EAST GOSHEN MUNICIPAL AUTHORITY

June 8, 2020
7:00 PM

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE
   a. Ask if anyone will be taping the meeting

2. CHAIRMAN'S REPORT/OTHER MEMBERS REPORTS

3. SEWER REPORTS

   a. Director of Public Works Report.
   b. Pennoni Engineer's Report.
   c. Big Fish Environmental Report

4. APPROVAL OF MINUTES

   a. May 11, 2020

5. APPROVAL OF INVOICES

Pennoni Invoice #1025721	$	627.00
Pennoni Invoice #1025723	$	90.25
West Goshen Sewer Auth. – Twp. Costs	$	7,794.05

6. LIAISON REPORTS

7. FINANCIAL REPORTS

   a. May Financial Report

8. OLD BUSINESS

   a.

9. Goals:

Goal	Status
Continue to Monitor Upgrades at WGSTP and Westtown Way Pump Station	MA Rep attending WGSA meetings monthly. Staff met with WG Staff in May 2020 at WWPS; discussion about cheaper drive shaft option raised. WGSA plans to go to bid in early 2021 on WWPS
Continue to Implement Infiltration and Inflow for the Sewer System	Ongoing Tving and portable meters
Implement planned capital projects:	
RCSTP Emergency Generator Replacement	Generator received and paid for; installation late June
Caustic Soda Project	Applied for PA Small Water and Sewer Grant; application pending. Project probably needs to be deferred to 2021
Hershey's Mill Pump Station Generator	Generator received and paid for; installation early June
Hunt Country Pump Station Mag Meter Replacement	On hold until next year
Hunt Country Pump Station Muffin Monster Replacement	Probably on hold until next year
Hunt Country Pump Station Bypass Pump	On hold until next year
Two New RC Permanent Flow Meters	Awaiting engineering recommnedations about locations

10 NEW BUSINESS

a.

11. CAPACITY REQUESTS

12. ANY OTHER MATTER

13. CORRESPONDENCE AND REPORTS OF INTEREST

14. PUBLIC COMMENT

15. ADJOURNMENT

AREA CODE 610
692-7171

EAST GOSHEN MUNICIPAL AUTHORITY
EAST GOSHEN TOWNSHIP
1580 PAOLI PIKE, WEST CHESTER, PA 19380-6199

June 5, 2020

To: Municipal Authority

From: Mark Miller

Re: May 2020 Monthly Report

Monthly Flows: The average daily flow to West Goshen was 768,000 per day.

Meters: The meters were been read on a daily basis. The temporary meters have been removed and sent back to HACH to be calibrated and repaired

C.C. Collection: The pump stations were checked on a daily basis. We had a problem at Hershey Mill Pump Station when the VFD's tripped out; we were able to get the station up and running by bypassing the VFD's. The problem was caused when we lost power and the VFD tripped out. We had Lenni Electric replace the electric service from the pole to the station. We found 8 splices in the service wires; this has been causing the power problems at the station. We will be removing the old generator this week. Once removed, we will begin to install the new generator.

R.C. Collection: The stations were visited each day. We had to pump and clean the wet well due to significant grease build up at the Hunt Country Station.

R.C. Plant: Routine maintenance was performed at the plant; we cleaned the grit chamber and muffin monster. We installed the temporary meter that was discussed last month.

We did have one lateral repair at the Blacksmith Shop, the lateral backed up due to mischief and the tee was broken.

Alarms: We responded to 49 alarms for May.

PA One Calls: We responded to over 90 PA One Calls for the month of May.

Monthly Rainfall: 2.60 inches for the month of May.

Lateral Caps: We replaced 5 lateral caps.

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EAST GOSHEN MUNICIPAL AUTHORITY
ENGINEER'S REPORT
June 5, 2020

Invoices

- Invoices with summaries are provided under separate cover.

Ridley Creek Sewage Treatment Plant (RCSTP)

- Generator Replacement – No activity by Pennoni since our last report. We will provide construction phase assistance as needed.

Tallmadge Drive Sewer Main Replacement

- The 2-year maintenance bond period ends March 21, 2021.

I&I Support and Reporting

- No activity by Pennoni since our last report.

Hershey's Mill Pump Station Generator Replacement

- No activity by Pennoni since our last report.

New Connections

- No activity by Pennoni since our last report.

Act 537 Planning

- As discussed at the May MA meeting, the need for an Act 537 Plan Update will be revisited in early 2021.

END OF REPORT

Big Fish
Environmental Services Inc.

RCSTP Monthly Operations Report:
June 2020

Executive Summary

The Ridley Creek sewage treatment plant outfall 001 achieved compliance with the permit discharge limitations for the month of April 2020. Discharge to the Applebrook irrigation lagoon was placed on line. Chemical usage utilized for pH and total alkalinity remained consistent with previous months. No significant mechanical or operational issues were observed during operation of sludge dewatering equipment or SBR treatment process.

Treatment Process Operation

Table 1 illustrates the final effluent composite sample data reported for outfall 001 for the April 2020 DMR.

Table 1

April 2020- Final Effluent - Outfall 001

NPDES Permit Discharge Limitations	Flow	$CBOD_5$		TSS		NH_4-N		Phosphorus,Total		Fecal Coliform	
	MGD Average	mg/L	lbs/ month	mg/L	lbs/ month	mg/L	lbs/ month	mg/L	lbs/ month	Geo Mean	Geo Mean
	0.75	20	125	10	131	2.5	44	0.5	3	200	1,000
	Weekly Max	40		15							
Sample Date											
April 7, 2020	0.315	2	4.6	6	15.8	0.100	0.26	0.21	0.55	1	0.0000
April 14, 2020	0.381	6.6	9.8	8	25.4	0.903	2.87	0.43	1.37	53	1.7243
April 15, 2020	0.388			5	16.2						
April 16, 2020	0.416							0.18	0.62		
April 21, 2020	0.374	4.2	7.3	8	25.0	0.100	0.31	0.34	1.06	5	0.6990
April 28, 2020	0.356	2.4	5.4	5	14.8	0.101	0.30	0.28	0.83	1	0.0000
Average	0.372	3.8	6.8	6.4	19.4	0.301	0.94	0.29	0.89	15	0.6058
Minimum	0.315	2.0	4.6	5.0	14.8	0.100	0.26	0.18	0.55	1	0.0000
Maximum	0.416	6.6	9.8	8.0	25.4	0.903	2.87	0.43	1.37	53	1.7243

Compliance with the NPDES discharge permit was achieved. The monthly average total phosphorus was reported as 0.29 mg/L as compared to the permit limitation of 0.5 mg/L. The TSS samples were consistently less than the monthly average of 10 mg/L. The TSS weekly averages are presented below in Table 2.

Table 2

April 2020 Final Effluent Weekly TSS Averages	
Week 1	6 mg/L
Week 2	8 mg/L
Week 3	7 mg/L
Week 4	5 mg/L

The final effluent test results demonstrate that the biological treatment process performed well during April and May. Sequencing batch reactors (SBRs) numbered 1, 3 and 4 were in service during April and May. Process monitoring of each SBR included ammonia as N, nitrite as N, Nitrate as N, COD, SSV, MLSS and total phosphorus. Daily analysis of the final effluent flow equalization grab sample for total phosphorus is ongoing. Sample collection and analysis of the influent wastewater collected at the influent pump station wet well is ongoing.

Discharge to the Applebrook irrigation lagoon, outfall 002, was placed on line. Table 3 illustrates the Applebrook sample data reported for outfall 002 for the April 2020 DMR.

