this permit. The permittee shall return a signed copy of the *Acknowledgement of Notification of Permit Conditions* to DEP. Unless the *Acknowledgement of Notification of Permit Conditions* form is completed and filed with DEP, this permit is void.
2. DEP, in issuing this permit, has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended, or revoked, in whole or in part, and DEP may, in addition, institute appropriate legal proceedings.
3. This permit does not give any property rights, either in real estate or material, nor any exclusive privileges, nor shall it be construed to grant or confer any right, title, easement, or interest in, to, or over any land belonging to the Commonwealth of Pennsylvania; neither does it authorize any injury to private property or invasion of private rights, nor any infringement of Federal, State, or Local laws or regulations; nor does it obviate the necessity of obtaining Federal assent when necessary.
4. The work shall, at all times, be subject to supervision and inspection by representatives of DEP, and no changes in the maps, plans, profiles, and specifications as approved shall be made except with the written consent of DEP. DEP, however, reserves the right to require such changes or modifications in the maps, plans, profiles, and specifications as may be considered necessary. DEP further reserves the right to suspend or revoke this permit if in its opinion the best interest of the Commonwealth will be subserved thereby.
5. This permit authorizes the construction, operation, maintenance, and normal repair of the permitted structures conducted within the original specifications for the water obstruction or encroachment, and in accordance with the regulations of DEP and terms and conditions of this permit. Any repairs or maintenance involving modifications of the water obstruction or encroachment from its original specifications, and any repairs or reconstruction involving a substantial portion of the structure as defined by regulations of DEP shall require the prior written approval and permit of DEP.
6. Waste materials, scrap, or excess construction materials may not be disposed of in any watercourse, floodway or body of water, but shall be collected, stored, and disposed of in accordance with the Solid Waste Management Act (35 P.S. §§ 6018.101-6018.1003), the Municipal Waste, Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101-4000.1904), the Clean Streams Law (35 P.S. §§ 691.1-691.1001) and related rules and regulations.
7. There shall be no unreasonable interference with the free discharge of the river or stream or navigation during construction.

8. If, in the future, DEP determines that the water obstruction or encroachment causes unreasonable obstruction to the free passage of floodwaters or navigation, the permittee shall, upon due notice remove or alter the water obstruction or encroachment, without expense to the Commonwealth of Pennsylvania, so as to increase the flood carrying capacity of the channel or render navigation reasonably free, easy, and unobstructed, in such manner as DEP may require. No claim shall be made against the Commonwealth of Pennsylvania on account of any such removal or alteration.

9. The permittee shall provide to DEP in writing advance notice of commencement of work.

10. If construction work has not been completed within the time specified in the permit and the time limit specified in the permit has not been extended, in writing, by DEP or if a permit has been revoked for any reason, the permittee shall, at his own expense and in a manner that DEP may prescribe, remove all or any portion of the work as DEP requires and restore the water course and floodplain to their former condition.

11. The permittee shall fully inform the engineer or contractor, responsible for the supervision and conduct of work, of the terms, conditions, restrictions, and covenants of this permit. Prior to the commencement of construction, the permittee shall file with DEP in writing, on a form provided by DEP, a statement signed by the permittee and an individual responsible for the supervision or conduct of the construction work acknowledging and accepting the general and special conditions contained in the permit. Unless the acknowledgment and acceptance have been filed, the permit is void. A copy of the permit and the acknowledgment shall be available at the work site for inspection upon request by an officer or agent of DEP or another Federal, State, County, or Municipal Agency.

12. The permittee shall operate and maintain the structure or work authorized herein in a safe condition in accordance with the permit terms and conditions and the approved maps, plans, profiles, and specifications.

13. This permit may not be transferred without prior written approval from DEP, such approval being considered upon receipt of the properly executed "Application of Transfer of Permit" form.

14. If and when the permittee desires to discontinue use or abandon the activity authorized herein, he must remove all or part of the structure or work authorized and take other actions as are necessary to protect safety and the environment in accordance with a permit issued by DEP.

15. If the use of explosives in any waterways is required, the permittee shall secure the prior written permit from the Pennsylvania Fish and Boat Commission, pursuant to the Pennsylvania Fish and Boat Code, Act 1980-175 Title 30 Pennsylvania Consolidated Statutes, Section 2906. Requests should be directed to the Pennsylvania Fish and Boat Commission, Division of Environmental Services, 450 Robinson Lane, Bellefonte, Pennsylvania 16823-9616, Telephone: 814.359.5140.

16. Permittee shall implement and monitor the Erosion and Sedimentation Control Plan prepared in accordance with Chapter 102, so as to minimize erosion and prevent excessive sedimentation into the receiving watercourse or body of water.

17. The project site shall, at all times, be available for inspection by authorized officers and employees of the Pennsylvania Fish and Boat Commission. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the Pennsylvania Fish and Boat Commission's Southeast Regional Office, P.O. Box 8, Elm, Pennsylvania 17521, Telephone: 717.626.0228.