Table 3

April 2020 - Applebrook - Out Fall 002

NPDES Permit Discharge Limitations	Flow	$CBOD_5$		TSS		NH_4-N		Phosphorus,Total		Fecal Coliform	
	MGD Average	mg/L	lbs/ month	mg/L	lbs/ month	mg/L	lbs/ month	mg/L	lbs/ month	Geo Mean	Geo Mean
	0.135	25		30		2.5		0.5		200	1,000
		40		45							
April 7, 2020	0.0355	2.0	0.59	6	1.78	0.100	0.03	0.21	0.06	1	0.0000
April 14, 2020	0.0558	6.6	3.07	8	3.72	0.903	0.42	0.43	0.20	53	1.7243
April 15, 2020	0.0597			5	2.49						
April 16, 2020	0.0460							0.18	0.07		
April 21, 2020	0.0426	4.2	1.49	8	2.84	0.100	0.04	0.34	0.12	5	0.6990
April 28, 2020	0.0350	2.4	0.70	5	1.46	0.101	0.03	0.28	0.08	1	0.0000
Average	0.0458	3.8	1.46	6	2.46	0.301	0.13	0.29	0.11	15	0.6058
Minimum	0.0350	2.0	0.59	5	1.46	0.100	0.03	0.18	0.06	1	0.0000
Maximum	0.0597	6.6	3.07	8	3.72	0.903	0.42	0.43	0.20	53	1.7243

The influent wastewater pollutant concentrations and loading entering the wastewater treatment facility remained within the design concentration and organic loading values. The monthly average daily concentrations were observed to be less than the design parameters for the treatment process.

Table 4 presents the available pollutant data for the influent wastewater collected at the doghouse manhole during March 2020.

Table 4

April 2020 - Influent Wastewater

Design Basis	Flow	BOD_5		TSS		NH_4-N		TKN, mg/L		Phosphorus,Total, mg/L	
		mg/L	lbs/day	mg/L	lbs/day	mg/L	lbs/day	mg/L	lbs/day	mg/L	lbs/day
	MGD										
	Average	335	2,098	320	2,001	32	200	48	301	9.1	57
Sample Date											
April 7, 2020	0.4767	144	572	340	1,352	32.4	129	43.1	171	6.1	24.3
April 14, 2020	0.562	223	1,045	228	1,069	19.6	92	32.1	150	4.0	18.7
April 21, 2020	0.532	180	799	450	1,997	31.7	141	49.0	217	7.0	31.1
April 28, 2020	0.4882	216	879	275	1,120	30.1	123	36.1	147	5.5	22.4
Average	0.5147	191	824	323	1384	28.5	121	40.1	172	5.7	24.1
Minimum	0.4767	144	572	228	1069	19.6	92	32.1	147	4.0	18.7
Maximum	0.5620	223	1045	450	1997	32.4	141	49.0	217	7.0	31.1

The average monthly influent wastewater flow measured at the "field" flow meter was 525,843 gallons//day as compared to the influent flow into the SBRs as 477,457 gallon/day. The average flow measured at the "field" was higher in volume than the flows to the SBRs, however, the "field" flow volume should be lower than the flow volume to the SBRs because of the absence of the internal recycle flow volume.

The Township staff installed a flow meter within the doghouse manhole located within the facility fence line to gather comparison influent flow volume data.

The field flow meter, influent flow channel, grinder and fine screen are inspected routinely for any noticeable signs (blinding of screens) that may contribute to increased head losses through the channel. The depth of grit in the channel prior to the fine grinder is also monitored for depth and for scheduling cleaning of the channel.

Table 5 illustrates the available data for the final effluent composite sample data reported for outfall 001 for use with the May 2020 DMR.

Table 5

May 2020- Final Effluent - Outfall 001

NPDES Permit Discharge Limitations	Flow	$CBOD_5$		TSS		NH_4-N		Phosphorus,Total		Fecal Coliform	
	MGD Average	mg/L	lbs/ month	mg/L	lbs/ month	mg/L	lbs/ month	mg/L	lbs/ month	Geo Mean	Geo Mean
	0.75	20	125	10	131	2.5	44	0.5	3	200	1,000
		40		15							
Sample Date											
May 5, 2020	0.358	2.9	8.7	4	11.9	0.100	0.30			9	0.9542
May 12, 2020	0.362	4.3	13.0	5	15.1	0.402	1.21	0.20	0.60	3	0.4771
May 19, 2020	0.329	3.2	8.8	13	35.7	0.150	0.41	0.47	1.29	1	0.0000
May 21, 2020	0.298			2	5.0						
May 25, 2020	0.314	3.4	8.9	3	7.9	0.100	0.26			1	0.0000
Average	0.332	3.45	9.83	5	15.1	0.188	0.546	0.34	0.95	3.5	0.5441
Minimum	0.298	2.9	8.66	2	4.97	0.100	0.262	0.20	0.60	1	0.0000
Maximum	0.362	4.3	13.0	13	35.7	0.402	1.21	0.47	1.29	9	0.9542

The foam on the SBR surface remains at approximately 100% coverage of the surface area. The foam thickness is approximately 3 to 4 inches with a light to medium brown color. These conditions may contribute to a decrease in clarity within the final effluent post flow equalization basins; however, the clarity is improved after passing through the disc filters. The operation strategy is to lower the MLSS to maintain a F:M ratio of 0.06 while ensuring the ammonia effluent discharge concentration remains within the seasonal limit of 2.5 mg/L.

Discharge to the Applebrook irrigation lagoon, outfall 002, was placed on line during April 2020. Table 6 illustrates the available data for the final effluent composite sample data reported for outfall 001 for use with the April 2020 DMR.

Table 6

May 2020 - Applebrook - Out Fall 002

NPDES Permit Discharge Limitations	Flow	$CBOD_5$		TSS		NH_4-N		Phosphorus,Total		Fecal Coliform	
	MGD Average	mg/L	lbs/ month	mg/L	lbs/ month	mg/L	lbs/ month	mg/L	lbs/ month	Geo Mean	Geo Mean
	0.135	25		30		2.5	44	0.5	3	200	1,000
		40		45							
May 5, 2020	0.046	2.9	1.10	4	1.52	0.100	0.04			9	0.9542
May 12, 2020	0.053	4.3	1.92	5	2.23	0.402	0.18	0.20	0.09	3	0.4771
May 19, 2020	0.044	3.2	1.17	13	4.76	0.150	0.05	0.47	0.17	1	0.0000
May 21, 2020	0.047			2	0.78						
May 25, 2020	0.041	3.4	1.15	3	1.02	0.100	0.03			1	0.0000
Average	0.046	3.5	1.33	5	2.06	0.188	0.08	0.34	0.13	4	0.3578
Minimum	0.041	2.9	1.10	2	0.776	0.100	0.03	0.20	0.09	1	0.0000
Maximum	0.053	4.3	1.92	13	4.76	0.402	0.18	0.47	0.17	9	0.9542

PA DEP

No activity

Significant Rainfall

During May, there were ten (10) days when rainfall occurred. Three (3) storm events resulting in a daily precipitation amount equal to or greater than 0.50 inches, with two (2) storms exceeding 1 inch of rainfall measured during a 24-hour period. These events occurred on:

May 1st 1.20 inches
May 9th 0.58.inches
May 23rd 1.31 inches

A total of 4.03 inches of rainfall measured during the month.

Plant operations were adjusted to manage the precipitation to prevent exceedances of the permitted discharge limitations for Outfalls 001 and 002. Adjustments included reducing aeration minutes per cycle, extending decant minutes per cycle and reducing settling times.

The influent organic loadings remain below those of the influent design loadings. Table 7 presents the available pollutant data for the influent wastewater collected at the doghouse manhole during May 2020.

Table 7

May 2020 - Influent Wastewater

Design Basis	Flow	BOD_5		TSS		NH_4-N		TKN, mg/L		Phosphorus,Total, mg/L	
		mg/L	lbs/day	mg/L	lbs/day	mg/L	lbs/day	mg/L	lbs/day	mg/L	lbs/day
	MGD										
	Average	335	2,098	320	2,001	32	200	48	301	9.1	57
Sample Date											
May 5, 2020	0.5266	131	575	266	1,168	28.8	126	39.7	174	6.3	27.7
May 12, 2020	0.4701	269	1,055	353	1,384	36.8	144	52.1	204	6.3	24.7
May 19, 2020	0.444	318	1,178	338	1,252	35.1	130	51.7	191	7.7	28.5
May 25, 2020	0.4723	259	1,020	247	973	27.2	107	47.8	188	7.0	27.6
Average	0.4783	244	957	301	1,194	32.0	127	47.8	190	6.8	27.1
Minimum	0.4440	131	575	247	973	27.2	107	39.7	174	6.3	24.7
Maximum	0.5266	318	1,178	353	1,384	36.8	144	52.1	204	7.7	28.5

Chemical Usage:

May 2020		
Chemical	**Daily Average**	**Total Monthly**
Soda Ash	324 lbs/day	10,350 lbs
Aluminum Sulfate solution	na	na

Flow data:

May 2020			
Flow Meter Location	**Total Volume for Month, MG**	**Average Daily Flow, gpd**	**Daily Maximum Flow, gpd**
Influent Wastewater to Screening Building*	16.301	525,843	722,290
Influent Wastewater to SBRs	14.801	477,457	599,936
Internal Recycle	0.061	20,208	33,032
Treated Effluent to Disc Filters	14.508	467,993	578,816
Final Effluent Discharge	10.365	334,355	416,000
Applebrook Golf Course	1.403	45,266	55,360

*The total flow measured into the SBRs is lower than the total flow measured at the "field" flow meter. The difference does not represent or is indicative on an overflow. The difference is attributed to the inconsistent accuracy with "field" flow meter.