18. The project site shall, at all times, be available for inspection by authorized officers and employees of the County Conservation District. Prior to commencement and upon completion of the work authorized by this permit, the permittee shall notify the following:

Chester County Conservation District  
688 Unionville Road  
Suite 200  
Kennett Square, PA 19348  
Telephone: 610.925.4920

19. **Work may not commence until a signed copy of the *Acknowledgement of Notification of Permit Conditions* is received by DEP.** Any work authorized by this permit conducted prior to DEP's receipt of a signed copy of the *Acknowledgement of Notification of Permit Conditions* is a violation of the Dam Safety and Encroachments Act and the Clean Streams Law, and you may be subject to fines and penalties pursuant to those Acts.

**SPECIAL CONDITIONS**

Permittee shall be responsible for compliance with each of the following special conditions. The Pennsylvania Department of Environmental Protection shall be referred to hereinafter as either "DEP" or the "Department."

**Water Supplies:**

- A. At least 72 hours in advance of beginning any construction activities, the permittee shall notify all identified public and private water supplies along the project's corridor that may be affected by increased turbidity or other water quality changes caused by the permittee's construction activities:
  - 1. If the project results in a pollution event which may impact any public or private water supplies, the permittee shall immediately notify the Department and the potentially affected public or private water supplies of the pollution event.
- B. In the event the permittee's work causes adverse impacts to a public or private water supply source, the permittee shall also immediately notify the Department and implement a contingency plan, to the satisfaction of the public and private water supply owners that addresses all adverse impacts imposed on the public and private water supply as a result of the pollution event, including the restoration or replacement of the impacted water supply.
- C. At least 72 hours in advance of beginning construction activities, the permittee shall notify all water users with downstream surface water intakes within one mile downstream, including but



not limited to, drinking water users, industrial and commercial users that may be impacted by turbidity or water quality changes.

- D. The permittee shall notify such downstream water users immediately of any pollution event or incident at its site that may endanger downstream users. The permittee shall also immediately implement its approved contingency plan to prevent further adverse impacts and remediate all adverse impacts as a result of the pollution event or incident.
- E. If a public or private drinking water source not previously identified by the permittee is discovered by the permittee during construction, the permittee shall immediately notify the Department of the identified water source and shall notify that source of the permittee's construction activities.

**PHMC General Conditions:**

- F. The permittee and its agents shall visually inspect for archaeological artifacts and shall immediately cease earth disturbance activities upon discovery of archaeological artifacts.
- G. If archaeological artifacts are discovered, the permittee shall immediately notify the DEP Regional Office in the DEP region where the artifact is found and shall concurrently notify the Pennsylvania Historical and Museum Commission (PHMC) at P.O. Box 1026, Harrisburg, PA 17120-1026, telephone 717.783.8947.
- H. At all times, the permittee shall protect historic, cultural and archaeological sites as identified in the latest published version of the Pennsylvania Inventory of Historical Places and the National Register of Historical Places.

**PHMC Areas Subject to Phase I or Phase II Surveys:**

- I. The permittee shall not begin work in areas subject to Phase I or Phase II archeological investigations recommended by the PHMC until the permittee secures the necessary clearances for these areas from PHMC. (Permit specific condition as applicable. Specify location in each permit.)

**Submerged Lands License Agreements:**

- J. The permittee shall comply with all terms and conditions of the Submerged Lands License Agreement entered into between the Department and the permittee.

**Temporary Road Crossings:**

- K. All temporary road crossings of streams and wetlands must meet all of the following conditions:
  - 1. The permittee shall restore and stabilize all temporary crossing sites, except fords, within five (5) days after termination of its permitted use.
  - 2. Permittee shall not utilize or construct fords on any stream or watercourse within High Quality (HQ) and Exceptional Value (EV) watersheds as specified in 25 Pa. Code Chapter

93, or in watersheds tributary to drinking water intakes or reservoirs for public water supply users, where the ford is within 2,000 feet upstream of such intake or reservoir.

3. The permittee shall adequately block and stabilize all approaches for fords used as temporary crossings within five (5) days after termination of their permitted use in order to prevent future use.
4. The permittee is prohibited from skidding across fords.
5. Where a streambed at the site of a ford does not have a rock bottom; a layer of clean rock over geo-fabric must be placed and maintained. This layer of clean rock must not obstruct the stream flow. In addition, the ford's approaches must: (1) be maintained in a firm and stable condition; and (2) enter the stream on less than a 10% grade within 50 feet of the stream with the flow; and (3) exit the stream against the flow on the same grade and distance limitation as specified for the entrance. Permittee shall ensure that all roads cross all watercourses at a right angle to the stream, unless permittee obtains specific and separate approval from the Department.
6. Permittee shall ensure that all culverts provide a waterway area sufficient to adequately discharge the normal flow of the watercourse or stream, and that culverts are of sufficient length to extend beyond the toe of the clean rock fill.
7. Permittee shall ensure that culverts are installed in such manner that overtopping of the roadway will occur within the stream channel. This can be accomplished by providing a depressed roadway embankment.
8. Permittee shall minimize excessive fill and excavation of stream banks by utilizing culverts with as large a diameter as possible. The minimum diameter size of a culvert to be used is no less than 12 inches.
9. Road and causeway embankments shall only consist of clean rock material to prevent stream channel sedimentation during placement, removal, and periods of overtopping.
10. Bridges shall be single span from top of bank to top of bank, and must be structurally stable.
11. Approach roads to temporary road crossings shall utilize original grades. However, clean rock material or gravel to a depth of six inches above original grade can be utilized for approaches, as necessary.
12. Causeways shall not extend streamward a distance greater than one-half the width of the stream channel.
13. Temporary road crossings shall be kept open and functioning at all times by maintaining the crossings free of debris and other obstructions.

14. The permittee shall promptly repair any damage resulting from increased backwater caused by a temporary road crossing. The permittee shall remove temporary road crossings in the event of high waters to prevent increased backwater.
15. If permittee cannot avoid a wetland crossing, the crossing is permissible if it is located at the narrowest practicable point of the wetland.
16. All wetlands crossing sites shall be stabilized by any appropriate means, including, but not limited to, using removable, temporary mats, pads or other similar devices to ensure minimization of impact on the wetlands ecology.
17. Temporary embankments for roads across wetlands shall be installed to maintain the hydrology of the wetland.
18. Pollution of any waterway with harmful chemicals, fuels, oils, greases, bituminous material, acid, or other harmful or polluting materials, is prohibited.
19. Access roads should not approach the stream channel directly downslope, but should traverse the slope obliquely to prevent high velocity road drainage flows from directly entering the stream channel. Road drainage shall include proper erosion and sediment control Best Management Practices.
20. The permittee shall remove all or any portion of a temporary road crossing upon written notification to the permittee from the Department in the event the project is causing an adverse impact on public health, safety or the environment or in any other manner violates the requirements of the Pennsylvania Clean Streams Law, 25 Pa. Code Chapter 105, or both.
21. The permittee shall be responsible for determining and documenting which method of crossing is appropriate for each resource. This documentation shall be provided to the Department with the pre- and post-construction photographs. The permittee shall submit this documentation to the respective DEP Regional Office within ninety (90) days after completion of work under the respective permit.

**Site Field Verification, Restoration and Monitoring:**

- L. Prior to installation of pipeline crossings, the permittee shall take new pre-construction photographs of the natural resources at each of the crossings. The permittee shall prepare and maintain a record of pre- and post-conditions of each stream and wetland crossing. The permittee shall submit this documentation to the respective DEP Regional Office within ninety (90) days after completion of work under the respective permit.
- M. All wetlands within the project area shall be accurately field-delineated prior to the start of construction activities and up to the time that earth disturbance activities are completed and the site has been stabilized. An acceptable means of field-identification of wetlands includes but not limited to, the use of an orange construction safety fence and/or flags.

- N. For a period of up to 5 years following construction, the permittee shall monitor for secondary impacts to hydrology, i.e., the loss of hydrology, to all watercourses with a drainage area of less than 100 acres, including those watercourses that originate within the project ROW. Reports shall be submitted to DEP in the spring and fall for the first two (2) calendar years following construction and annually for three (3) years thereafter:
1. The monitoring reports shall contain information describing the presence or absence of hydrology at the time of inspection, a narrative comparison to hydrology present in the watercourse during pre-permitting field investigation(s), and photographs of the watercourse.
  2. If the monitoring identifies a diminution or complete loss of hydrology, the permittee shall evaluate whether the activities authorized by this permit caused the loss of hydrology and submit this evaluation to the Department for review.
  3. If the Department determines that the activities authorized by this permit are contributing to the loss of hydrology, the permittee shall prepare a written plan to correct the loss of hydrology to the watercourse. The permittee shall implement the approved plan within ninety (90) and submit this plan to DEP for review and approval. If DEP identifies any deficiencies with permittee's plan, then the permittee shall provide DEP a written response to address the stated deficiencies within 15 days of receiving written notice of DEP's deficiencies, unless DEP extends that timeframe in writing.
  4. The permittee shall implement the DEP-approved plan within 90 days of receiving written approval from DEP, unless DEP extends that timeframe in writing.
  5. In the event that loss of hydrology from activities conducted under this permit cannot be restored, the permittee shall submit a mitigation plan to DEP that sets forth the manner in which full loss of hydrology and associated water will be compensated for. If DEP identifies any deficiencies with the permittee's mitigation plan, then the permittee shall provide DEP a written response to address the stated deficiencies within 15 days of receiving written notice of DEP's deficiencies, unless DEP extends that timeframe in writing. The permittee shall implement the DEP-approved mitigation plan within 90 days of receiving written approval from DEP, unless DEP extends that timeframe in writing.
- O. Wetland excavation shall segregate the soil horizons and replace the soil horizons to match pre-construction conditions. For areas where bore pits are proposed in or adjacent to wetlands, or if a restrictive layer, including but not limited to clay or fragipans, is encountered during the trench excavation, the permittee shall have a knowledgeable wetlands scientist on the Environmental Inspection Team that shall oversee backfilling of the trench and installation of trench plugs, in order to maintain wetland hydrology.
- P. Topsoil shall be segregated from subsoil in all wetland areas.
- Q. All disturbed areas are to be restored, stabilized and shall be replanted with indigenous plant species. Excess fill from disturbed areas and construction activities shall be located outside of the floodway, floodplain and wetlands. The permittee is responsible for stabilizing any excess materials spoiled onsite or offsite, whether the permittee owns the site or others own the site.