**The internal recycle flow is only represented by a total of three (3) days where the flow recorded at the "field" flow meter was less than the flow recorded into the SBRs.

Minor Preventative Maintenance

Flushed chemical feed lines to the SBRs.
Cleaned final effluent weir trough daily
Skimmed surface of disc filters daily
Drained and cleaned disc filters bi-weekly
Cleaned buildings and laboratory

Disc Filter Cloth Media

Disc filter number 2 continues to require more frequent filter backwashing as compared to disc filter 1. Filter number was recorded as 209 hours of filter back was time as compared to filter number 1 with 102 hours.

Purchase of replacement filter cloth has been placed with the vendor.

SBR 3

SBR 3 is planned for removal from service for inspection during June 2020.

DRAFT
EAST GOSHEN TOWNSHIP MUNICIPAL AUTHORITY
MEETING MINUTES
May 11, 2020

The East Goshen Township Municipal Authority held their regular meeting on Monday, May 11, 2020 at 7:00 pm. Due to restrictions caused by the COVID-19 virus, the meeting was held via electronic conferencing Zoom. Members in attendance were: Chairman Phil Mayer, Kevin Cummings, Jack Yahraes, and Walter Wujcik. Also in attendance were: Jon Altshul (Township Asst. Manager), Mark Miller (Director of Public Works), Mike Ellis (Pennoni), Robert Jefferson (Gawthrop), Scott Towler (Plant Operator) and Michael Lynch (Township Supervisor).

COMMON ACRONYMS:

BFES – Big Fish Environmental Services
BOS – Board of Supervisors
CB – Conservancy Board
DEP – Department of Environmental Protection
EPA – Environmental protection Agency
HC – Historical Commission
I&I – Inflow & Infiltration
LCSTP – Lockwood Chase Sewer Treatment Plant
MA- Municipal Authority
NPDES – National Pollutant Discharge Elimination System
PC – Planning Commission
PM – Prevention Maintenance
PR – Park & Recreation Board
RCSTP – Ridley Creek Sewer Treatment Plant
SBR – Sequencing Batch Reactor
SSO – Sanitary System Overflow
WAS – Waste Activated Sludge

Call to Order & Pledge of Allegiance

Phil called the meeting to order at 7:05 pm and led those present in the Pledge of Allegiance. There was a moment of silence to remember our medical and healthcare staffs, troops, veterans and first responders.
Phil asked if anyone would be recording the meeting. There was no response.

Chairman's Report

1. West Goshen - Phil reported that he attended West Goshen's meeting via conferencing. The digester replacement is almost complete. They have another estimate for Westtown Way Pump Station which is $3,157,000.00. He spoke about the expenses and a government grant for infrastructure improvements. They continue to work on designs and permits. Phil feels both townships should apply together. Jon feels there may be things that can decrease the cost. Robert spoke with Patrick McKenna today. The 1977 original agreement has 8 amendments that they will check out and get back to the MA. Mark mentioned that they went to an on-site meeting a while ago and the cost keeps going up. He would like to get the details to see what the big items are. He thought it was going to be a rebuild. Are they building a whole new facility? He will call them for a meeting.

Sewer Reports

1. Director of Public Works, Mark Miller's report for April 2020:

Monthly Flows: The average daily flow to West Goshen was 802,000 gal/day.
Meters: The meters were read on a daily basis, as well as portable meters. The portable meters that are in Bowtree will be removed at the end of the month. Before being reinstalled, they will need to be sent out for calibration.
C.C. Collection: The weather kept us very busy this month between the rain and the high winds which knocked out power to the pump stations. We are also checking the pump stations and the muffin monsters on a daily basis for wipes and gloves. To date, we have not

experienced any problems with foreign objects at the pump stations. As I mentioned, we had several power outages during the month of April due to high winds. At one point all stations were on emergency power. Hershey Mill Pump Station was on emergency power for 3 days before switching back.

We located some INI during routine maintenance on the Chester Creek Collection System. We took care of that last week. We were notified of a lateral blockage on Margo Lane that we cleared.

R.C. Collection: The stations were visited each day.

Ridley Creek Plant:

Alarms: We responded to 47 alarms in April.

PA One Calls: We responded to over 136 PA One Calls for the month of April.

Rainfall: 7.43 inches for April.

Lateral Caps: We replaced 8 lateral caps.

2. Pennoni Engineer's Report for April dated May 6, 2020

Invoices – Invoices with summaries were provided under separate cover.

Ridley Creek Sewage Treatment Plant (RCSTP)

Generator Replacement – The design of the concrete generator pad has been completed and the construction plan was submitted to the Township for construction by the PW Dept. This was a redesign of the original intent, which was to re-use and expand the existing pad, because the anchor bolts for the generator would be located in close proximity to the joint between the new and existing pad. The existing pad is now proposed to be completely demolished with a completely new pad installed.

Tallmadge Drive Sewer Main Replacement

The 2-year maintenance bond period ends March 21, 2021.

I&I Support and Reporting

No activity by Pennoni since our last report.

Hershey's Mill Pump Station Generator Replacement

No activity by Pennoni since our last report.

Chapter 94 Reports

DEP has directed that hard copy reports will now be accepted via mail. They had previously directed that the reports be held until they determined a submission procedure. We are assembling hard copies for submission.

New Connections

We evaluated alternatives for potential connection of an existing house at 222 Westtown Way to the public sewer system in coordination with Mark Miller.

Act 537 Planning – Grant Opportunity

There is an open grant through PA DCED's Sewage Facilities Program for Act 537 Planning. The possibility of a revisit/update of the Township-wide Act 537 Plan has been discussed at recent MA meetings. The purpose of this program is to fund such plans. It was also the grant that was used for the Act 537 Planning associated with the Reservoir Road Pump Station a few years ago. The MA may want to consider if an application should be pursued. Applications are due May 31. There would need to be a DEP-approved Task/Activity Report (TAR) in place to submit with the application. A TAR is a scope of work and detailed cost estimate. It may not be possible to obtain that TAR approval by May 31, but we could contact DEP to see if it could be done, if there is interest by the township and MA in pursuing the grant. We have other municipal clients that do not yet have a TAR approval either but are aggressively pursuing with DEP to be able to apply for the grant.

A 50% match is required, and a resolution has to be included in the application. Costs for Township-wide planning vary dramatically depending on the scope and extent of alternatives, evaluations and public involvement, generally between $25-70K. I would expect this to be on the lower end since most of the Township is already sewered, and the primary alternative to evaluate would be sewer extensions to areas with on-lot systems and to determine updated build-out flow projections for the RCSTP and Chester Creek systems. Those projections were last estimated about 15 years ago, and led to RCSTP upgrade, Lockwood Chase STP closure, and various sewer diversions. An updated projection would allow for an assessment of the future need/timeframe of the Reservoir Road Pump Station, evaluation of flows in the West Goshen system vs intermunicipal agreement capacity, and need for use of the 4th SBR tank and ultimate capacity at the RCSTP, amongst other things.
Discussion: Mike Lynch mentioned that he lives in Goshen Downs which is all onsite systems. People are replacing their existing systems. There hasn't been calls from residents to be hooked up to the public system. He doesn't feel this is urgent. Mark commented that since there is no funding in the 2020 budget for this we should wait. The MA members agreed to wait on this.

3. Big Fish Environmental Services –
The Ridley Creek sewage treatment plant outfall 001 achieved compliance with the permit discharge limitations for the month of March 2020. Discharge to the Applebrook irrigation lagoon remained off line. Chemical usage utilized for pH and total alkalinity remained consistent with previous months. No significant mechanical or operational issues were observed during operation of sludge dewatering equipment or SBR treatment process. On April 10th the treatment plant received heating oil mixed within the influent wastewater. Operations were adjusted to prevent loss of the biomass, lessen impact on the disc filters and compliance with the NPDES permit. A copy of the letter sent to PADEP is included with this report and outlines the corrective actions employed.
Scott reported that the plant achieved compliance during March. There were two major rainstorms. He will try to stagger filter replacement every 6 months. He explained the process which is labor intensive. The Flow Meter in the field measures the flow into the plant. It has been inconsistent. Mark suggested a mag meter on the pipe to the wet well and move the portable flow meter into the sampling manhole. Scott will do this. Scott is still working on finding a new lab.

Approval of Minutes
Walter moved to approve the April 13, 2020 minutes as amended. Kevin seconded the motion. The motion passed unanimously.

Approval of Invoices
1. Pennoni - Kevin moved to approve payment of the following Pennoni invoices:

Pennoni Invoice #1022333	$ 1,069.25
Pennoni Invoice #1022332	$ 468.75
Pennoni Invoice #1022334	$ 1,017.75

Walter seconded the motion. The motion passed unanimously.

2. Jack moved to approve payment of the Gawthrop Invoice #223910 in the amount of $500.00. Walter seconded the motion. The motion passed unanimously.
3. Jack moved to approve the Maillie invoice #1000097986 in the amount of $9,300.00. Walter seconded the motion. The motion passed unanimously.

Liaison Reports

1. Board of Supervisors – Mike Lynch thanked the Township staff for all they are doing during this difficult time. They received the arbitration for the police department.
Jon mentioned that the budget cuts will be presented to the BOS next week. The Earned Income Tax is a concern.
2. Conservancy Board – Walter mentioned that they have a meeting this week.

Financial Reports

Jon Altshul provided the following written report:
In April, the Municipal Authority recorded $174,861 in revenues (primarily via a transfer from Sewer Capital Reserve of $171,208 for the generators) and $176,014 in expenses (again, primarily for the generators), for a negative variance of $1,153. As of April 30th, the fund balance was $4,200.

Goals

Goals for 2020 were discussed.

New Business

None

Adjournment

There being no further business Kevin moved to adjourn the meeting. Jack seconded the motion. The motion passed unanimously. The meeting was adjourned at 8:20 pm.
The next regular meeting will be held on Monday, June 8, 2020 at 7:00 pm.

Respectfully submitted,

Ruth Kiefer
Recording Secretary

INVOICE

Remit Payment To:
Pennoni Associates Inc.
P.O. Box 827328
Philadelphia, PA 19182-7328

Rick Smith
East Goshen Municipal Authority
1580 Paoli Pike
West Chester, PA 19380-6199

Invoice No : 1025721
Invoice Date : 05/27/2020
Project : EGMAU20001
Project Name : 2020 General Services

For Services Rendered Through 05/17/2020

Reviewed Willistown Township's sewer system sale RFQ; researched Act 537 Planning grant opportunity and provided info to Township and MA; updates with Township on proposed 222 Westtown Way sewer connection; coordinate for RCSTP generator pad construction; May Engineer's Report; and prepared for and attended May MA meeting.

Billing Limits	**Current**	**Prior**	**To-Date**
Total Billings	627.00	2,166.00	2,793.00
Limit			28,000.00
Remaining			25,207.00

Labor

	Hours	**Rate**	**Amount**	
Authority Engineer	4.75	132.00	627.00	
Totals	4.75		627.00	
Total Labor				**627.00**
		Total this Invoice		**$627.00**

OK

INVOICES DUE ON RECEIPT. Invoices outstanding over 30 days will have a Service Charge of 1 1/2% per month.

East Goshen Municipal Authority
EGMAU20001 Invoice Summary
Invoice Date 5/27/2020

Project:	EGMAU20001			
Pennoni Job No.:	2020 General Services			
Invoice No:	**1025721**			
Invoice Period:	4/20/2020		to	5/17/2020
Initial Authorization:	$ 27,000.00		**Date:**	5/27/2020
Contract Amount:	$ 28,000.00			
Previously Invoiced:	$ 2,166.00			
Current Invoice:	$ 627.00			
Invoiced to Date ($):	$ 2,793.00			
Invoiced to Date (%):	10%			
Remaining Budget ($):	$ 25,207.00			
Remaining Budget (%):	90%			

Budget by Phase:

Phase Name:	2020 General Services
Phase Budget:	$ 28,000.00
Previously Invoiced:	$ 2,166.00
Current Invoice:	$ 627.00
Invoiced to Date ($):	$ 2,793.00
Invoiced to Date (%):	10%
Remaining Budget ($):	$ 25,207.00
Remaining Budget (%):	90%

Comments: Reviewed Willistown Township's sewer system sale RFQ; researched Act 537 Planning grant opportunity and provided info to Township and MA; updates with Township on proposed 222 Westtown Way sewer connection; coordinate for RCSTP generator pad construction; May Engineer's Report; and prepared for and attended May MA meeting.

INVOICE

Remit Payment To:
Pennoni Associates Inc.
P.O. Box 827328
Philadelphia, PA 19182-7328

Rick Smith
East Goshen Municipal Authority
1580 Paoli Pike
West Chester, PA 19380-6199

Invoice No : 1025723
Invoice Date : 05/27/2020
Project : EGMAU20003
Project Name : 2019 Chapter 94 Reports

For Services Rendered Through 05/17/2020

Obtained Township's reviews and signatures on reports and continued coordination with PADEP on hard copy submission procedure and schedule.

Billing Limits	Current	Prior	To-Date
Total Billings	90.25	5,282.00	5,372.25
Limit			10,000.00
Remaining			4,627.75

Labor

	Hours	Rate	Amount	
Authority Engineer	.50	132.00	66.00	
Associate Professional	.25	97.00	24.25	
Totals	.75		90.25	
Total Labor				**90.25**
		Total this Invoice		**$90.25**

OK

INVOICES DUE ON RECEIPT. Invoices outstanding over 30 days will have a Service Charge of 1 1/2% per month.

East Goshen Municipal Authority
EGMAU20003 Invoice Summary
Invoice Date 5/27/2020

Project:	EGMAU20003			
Pennoni Job No.:	2019 Chapter 94 Reports			
Invoice No:	**1025723**			
Invoice Period:	4/20/2020	to	5/17/2020	
Initial Authorization:	$ 10,000.00	**Date:**	5/27/2020	
Contract Amount:	$ 10,000.00			
Previously Invoiced:	$ 5,282.00			
Current Invoice:	$ 90.25			
Invoiced to Date ($):	$ 5,372.25			
Invoiced to Date (%):	54%			
Remaining Budget ($):	$ 4,627.75			
Remaining Budget (%):	46%			

Budget by Phase:

Phase Name:	2019 Chapter 94 Reports
Phase Budget:	$ 10,000.00
Previously Invoiced:	$ 5,282.00
Current Invoice:	$ 90.25
Invoiced to Date ($):	$ 5,372.25
Invoiced to Date (%):	54%
Remaining Budget ($):	$ 4,627.75
Remaining Budget (%):	46%

Comments: Obtained Township's reviews and signatures on reports and continued coordination with PADEP on hard copy submission procedure and schedule.

3843

02167

West Goshen Sewer Authority

INVOICE

848 S. Concord Road
West Chester, PA 19382
P: 610-696-0900
F: 610-429-9360

Date: May 10, 2020
Invoice #: EG-2019-Tap
For: 2019 WG Sewer Authority Tapping Fee Fund Expenses
Bill To: East Goshen Township
1580 Paoli Pike
West Chester, PA 19380

TECHNICALLY TWP COST

DESCRIPTION	AMOUNT
Costs (non bond related) for projects of the West Goshen Sewer Authority as per Memorandum Agreement No. VIII of June 20, 2017 for the period of January 01, 2019 through December 31, 2019 (details attached).	$46,763.37

SUBTOTAL	$46,763.37
Capacity %	16.667%
OTHER	$0.00
TOTAL	**$7,794.05**

Please make check payable to:
West Goshen Sewer Authority

THANK YOU!