- R. Rock riprap shall be used in the stream bed only where a shear stress analysis has determined that scour protection is necessary to ensure stability of the resource.
- S. A trench in which the pipeline will be laid shall be backfilled in a manner that does not create the formation of a permanent ridge in a streambed or wetland.
- T. Restored streams shall use a minimum of six (6) inches of native stream bed material. For streams where riprap is necessary to prevent scour, the riprap shall be depressed sufficiently to allow six (6) inches of native stream bed material over the riprap.
- U. All PFO and PSS wetlands within the temporary ROW shall be replanted with woody species present in the wetland prior to the permittee conducting construction activities. The plantings need not mirror pre-construction maturity.
- V. Forested Riparian Areas in the temporary ROW along watercourses shall be replanted with native tree species for a minimum distance of fifty (50) feet landward from the top of both banks of warm water fisheries and trout stocked fisheries, 100 feet from cold water fisheries, and 150 feet from HQ/EV streams, in a similar density as the trees existed prior to the permittee conducting construction activities. The density of replanted trees shall be similar to the density that existed prior to the permittee conducting construction activities but shall provide no less than 60% uniform canopy cover upon maturation and shall be appropriate to the geographic location. Maintenance and inspections shall ensure survival and growth of plantings and protection from competing plants and animals including noxious weeds and invasive species over a 5-year establishment period to ensure and proper functioning of riparian forest buffers, and shall include measures to repair damage to the buffer from storm events greater than the 2-year/24-hour storm.
- W. Each stream channel shall be restored and properly stabilized upon completion of the associated stream crossing. Where riprap is proposed, the riprap shall be depressed and covered with a minimum of 6-inches of streambed material. The restored streambed elevation shall not exceed the pre-existing streambed elevation.
- X. The permittee shall avoid wetland impacts, to the extent practicable, and minimize any such impacts. The permittee shall immediately restore all disturbed wetland areas to original contours, and replant with indigenous wetland vegetation in accordance with their restoration plans as presented in their permit application. Streambank and wetland disturbances shall be minimized and stabilized with indigenous vegetation within ten (10) calendar days of final earthmoving to prevent erosion and provide cover, shading, and food source for aquatic life. Any temporary wetland crossings shall be made by low ground pressure machinery and wetland mats or similar devices. Excess fill shall not be deposited in any wetland, watercourse, floodway, floodplain, or other body of water.
- Y. For a period of up to five years, the permittee shall monitor the stream and wetland plantings. Monitoring reports shall be submitted to the respective DEP Regional Office in the spring (May15) and fall (November 15) for the first two (2) calendar years following construction and annually (November 15) for four (4) years thereafter.
- 1. The monitoring reports shall contain information describing the success of the site at the time of each inspection, an inventory of the surviving plant species and percent areal coverage,

photographs of the replacement site with plans showing the location and orientation of each of the photographs, and a written plan to correct any deficiencies identified during the monitoring phase.

- Z. Permittee shall ensure at least an 85 percent survival rate. Additional plantings and or reports in subsequent years beyond the initial five (5) years may be required if an 85 percent survivability of planted species is not achieved.
- AA. For a period of at least three years, the permittee shall monitor any exceptional value wetlands under 25 Pa. Code §§ 105.17(1)(i) and 105.17(1)(ii) that are disturbed, as authorized pursuant to this permit. Monitoring reports shall be submitted to the respective DEP regional office in the spring (May 15) and fall (November 15) for the first two (2) calendar years following construction and once (November 15) in the third year. The monitoring reports shall contain information describing the wetland restoration and function and values at the time of inspection, photographs of the wetland with plans showing the location and orientation of each photograph, and a written plan to correct any deficiencies identified during the monitoring phase.
- BB. Streambank disturbance shall be minimized and stabilized with indigenous vegetation within 24 hours upon completion of final earthmoving to prevent erosion and provide cover, shading, and food source for aquatic life.