APPROVED BY:_____
DATE PAID:_____
CHECK #:_____
CHARGED TO: 08429 6000

West Goshen Sewer Authority
TAPPING FEE FUND
Expense Detail - 2019 - E. Goshen Twp

PROJECT	VENDOR	COST	% ALLOCATED	ALLOCATED COST	TOTAL ALLOCATED COST
TMDL LITIGATION	HANGLEY, ARONCHICK, SEGAL, PUDLIN & SCH.	252.50	100.0%	252.50	
TMDL LITIGATION	UNRUH TURNER BURKE & FREES	120.00	100.0%	120.00	
TMDL LITIGATION	HANGLEY, ARONCHICK, SEGAL, PUDLIN & SCH.	3,970.00	100.0%	3,970.00	
TMDL LITIGATION	UNRUH TURNER BURKE & FREES	620.00	100.0%	620.00	
TMDL LITIGATION	HERBERT, ROWLAND & GRUBIC, INC.	306.00	100.0%	306.00	
TMDL LITIGATION	HANGLEY, ARONCHICK, SEGAL, PUDLIN & SCH.	2,507.00	100.0%	2,507.00	
TMDL LITIGATION	HANGLEY, ARONCHICK, SEGAL, PUDLIN & SCH.	1,255.00	100.0%	1,255.00	
TMDL LITIGATION	UNRUH TURNER BURKE & FREES	180.00	100.0%	180.00	
TMDL LITIGATION	HERBERT, ROWLAND & GRUBIC, INC.	36.00	100.0%	36.00	
TMDL LITIGATION	UNRUH TURNER BURKE & FREES	200.00	100.0%	200.00	
TMDL LITIGATION	HANGLEY, ARONCHICK, SEGAL, PUDLIN & SCH.	175.50	100.0%	175.50	
TMDL LITIGATION	HANGLEY, ARONCHICK, SEGAL, PUDLIN & SCH.	2,451.50	100.0%	2,451.50	
TMDL LITIGATION	UNRUH TURNER BURKE & FREES	460.00	100.0%	460.00	
TMDL LITIGATION	HERBERT, ROWLAND & GRUBIC, INC.	162.00	100.0%	162.00	
TMDL LITIGATION	UNRUH TURNER BURKE & FREES	80.00	100.0%	80.00	
TMDL LITIGATION	HANGLEY, ARONCHICK, SEGAL, PUDLIN & SCH.	2,182.00	100.0%	2,182.00	
TMDL LITIGATION	UNRUH TURNER BURKE & FREES	80.00	100.0%	80.00	
TMDL LITIGATION	HANGLEY, ARONCHICK, SEGAL, PUDLIN & SCH.	493.50	100.0%	493.50	
TMDL LITIGATION	HERBERT, ROWLAND & GRUBIC, INC.	36.00	100.0%	36.00	
TMDL LITIGATION	HANGLEY, ARONCHICK, SEGAL, PUDLIN & SCH.	329.50	100.0%	329.50	
TMDL LITIGATION	HANGLEY, ARONCHICK, SEGAL, PUDLIN & SCH.	280.00	100.0%	280.00	16,176.50
AIR CONDITIONER - ADMIN BLDG	BRANDYWINE VALLEY HEATING & AC	8,795.00	100.0%	8,795.00	8,795.00
AIR CONDITIONER - UV BLDG	BRANDYWINE VALLEY HEATING & AC	8,500.00	100.0%	8,500.00	8,500.00
GAS REGULATOR	GPE CONTROLS, INC./ SHAND & JURS	6,574.48	100.0%	6,574.48	6,574.48
INTERCEPTOR INSPECTION	REDZONE ROBOTICS, INC.	116,109.65	4.5% *	5,224.93	
INTERCEPTOR INSPECTION	REDZONE ROBOTICS, INC.	14,036.10	4.5% *	631.62	
INTERCEPTOR INSPECTION	REDZONE ROBOTICS, INC.	10,021.40	4.5% *	450.96	
INTERCEPTOR INSPECTION	REDZONE ROBOTICS, INC.	3,552.57	4.5% *	159.87	6,467.39
W. WAY PS STREAMBANK	CHESTER CO CONSERVATION DISTRICT	250.00	100.0%	250.00	250.00
				TOTAL	46,763.37

Comments:

* Represents the percentage of inspection attributable to partner township.

Memo

To: Municipal Authority
From: Jon Altshul
Re: MA May Financial Report
Date: June 4, 2020

In May, the Municipal Authority recorded $3,041 in revenues (via transfers) and $3,056 in expenses, for a negative variance of $15. As of May 31, the fund balance was $4,185.

A complete list of 2020 YTD MA revenues and expenses is attached.

EAST GOSHEN TOWNSHIP
Other Funds
May 2020
Municipal Authority

Account Title	Acct #	Annual Budget	Y-T-D Budget	Y-T-D Actual	Y-T-D Variance	M-T-D Budget	M-T-D Actual	M-T-D Variance
REVENUE								
INTEREST EARNINGS	07341 1000			(71.21)	(71.21)		(14.89)	(14.89)
CAPITAL RESERVE-INTEREST	07341 1010							
INTEREST EARNED - CONSTRUCTION	07341 1020							
DCED GRANT	07354 0400			3,231.00	3,231.00			
C.C. TAPPING FEES	07364 1100							
R.C.TAPPING FEES	07364 1110							
M.C. LOAN PAYMENTS	07364 1120							
CONNECTION FEES - SEWER	07364 1130			845.64	845.64			
MISCELLANEOUS REVENUE	07380 1000	565	236	423.36	187.36	47		(47.08)
TRANSFER FROM GENERAL ACCT	07392 0100							
TRANSFER FROM SEWER OPERATING	07392 0500	319,435	133,098	5,652.50	(127,445.50)	26,620	1,986.50	(24,633.08)
TRANSFER FROM SEWER CAP RESV	07392 0501	277,000	115,417	224,279.48	108,862.48	23,083	1,069.25	(22,014.08)
TRANSFER-ANNUAL CAP.RESERVE	07392 0510							
GRANT REVENUE	07392 0800							
LOAN PROCEEDS - SEWER PROJECT	07392 0804							
TRANSFER FROM SEWER CAP RESERVE	07392 0900							
TOTAL REVENUE		597,000	248,751	234,360.77	(14,390.23)	49,750	3,040.86	(46,709.14)
EXPENSES								
ADMINISTRATIVE WAGES	07424 1400	32,000	13,333	7,884.44	5,448.56	2,667		2,666.67
R.C. LOAN ISSUANCE COSTS	07424 1500							
MISCELLANEOUS EXPENSE	07424 3000			738.00	(738.00)			
MUNIC.AUTH.-AUDITING	07424 3110			9,300.00	(9,300.00)			
ENGINEERING SERVICES	07424 3130	60,000	25,000	9,919.75	15,080.25	5,000	1,486.50	3,513.50
LEGAL SERVICES	07424 3140	8,000	3,333	2,078.05	1,254.95	667	500.00	166.67
W.G. C.C.STP-UPGRADE	07424 7400							
MANHOLE COVER REPLACEMENTS	07424 7405							
C.C. CAPITAL - METERS	07424 7410							
C.C. CAPITAL- COLLECTION	07424 7420							
C.C. CAPITAL- INTERCEPTOR	07424 7430							
CAPITAL PROJ.-ENGINEERING	07424 7431							
R.C. CAPITAL-STP	07424 7440							
R.C. CAPITAL - COLLECTION	07424 7450							
R.C.-CAP. PROJ.-ENGINEER	07424 7451							
CAP.REPLACEMENT R.C.	07424 7490			26,264.60	(26,264.60)			
CAPITAL REPLACEMENT ASHBRIDGE	07424 7491							
HERSHEY MILL STATION - ENGINEER	07426 1000			6,294.49	(6,294.49)			
HERSHEY MILL STATION - CONSTRUCTION	07426 2000							
TALLMADGE DRIVE	07426 3000							

Report Date 2005 06/04/20 10 : 35 AM

EAST GOSHEN TOWNSHIP
Other Funds
May 2020
Municipal Authority

Account Title	Acct #	Annual Budget	Y-T-D Budget	Y-T-D Actual	Y-T-D Variance	M-T-D Budget	M-T-D Actual	M-T-D Variance
RESERVOIR PUMP STATION - ENGINEER	07428 1000							
RESERVOIR PUMP STATION CONSTRUCTION	07428 2000							
RELINING	07429 1500							
BARKWAY PUMP STATION CAPITAL	07429 1501			2,810.99	(2,810.99)			
HERSHEYS MILL PUMP STATION CAPITAL	07429 1503	45,000	18,750	37,409.00	(18,659.00)	3,750		3,750.00
HUNT CO PUMP STATION CAPITAL	07429 1504	87,000	36,250		36,250.00	7,250		7,250.00
RCSTP CAPITAL	07429 1505	365,000	152,083	152,348.88	(265.88)	30,417	1,069.25	29,347.42
ASBESTOS CONCRETE ENGINEERING	07429 3130							
DIVERSION PROJ.- LEGAL	07429 3166							
WEST GOSHEN CAPITAL	07429 6100							
M.C.-DVRFA-DEBT SERVICE	07471 1000							
M.A.-R.C. DEBT SERVICE	07471 1010							
DVRFA PUMPING STATIONS - PRINCIPAL	07471 2000							
M.C.-DVRFA-INTEREST PAYMN	07472 1000							
M.A.-R.C. INTEREST	07472 1010							
DVRFA PUMPING STATIONS - INTEREST	07472 2000							
TRANSFER TO GENERAL FUND	07492 0100							
TRANSFER TO SEW.OPERATING	07492 0500							
TRF TO SEWER CAPITAL RESERVE FUND	07492 0550							
TRANSFER TO AUTHORITY CAP FUND	07492 0990							
TOTAL EXPENSES		597,000	248,749	255,048.20	(6,299.20)	49,750	3,055.75	46,694.25
NET RESULT FROM OPERATIONS			2	(20,687.43)	(20,689.43)		(14.89)	(14.89)

Report Date 2005 06/04/20 10 : 35 AM

2020 YTD East Goshen Municipal Authority Revenues and Expenses, as of 5/31/20

Account #	Description	Per	Src	Debits	Credits	Date	Check#	Name	Description	Description 2
07341-1000	BEGINNING BALANCE									
07341-1000	INTEREST EARNINGS	2001	JE	15.00	-	1/2/2020	BANK FEES	REIMBURSE S/R FOR DEC.2019	BANK FEES	
07341-1000	INTEREST EARNINGS	2001	JE	-	0.65	1/31/2020	INTEREST	INTEREST EARNED JANUARY 2020		7100.1035
07341-1000	INTEREST EARNINGS	2002	JE	15.00	-	2/4/2020	REIMB.FEES	REIMBURSE S/R FOR JANUARY 2020	ACH & POSITIVE PAY BANK FEES	
07341-1000	INTEREST EARNINGS	2002	JE	-	0.64	2/29/2020	INTEREST	INTEREST EARNED FEBRUARY 2020		7100.1035
07341-1000	INTEREST EARNINGS	2003	JE	15.00	-	3/2/2020	BANK FEES	REIMBURSE S/R FOR FEB.2020	BANK FEES	
07341-1000	INTEREST EARNINGS	2003	JE	-	0.62	3/31/2020	INTEREST	INTEREST EARNED MARCH 2020		7100.1035
07341-1000	INTEREST EARNINGS	2004	JE	15.00	-	4/6/2020	BANK FEES	REIMBURSE S/R FOR MARCH 2020	BANK FEES	
07341-1000	INTEREST EARNINGS	2004	JE	-	1.77	4/30/2020	INTEREST	INTERERST EARNED APRIL 2020		7100.1035
07341-1000	INTEREST EARNINGS	2005	JE	15.00	-	5/4/2020	REIMBURSE	REIMBURSE S/R FOR APRIL 2020	POSITIVE PAY & ACH BANK FEES	
07341-1000	INTEREST EARNINGS	2005	JE	-	0.11	5/31/2020	INTEREST	INTEREST EARNED MAY 2020		7100.1035
07354-0400	BEGINNING BALANCE									
07354-0400	DCED GRANT	2002	RE	-	3,231.00	2/1/2020	LAST 10%	DCED GRANT - MUFFIN MONSTER	DCED GRANT	
07364-1130	BEGINNING BALANCE									
07364-1130	CONNECTION FEES - SEWER	2002	CR	-	423.00	2/3/2020	2670	STOFFLET, MICHAEL		
07364-1130	CONNECTION FEES - SEWER	2002	CR	-	423.00	2/26/2020	659	JACOBS, ROBERT & CHERYL		
07364-1130	CONNECTION FEES - SEWER	2002	CR	-	423.00	2/28/2020	869	GEORGE SMITH & CHRISTINA CONLE		
07364-1130	CONNECTION FEES - SEWER	2002	JE	141.12	-	2/3/2020	PINE ROCK	ANNUAL PINE ROCK INSTALLMENT		
07364-1130	CONNECTION FEES - SEWER	2002	JE	141.12	-	2/26/2020	PINE ROCK	ANNUL PINE ROCK INSTALLMENT		
07364-1130	CONNECTION FEES - SEWER	2002	JE	141.12	-	2/28/2020	PINE ROCK	ANNUAL PINE ROCK INSTALLMENT		
07380-1000	BEGINNING BALANCE									
07380-1000	MISCELLANEOUS REVENUE	2002	JE	-	141.12	2/3/2020	PINE ROCK	ANNUAL PINE ROCK INSTALLMENT		
07380-1000	MISCELLANEOUS REVENUE	2002	JE	-	141.12	2/26/2020	PINE ROCK	ANNUL PINE ROCK INSTALLMENT		
07380-1000	MISCELLANEOUS REVENUE	2002	JE	-	141.12	2/28/2020	PINE ROCK	ANNUAL PINE ROCK INSTALLMENT		
07392-0500	BEGINNING BALANCE									
07392-0500	TRANSFER FROM SEWER OPERATING	2002	JE	-	1,451.30	2/12/2020	XFER	XFER FROM SEWER TO MA		
07392-0500	TRANSFER FROM SEWER OPERATING	2002	JE	1,451.30	-	2/12/2020	REVERSE	REVERSE XFER TO MA FROM SEWER	OPERATING	
07392-0500	TRANSFER FROM SEWER OPERATING	2004	JE	-	3,666.00	4/15/2020	XFER	XFER TO MUN.AUTH. FROM SEWER	OPERATING AND SEWER CAPITAL	
07392-0500	TRANSFER FROM SEWER OPERATING	2005	JE	-	1,986.50	5/12/2020	XFER	XFER $ FROM 05 SEWER OPERATING	TO MA 5/12/20	
07392-0501	BEGINNING BALANCE									
07392-0501	TRANSFER FROM SEWER CAP RESV	2002	JE	-	4,391.80	2/11/2020	RECLASS	RECLASS TRXS 72036 & 72044		
07392-0501	TRANSFER FROM SEWER CAP RESV	2002	JE	-	10,984.60	2/11/2020	RECLASS	RECLASS TRXS 72036 & 72044		
07392-0501	TRANSFER FROM SEWER CAP RESV	2002	JE	-	16,832.16	2/12/2020	XFER	XFER $ FROM SEWER CAPITAL TO	MA	
07392-0501	TRANSFER FROM SEWER CAP RESV	2003	JE	-	18,342.17	3/12/2020	XFER	XFER $ FROM SEWER CAPITAL TO	MUNICIPAL AUTH. 3/12/20	
07392-0501	TRANSFER FROM SEWER CAP RESV	2003	JE	-	1,451.30	3/17/2020	XFER	XFER FROM SEWER OPERATING TO	MA FEB.2020	
07392-0501	TRANSFER FROM SEWER CAP RESV	2004	JE	-	156,237.00	4/3/2020	XFER	XFER $ FROM SEWER CAPITAL TO	MUNIC.AUTH.	
07392-0501	TRANSFER FROM SEWER CAP RESV	2004	JE	-	1,422.50	4/15/2020	XFER	XFER TO MUN.AUTH. FROM SEWER	OPERATING AND SEWER CAPITAL	
07392-0501	TRANSFER FROM SEWER CAP RESV	2004	JE	-	1,451.30	4/17/2020	XFER	XFER FROM 09 TO 07 2/12/20		
07392-0501	TRANSFER FROM SEWER CAP RESV	2004	JE	1,451.30	-	4/20/2020	REVERSE	REVERSE TRX. 73370		
07392-0501	TRANSFER FROM SEWER CAP RESV	2004	JE	1,451.30	-	4/20/2020	XFER	XFER TO 09 FROM 07- 3/13/20		
07392-0501	TRANSFER FROM SEWER CAP RESV	2004	JE	-	15,000.00	4/27/2020	XFER	XFER $ FROM SEWER CAPITAL TO	MA 4/27/20	
07392-0501	TRANSFER FROM SEWER CAP RESV	2005	JE	-	1,069.25	5/12/2020	XFER	XFER FROM 09 SEWER CAPITAL	RESERVE TO MA 5/12/20	
07392-0900	BEGINNING BALANCE									
07392-0900	TRANSFER FROM SEWER CAP RESERVE	2001	JE	-	4,391.80	1/15/2020	XFER	XFER $ FROM SEWER SINKING TO	MA RE: JANUARY EXPENSES	
07392-0900	TRANSFER FROM SEWER CAP RESERVE	2001	JE	-	10,984.60	1/15/2020	XFER	XFER $ FROM SEWER SINKING TO	MA RE: JAN.2020 ADDL'EXP.	
07392-0900	TRANSFER FROM SEWER CAP RESERVE	2002	JE	4,391.80	-	2/11/2020	RECLASS	RECLASS TRXS 72036 & 72044		
07392-0900	TRANSFER FROM SEWER CAP RESERVE	2002	JE	10,984.60	-	2/11/2020	RECLASS	RECLASS TRXS 72036 & 72044		
07424-1400	BEGINNING BALANCE									
07424-1400	ADMINISTRATIVE WAGES	2003	CD	7,884.44	-	3/30/2020	3198	EAST GOSHEN TOWNSHIP - GENERAL	QTR.1 2020 REIMBURSEMENT - MUI	