**Wetland Compensatory Mitigation and Monitoring:**

- CC. The permittee shall create Palustrine Forested (PFO) wetlands in accordance with their "Permittee-Responsible Compensatory Wetland Mitigation Plan" to compensate for the function and value loss associated with permanently converting 0.405 acres of PFO wetlands to Palustrine Emergent (PEM) wetlands.
- DD. The proposed compensatory wetland mitigation site in Cumberland County: The permittee shall only plant the 0.58 acres in the seasonally saturated areas identified in the Compensatory Wetland Mitigation Plan and shall not plant in the areas identified as saturated in the present condition in the Compensatory Wetland Mitigation Plan.
- EE. For at least five (5) years after the restoration activities are completed, the permittee shall monitor the compensatory mitigation sites, wetland restoration sites, streams restoration sites and floodway restoration sites. Within sixty (60) days of completing construction, the permittee shall submit "as-built" drawings for the forested wetland creation project to the DEP. Monitoring reports shall be submitted to the respective DEP Regional Office where the mitigation project(s) is(are) located at a frequency of every six (6) months for the first two (2) years after mitigation site construction and annually for three (3) years thereafter:
  - 1. The monitoring reports shall contain information describing the success of the site at the time of inspection, an inventory of the surviving plant species and percent aerial coverage, photographs of each site with plans showing the location and orientation of each of the photographs, and a written plan to correct any deficiencies identified during the monitoring phase.

2. If the restoration sites and compensatory forest wetland enhancement sites have not achieved design objectives within the monitoring period, the permittee will undertake remedial work to assure establishment of functional wetland habitats.
- FF. Restored and enhanced habitats shall be considered successful when they meet the design objectives.
- GG. Wetland compensation construction shall occur prior to or concurrently with wetland impacts requiring compensation as authorized by this permit.
- HH. Compensatory wetland mitigation shall be started and completed within one (1) growing season from the commencement of the activities authorized by this permit. Within thirty (30) days of completing the planting plan, the permittee shall submit revised plans to the respective DEP Regional Office if as-built conditions are significantly different from the original approved plans.
- II. The permittee shall provide copies of the recorded deed restrictions or conservation easements for the compensatory wetland mitigation sites within 60) days after permit issuance. Time-stamped copies of the instruments shall be sent to the respective DEP Regional Office.

**Horizontal Directional Drilling:**

- JJ. The permittee shall construct and operate the Horizontal Directional Drilling (HDD) crossings at wetlands, streams and floodways in accordance with Tables 2, 3, and 4 of the Joint Permit Application (Section F, Attachments, Environmental Assessment, Attachment 11, Resource Tables) in a manner to prevent a release of drilling fluid to "Regulated waters of this Commonwealth" (RWC). The permittee shall immediately notify the Department at 866-825-0208 in the event of an Inadvertent Return occurring, and immediately activate and implement the Pollution Prevention Control Plans (PPC Plans) including the HDD Inadvertent Return Contingency Plan (IRCP), Water Supply and Karst PPC Plans to prevent any impacts to RWC and other natural resources.
- KK. The permittee shall take measures to avoid mine voids and utilities.
- LL. The permittee shall visually monitor the ground surface and within RWC generally along the path of the Horizontal Directional Drilling while drilling operations are occurring. This monitoring shall include walking, wading and use of a boat, as necessary to effectively observe and monitor for any return to the surface during all RWC crossings. If loss of circulation of drilling fluid occurs or drilling fluid pressure is lost, the permittee shall immediately investigate the drilling pathway and general surrounding area for an inadvertent return. If an inadvertent return is discovered, then drilling shall immediately cease.
- MM. Inadvertent returns that impact or discharge to streams, floodways or wetlands during the Horizontal Directional Drilling operations shall be remediated in compliance with the Inadvertent Return Contingency Plans. If clean-up operations differ from the submitted plans, prior approval from the respective DEP Regional Office will be necessary for any modifications to the Inadvertent Return Contingency Plan for additional mitigation.

- NN. HDD additives which are certified for conformance with ANSI/NSF Standard 60 (Drinking Water Treatment Chemicals - Health Effects) are deemed acceptable to DEP, when used in the manner indicated in the certification of the additive. All conditions included as part of the additive's certification should be followed. A current listing of certified drilling fluids is maintained by NSF at <http://www.nsf.org/Certified/PwsChemicals/Listings.asp?ProductFunction=Drilling+Fluid&>. Use of drilling additives certified for conformance with ANSI/NSF Standard 60 does not relieve operators from the requirement to obtain the necessary permits to conduct HDD operations. Use of certified additives does not relieve the operator of liability should an inadvertent return or other pollution of the waters of the Commonwealth occur as a result of drilling operations.

**Habitat Conservation Plans and Threatened and Endangered Species Protection:**

- OO. The permittee shall comply with all applicable provisions of the Habitat Conservation Plan submitted and approved by the U.S. Fish and Wildlife Service (USFWS), PA Game Commission (PGC), PA Fish and Boat Commission (PFBC) and PA Department of Conservation and Natural Resources (DCNR) to protect federal and state listed species. Provide a copy of the plan to the Department prior to initiation of any work under this permit.
- PP. The permittee shall implement the approved Habitat Conservation Plan and in accordance with all PA Game Commission approvals for the Allegheny Woodrat (*Neotoma magister*). This includes no blasting or the use of herbicide on the project or in the vicinity of the project on PA DCNR lands as identified in the PGC clearance. Provide a copy of the plan to the Department prior to initiation of any work under this permit.
- QQ. The permittee shall implement the Migratory Bird Conservation Plan approved by the USFWS. Provide a copy of the plan to the Department prior to initiation of any work under this permit.
- RR. The permittee shall implement all Avoidance Measures identified by the jurisdictional resource agencies for any threatened or endangered species or species of special concern.
- SS. The permittee shall implement the Avoidance Measures identified in Appendix A of the permit for all open trench wetland crossings in bog turtle (*Clemmys muhlenbergii*) counties identified by the USFWS as occupied, potentially occupied or adjacent habitats, unless otherwise specified by the USFWS.
- TT. The permittee shall comply with all protocols set forth by the USFWS for protection of the Rusty Patch Bumble Bee.
- UU. Prior to conducting any future maintenance activities on the pipeline or right of way which involves disturbance, the Permittee shall conduct a then current Pennsylvania Natural Diversity Inventory search, shall obtain clearance(s) for any species or resource where a potential impact is identified, provide the avoidance and mitigation plan to the Department prior to initiating such maintenance work and shall implement and adhere to all avoidance measures outlined in such clearance(s).

**Seasonal Restrictions:**

- VV. The permittee shall not perform any in-stream work in waters listed by the PAFBC as trout stocked streams and their tributaries between March 1 and June 15 without the prior written



approval from the Pennsylvania Fish & Boat Commission's Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823-9620; telephone 814.359.5147.

- WW. The permittee shall not perform any in-stream work in waters listed by the Pennsylvania Fish and Boat Commission as Class A wild trout fishery streams and their tributaries between October 1 and April 1 without the prior written approval of the Pennsylvania Fish & Boat Commission's Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823-9620; telephone 814.359.5147.
- XX. The permittee shall not perform any in-stream work in waters listed by the Pennsylvania Fish and Boat Commission's other wild trout streams or their tributaries between October 1 and December 31 without the prior written approval of the Pennsylvania Fish and Boat Commission's Division of Environmental Services, 450 Robinson Lane, Bellefonte, PA 16823-9620; telephone 814.359.5147. (In addition to those listed in the application this special condition also applies to streams S-CJ2, S-CJ3, S-CJ4. (the specific streams listed are permit specific).
- YY. Other seasonal restrictions stated in the various Habitat Conservation Plans shall be complied with unless a written variance is issued by the appropriate resource agency.

**Miscellaneous:**

- ZZ. Maintenance mowing or herbicide spraying of wetlands is not authorized by this permit. The permittee shall place and maintain signs or other demarcation around the boundary of each wetland to clearly delineate the areas where this maintenance is not authorized. The permittee shall place the signs or other demarcations when all restoration work is completed and prior to permit termination.
- AAA. This permit does not convey any real property rights or interests or authorization to trespass on privately-owned riparian land. By accepting this permit, the permittee certifies that he/she holds title, easement, right or other real interest in the riparian land. Any dispute over ownership of this land is solely a matter for private litigation.
- BBB. The permittee may not commence construction activities on Pennsylvania Game Commission (PGC) lands without prior written approval from PGC.
- CCC. Riprap and stone used throughout the project, including the construction of causeways and coffer dams, shall be free of fines and silts, or other non-erodible material.
- DDD. All temporary water withdrawal intake structures and all appurtenant works shall be removed from the watercourse, body of water, floodway, and floodplains within sixty (60) days of initial placement, unless otherwise extended in writing by the Department.
- EEE. Trench plugs shall be placed at each of the following locations:
1. At ten (10) feet from the top of each bank of a stream
  2. At fifty (50) feet from the top of each bank of a stream
  3. At ten (10) feet from the edge of a wetland
  4. At fifty (50) feet from the edge of a wetland