07424-3000	BEGINNING BALANCE							
07424-3000	MISCELLANEOUS EXPENSE	2003 CD	100.00	-	3/12/2020	3194	PMAA	PMAA SPRING WORKSHOP - W.WUJ
07424-3000	MISCELLANEOUS EXPENSE	2003 CD	638.00	-	3/19/2020	3196	DELAWARE RIVER BASIN COMMISSION	2020 ANNUAL FEE D-2000-030 CP
07424-3110	BEGINNING BALANCE							
07424-3110	MUNIC.AUTH.-AUDITING	2003 CD	9,300.00	-	3/26/2020	3197	MAILLIE FALCONIERO & CO.	EXAM.- FINANCIAL STATEMNTS 12/3 MUNICIPAL AUTHORITY
07424-3130	BEGINNING BALANCE							
07424-3130	ENGINEERING SERVICES	2001 CD	1,666.00	-	1/15/2020	3183	PENNONI ASSOCIATES INC.	SERVICES THRU 12/8/19 2019 GEN.S
07424-3130	ENGINEERING SERVICES	2002 CD	893.25	-	2/12/2020	3187	PENNONI ASSOCIATES INC.	SERVICE THRU 1/19/20 2020 GEN.SE
07424-3130	ENGINEERING SERVICES	2003 CD	2,508.00	-	3/11/2020	3193	PENNONI ASSOCIATES INC.	SERVICE THRU 2/16/20 2020 GEN.SE
07424-3130	ENGINEERING SERVICES	2004 CD	3,366.00	-	4/15/2020	3202	PENNONI ASSOCIATES INC.	SERVICES THRU 3/22/20 2020 I&I SU
07424-3130	ENGINEERING SERVICES	2005 CD	1,486.50	-	5/12/2020	3205	PENNONI ASSOCIATES INC.	SERVICE THRU 4/19/20 2020 GEN.SE
07424-3140	BEGINNING BALANCE							
07424-3140	LEGAL SERVICES	2001 CD	558.05	-	1/16/2020	3185	GAWTHROP GREENWOOD & HALSTED	LEGAL SERVICE - 12/6-12/11/19
07424-3140	LEGAL SERVICES	2003 CD	720.00	-	3/11/2020	3191	GAWTHROP GREENWOOD & HALSTED	LEGAL SERVICE - 1/13/20 GEN.AUTH
07424-3140	LEGAL SERVICES	2004 CD	300.00	-	4/15/2020	3201	GAWTHROP GREENWOOD & HALSTED	LEGAL SERVICE 3/6-3/9/20 GEN.AUT
07424-3140	LEGAL SERVICES	2005 CD	500.00	-	5/12/2020	3204	GAWTHROP GREENWOOD & HALSTED	LEGAL SERVICE 4/7-4/13/20 GEN.AU
07424-7490	BEGINNING BALANCE							
07424-7490	CAP.REPLACEMENT R.C.	2001 CD	10,984.60	-	1/15/2020	3184	EVOQUA WATER TECHNOLOGIES LLC	DECANTER VALVES
07424-7490	CAP.REPLACEMENT R.C.	2002 CD	15,280.00	-	2/12/2020	3188	TRI-STATE TECHNICAL SALES CORP.	ELECTRIC VALVES FOR SBR TANKS
07426-1000	BEGINNING BALANCE							
07426-1000	HERSHEY MILL STATION - ENGINEER	2001 CD	3,805.05	-	1/15/2020	3183	PENNONI ASSOCIATES INC.	SERV. THRU 12/8/19 HMPS SURVEY DESIGN FOR GENERATOI
07426-1000	HERSHEY MILL STATION - ENGINEER	2002 CD	1,390.67	-	2/12/2020	3187	PENNONI ASSOCIATES INC.	SERVICE THRU 1/19/20 HMPS SURVI DESIGN FOR GENERATOI
07426-1000	HERSHEY MILL STATION - ENGINEER	2003 CD	1,098.77	-	3/11/2020	3193	PENNONI ASSOCIATES INC.	SERV. THRU 2/16/20 HMPS SURVEY
07429-1501	BEGINNING BALANCE							
07429-1501	BARKWAY PUMP STATION CAPITAL	2002 CD	91.57	-	2/12/2020	3186	CONTRACTOR'S CHOICE	SLINGS & STIHL HD LOCK-BLADE KNI
07429-1501	BARKWAY PUMP STATION CAPITAL	2002 CD	69.92	-	2/12/2020	3189	YALE ELECTRIC SUPPLY CO	FENDER WASHER, PVC ADAPTER, SC & GRAY LIQUIDTITE
07429-1501	BARKWAY PUMP STATION CAPITAL	2003 CD	2,649.50	-	3/11/2020	3192	LEC - LENNI ELECTRIC CORPORATION	MUFFIN MONSTER PIPED & WIRED -
07429-1503	BEGINNING BALANCE							
07429-1503	HERSHEYS MILL PUMP STATION CAPITAL	2004 CD	37,409.00	-	4/3/2020	3199	PREMIUM POWER SERVICES LLC.	60k W GENERATOR HERSHEY MILL
07429-1505	BEGINNING BALANCE							
07429-1505	RCSTP CAPITAL	2001 CD	586.75	-	1/15/2020	3183	PENNONI ASSOCIATES INC.	SERV. THRU 12/8/19 RCSTP GENERA
07429-1505	RCSTP CAPITAL	2003 CD	8,884.00	-	3/11/2020	3190	DECKMAN MOTOR & PUMP INC.	REBUILT SBR PUMP #2
07429-1505	RCSTP CAPITAL	2003 CD	2,798.40	-	3/11/2020	3192	LEC - LENNI ELECTRIC CORPORATION	RIDLEY CREEK MCC BREAKER BUCKE
07429-1505	RCSTP CAPITAL	2003 CD	2,911.50	-	3/11/2020	3193	PENNONI ASSOCIATES INC.	SERV. THRU 2/16/20 RCSTP GENERA
07429-1505	RCSTP CAPITAL	2003 CD	1,160.48	-	3/19/2020	3195	ABLE EQUIPMENT RENTAL INC.	CRANE CARRY DECK RENTAL 3/9-3/1
07429-1505	RCSTP CAPITAL	2004 CD	118,828.00	-	4/3/2020	3199	PREMIUM POWER SERVICES LLC.	450k W GENERATOR RCSTP
07429-1505	RCSTP CAPITAL	2004 CD	1,422.50	-	4/15/2020	3202	PENNONI ASSOCIATES INC.	SERV. THRU 3/22/20 2020 RCSTP GE REPLACEMENT
07429-1505	RCSTP CAPITAL	2004 CD	14,688.00	-	4/24/2020	3203	DECKMAN MOTOR & PUMP INC.	REBUILT FLYGT PUMP - RCSTP
07429-1505	RCSTP CAPITAL	2005 CD	1,069.25	-	5/12/2020	3205	PENNONI ASSOCIATES INC.	SERVICE THRU 4/19/20 RCSTP GENE