- FFF. Place a minimum of one (1) trench plug at a maximum spacing of 100 feet between trench plugs within a wetland. Wetland crossings less than fifty (50) feet do not require an internal trench plug.
- GGG. If during excavation, a groundwater seep is encountered, a trench plug shall be placed at ten (10) feet from each side of the seep.
- HHH. Any french drains installed as part of de-watering for construction activities shall be removed or otherwise rendered inoperable prior to final site restoration.
- III. Water pumped from any construction area shall be diverted into a sediment trap, basin, or a filter bag discharging into an appropriate vegetated filter area to prevent sediment from being discharged into any waters of the Commonwealth.
- JJJ. Open Trench Crossings: The permittee shall construct open trench pipeline crossings in dry conditions by constructing during periods of no water flow and/or by installing stream flow bypass systems (flumed or pumped) through the affected area.
1. Each crossing shall be conducted in an uninterrupted process in the shortest period of time possible. Impacts to RWC shall be avoided, to the extent practicable, and if not practicable, then minimized in accordance with the permittee's approved plans.
  2. The permittee may cross dry channels, swales and ephemeral streams without the use of stream flow bypass systems if the channel has no flow and the stream crossing and stabilization can be completed in dry conditions and within twenty-four (24) hours. Standby sandbag dams and pumps shall be located on-site and installed in the event of precipitation resulting in channel flow.
- KKK. The permittee shall cross intermittent and perennial streams through the use of trenchless methods (HDD or Direct Boring [DB]) or through the use of stream flow bypass systems. Bypass systems must stay in use until streambeds and banks are adequately stabilized. Downstream flow must be maintained during the construction.
- LLL. Depth of Pipeline in Stream Bed: The permittee shall locate all pipelines under stream beds such that there will be a minimum of three feet of cover between the top of the pipe or encasement and the lowest point in the stream bed, unless the pipeline is in rock, where a minimum cover of one foot shall be provided.
- MMM. Aids to Navigation Plan: The permittee shall implement the approved Aids to Navigation (ATON) Plan as received under the Fish and Boat Code, 30 Pa C.S. §§5121-5124, and 58 Pa Code Chapter 113.
- NNN. This permit authorizes specific impacts to *RWC* that were specifically described in the permit applications and revisions. Any proposed changes regarding the specific impacts will require a permit modification.
- OOO. Any additional impacts to *RWC*, such as temporary access roads, lay-down areas, staging areas, or temporary work spaces that have not been specifically identified in the permit application are not authorized by this permit.

PPP. No deviation in the construction methodology or project design that is shown on the approved drawings is authorized under this permit unless approved through an amendment by the Department.

QQQ. This permit does not relieve the permittee of the obligation of complying with all Federal, interstate compact, State laws, regulations and standards, and local ordinances applicable to the construction, operation or maintenance of the water obstruction or encroachment.

RRR. The permittee shall follow the measures specified in the Preparedness, Prevention, and Contingency Plan during construction.

SSS. The permittee shall maintain a copy of the Preparedness, Prevention, and Contingency Plan is on-site at all times during construction, train all staff to use and implement this plan, and have this plan available to provide at the request of any Department inspector.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**



\_\_\_\_\_  
Domenic Rocco, P.E.  
Regional Manager  
Waterways and Wetlands

February 13, 2017

\_\_\_\_\_  
Issue Date

Re 30 (GJS17WAW)41-5a



Commonwealth of Pennsylvania  
Department of Environmental Protection  
Southeast Region – Field Operations  
Waterways and Wetlands Program – Dams and Waterways Section

**ACKNOWLEDGEMENT OF NOTIFICATION OF PERMIT CONDITIONS**

Project Location: 24 Miles of SPLP Right of Way associated with a proposed transmission pipeline project extending approximately 306 miles and 255 miles in Pennsylvania between Houston Borough, Washington County, PA and Marcus Hook Borough, Delaware County, PA.

County: Chester

Township: West Nantmeal, East Nantmeal, Wallace, Upper Uwchlan, Uwchlan, West Whiteland, West Goshen, East Goshen, Westtown Townships and Elverson Borough

Gentlemen:

Acknowledgement is made that I, Matthew L. Gordon  
(Permittee Name)

and \_\_\_\_\_  
(Name, address, and telephone of individual responsible for supervision of work)

have been notified of and are familiar with the terms and conditions of Permit No. E15-862

issued to Sunoco Pipeline, L.P. giving its consent to install and maintain approximately 24 miles  
(Permittee) (Work authorized as stated on permit)

long, of 20 inch and 16 inch pipeline and appurtenant structures.

**Return to:**

Department of Environmental Protection  
Southeast Region  
Waterways and Wetlands Program  
Dams and Waterways Section  
2 East Main Street  
Norristown, PA 19401

\_\_\_\_\_  
(Permittee signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of individual responsible for supervision of work)

\_\_\_\_\_  
(Date)



Commonwealth of Pennsylvania  
Department of Environmental Protection  
Southeast Region – Field Operations  
Waterways and Wetlands Program – Dams and Waterways Section

**WATER OBSTRUCTION AND ENCROACHMENT PERMIT COMPLETION REPORT**

**Project Location:** 24 Miles of SPLP Right of Way associated with a proposed transmission pipeline project extending approximately 306 miles and 255 miles in Pennsylvania between Houston Borough, Washington County, PA and Marcus Hook Borough, Delaware County, PA.

**County:** Chester

**Township:** West Nantmeal, East Nantmeal, Wallace, Upper Uwchlan, Uwchlan, West Whiteland, West Goshen, East Goshen, Westtown Townships and Elverson Borough

Dear

I (We) hereby certify that the Work authorized by the above referenced permit  
(Work authorized by permit)

was completed on \_\_\_\_\_, in accordance with the plans approved and that all unauthorized obstructions have been removed.

**Name:** \_\_\_\_\_  
(Type or Print)

**Signature:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Firm:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Return to:**

Department of Environmental Protection  
Southeast Region – Field Operations  
Waterways and Wetlands Program  
Dams and Waterways Section  
2 East Main Street  
Norristown, PA 19401

**NOTICE OF APPEAL RIGHTS:**

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, P.O. 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.



RECEIVED

FEB 09 2017

777 East Park Drive  
2<sup>nd</sup> Floor  
Harrisburg, PA 17111  
Phone (717) 562-5052  
janet.miller@verizon.com

February 6, 2017

Township Manager  
East Goshen Township  
1580 Paoli Pike  
West Chester, PA 19380

Re: Verizon Fios TV Significant Outage

Dear Municipal Official:

This letter serves as notice required by the Customer Service Standards set forth in the Cable Franchise Agreement entered into between Verizon Pennsylvania LLC ("Verizon") and East Goshen Township.

Video content was unavailable to Verizon Fios subscribers on Channels 99/580 (The Comcast Network) between 6:30 p.m. on Sunday, January 15, 2017, and 12:30 p.m. on Monday, January 16, 2017, due to an unplanned equipment repair. Video content also was unavailable to Fios subscribers on Channel 4 (WACP TV) between 5:15 a.m. and 12:00 p.m. on Tuesday, January 31, 2017, due to problems experienced by the content provider.

Please call me if you have questions regarding this notice or any other Fios TV service matter.

Sincerely,

Janet Miller  
Verizon Fios TV  
Franchise Service Manager

cc: Kristin S. Camp, Esquire



369 East Park Drive  
Harrisburg, PA 17111  
(717) 564-1121  
FAX (717) 564-1158  
www.hrg-inc.com

**VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

February 3, 2017

FEB 09 2017

Mr. Louis Smith, Township Manager  
East Goshen Township  
1580 Paoli Pike  
West Chester, PA 19380

Re: **West Goshen Sewer Authority  
Anaerobic Digester Replacement Project  
West Goshen Township, Chester County**

Dear Mr. Smith:

In accordance with Pennsylvania Act 14, this letter serves as your notification that the West Goshen Sewer Authority (Authority) will file an application to the Pennsylvania Department of Environmental Protection (DEP) for a Water Quality Management Part II Permit for their proposed Wastewater Treatment Plant (WWTP) Anaerobic Digester Replacement Project (Project).

The Project involves the permitting and construction of an upgrade to the Authority's WWTP located at 848 S Concord Rd, West Chester, Pennsylvania, to include the following improvements:

- Installation of two (2) new 330,000 gallon cylindrical digesters and related appurtenances to replace the two (2) existing anaerobic digesters
- Modifications to the existing control building to accommodate new equipment and associated improvements, including:
  - Replacing of existing roof with EPDM rubber roof and flashing around parapets
  - Repoint existing mortar joints (where necessary)
  - Upgrade mechanical and electrical systems
  - Replace existing doors and windows where necessary
  - Paint all interior walls and piping
  - Replace flooring on the 1<sup>st</sup> floor.

The purpose of these upgrades is to address aging equipment as well as comply with NFPA and NEC requirements. The upgraded WWTP will continue to serve the existing Authority service areas. All proposed work will take place at the existing WWTP near the control building in West Goshen Township.

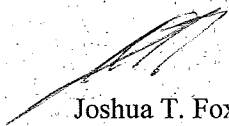


Act 14 requires that every applicant for this type of permit give written notice to each municipality and county in which the activities are located, and that the municipalities must receive the notice at least 30 days before the Department of Environmental Protection (DEP) may issue or deny the permit. We also invite you to submit comments to DEP related to comprehensive plans and zoning ordinances under Acts 67 and 68, which amended the Municipal Planning Code to support sound land use practices and Growing Smarter. The law directs state agencies to consider comprehensive plans and zoning ordinances when reviewing applications for permitting of facilities or infrastructure.

If you have any questions or concerns, please contact me.

Very truly yours,

**Herbert, Rowland & Grubic, Inc.**



Joshua T. Fox, P.E.  
Regional Service Group Manager

JSR/JTF/rb  
R007608.0433

P:\0076\007608\_0433\Admin\Permits\WQM Part II Permit\Act 14\2017.01.04 Act 14 East Goshen Township.doc

c: Mike Moffa, WWTP Superintendent  
File