THE STORMWATER QUARTERLY

National Stormwater Center LLC ™ Summer 2020 Issue 161

SUPREME COURT EXPANDS NPDES TO INCLUDE INDIRECT DISCHARGES

Stormwater Permit News

BOSTON – The U.S. Environmental Protection Agency (EPA) has reached settlements with three Massachusetts construction companies, which ensures they will come into compliance with stormwater regulations to reduce pollution from runoff. Under the settlements, the three companies will also pay fines and follow the terms of their permits for discharging stormwater.

Martelli Construction Co., developer for the Greenwood II site under construction in **Holden**, paid $8,400 to resolve claims it failed to comply with its stormwater permit. According to EPA, the company failed to stabilize slopes, protect stockpiles from erosion, and establish and maintain controls on its perimeter.

Wall Street Development Corp., which operates the Boyden Estates site under construction in **Walpole,** agreed to pay a $7,020 penalty for failing to get a stormwater permit, as required under the Clean Water Act.

Comfort Homes, Inc., a developer at the Wheeler Village site under construction in **Dracut,** agreed to pay $7,800 to resolve claims that the company failed to document inspections required by its permit.

See Page 3 for Federal vs. State Leadership Differences

INSIDE THIS ISSUE

Decision is Non-Political

The Supreme Court has ruled that NPDES does regulate indirect discharges through groundwater that are the "functional equivalent" of direct discharges. We learned two things from this decision:

(1) lower courts will define the term "functional equivalent," and,

(2) why several conservative judges joined with their liberal colleagues.

The decision requires NPDES permits to regulate indirect discharges from a point source where the discharge is functionally equivalent to a direct discharge. The Court decided that permits may be required for sources of pollution that travel from a well through groundwater and makes its way into navigable waters using the functional equivalent test.

It is no surprise that Justices Clarence Thomas, Samuel Alito, and Neil Gorsuch dissented from the decision while the other two conservative Justices John Roberts and Brett Kavanaugh sided with liberal Justices Ruth Bader Ginsburg, Sonia Sotomayor, Stephen Breyer and Elena Kagan. Neil Gorsuch, whose mother was resigned as the EPA Administrator, voted against the decision and joined the Clarence Thomas dissention.

Credit Justice Breyer for writing a convoluted decision that drew two conservative Justices to agree with the liberal Justices. However, the decision according to Justice Alito, "adopts a nebulous standard [and] enumerates a non-exhaustive list of potentially relevant factors."

The Decision

Argued November 6, 2019—Decided April 23, 2020

The Court said: "The reading of the statute that best captures Congress' meaning, reflected in the statute's words, structure, and purposes, is that a permit is required when there is a discharge from a point source directly into navigable waters or when there is the functional equivalent of a direct discharge." The court said that the phrase "functional equivalent" best captures, in broad terms, those circumstances in which Congress intended to require a federal permit.

The court identified seven—nonexclusive—factors "that may prove relevant" to assessing whether the functional equivalent of a discharge has occurred:

1. transit time;
2. distance traveled;
3. the nature of the material through which the pollutant travels;
4. the extent to which the pollutant is diluted or chemically changed as it travels;
5. the amount of pollutant entering the navigable waters relative to the amount of the pollutant that leaves the point source;
6. the manner by or area in which the pollutant enters the navigable waters; and,
7. the degree to which the pollution (at that point) has maintained its specific identity.

The court's majority explained that the first two factors—time and distance— "will be the most important factors in most cases, but not necessarily every case." While time and distance will be the most important factors in most cases, but other relevant factors may include, the nature of the material through which the pollutant travels and the extent to which the pollutant is diluted or chemically changed as it travels.

The Court ruled that the Ninth Circuit's "fairly traceable" limitation could allow EPA to assert permitting authority over the release of pollutants that reach navigable waters many years after their release. "But Congress did not intend to provide EPA with such broad authority."

Three considerations:

First, to interpret "from" so broadly might require a permit in unexpected circumstances, such as, e.g., the 100-year migration of pollutants through 250 miles of groundwater to a river.

Second, the statute's structure indicates that, as to groundwater pollution and nonpoint source pollution, Congress left substantial responsibility and autonomy to the States and did not give EPA authority that could seriously interfere with this state responsibility.

Third, the Act's legislative history strongly supports the conclusion that the permitting provision does not extend so far.

Finally, long-standing regulatory practice shows that EPA has successfully applied the permitting provision to pollution discharges from point sources that reached navigable waters through groundwater using a narrower interpretation than that of the Ninth Circuit.

The Maui Case

The County of Maui operates a wastewater reclamation facility on the island of Maui, Hawaii. The County of Maui's wastewater reclamation facility collects sewage from the surrounding area, partially treats it, and each day pumps around 4 million gallons of treated water into the ground through four wells. This effluent then travels about a half mile, through groundwater, to the Pacific Ocean.

Environmental groups brought a citizens' Clean Water Act suit, alleging that Maui was "discharging a pollutant to navigable waters" without the required permit. The District Court found that the discharge from Maui's wells into the nearby groundwater was "functionally one into navigable water," and granted summary judgment to the environmental groups. The Ninth Circuit affirmed, stating that a permit is required when "pollutants are fairly traceable from the point source to a navigable water."

The Solicitor General argued that the proper interpretation of the statute is the one reflected in EPA's recent Interpretive Statement, namely, that "all releases of pollutants to groundwater" are excluded from the scope of the permitting program, "even where pollutants are conveyed to jurisdictional surface waters via groundwater." That reading, which would open a loophole allowing easy evasion of the statutory provision's basic purposes, is neither persuasive nor reasonable said the Court.

Maui, on the other hand, argued that the statute creates a "bright-line test." A point source or series of point sources must be "the means of delivering pollutants to navigable waters." They add that, if "at least one nonpoint source (e.g., unconfined rainwater runoff or groundwater)" lies "between the point source and the navigable water," then the permit requirement "does not apply." A pollutant is "from" a point source only if a point source is the last "conveyance" that conducted the pollutant to navigable waters.

The Supreme Court rejected both the Ninth Circuit's "fairly traceable" test and the EPA's current view that discharges via groundwater are entirely exempt, characterizing both as too extreme. Instead, the Court held that requiring a permit for direct discharges and those that are the "functional equivalent" to direct discharges best captures Congress' intent.

The Case was remanded to the lower court .

Stormwater Permit News

(Continued From Page 1)

Washington, DC—The Environmental Protection Agency has temporally waived enforcement on environmental protections, saying industries could have trouble complying with them during the coronavirus pandemic. The waiver is retroactive to March 13.

EPA Administrator Andrew Wheeler said "EPA is committed to protecting human health and the environment, but recognizes challenges resulting from efforts to protect workers and the public from COVID-19 may directly impact the ability of regulated facilities to meet all federal regulatory requirements." The EPA's decision includes, forgoing fines or and civil penalties for companies that failed to monitor, report or meet some other requirements for releasing hazardous pollutants.

Former Obama-era EPA chief Gina McCarthy, now president of the Natural Resources Defense Council, called the announcement "an open license to pollute." The administration was "taking advantage of an unprecedented public health crisis to do favors for polluters that threaten public health," McCarthy said. Collin O'Mara, president of the National Wildlife Federation, called the move "an assault on our public health and an absolute abdication of the legal responsibilities of the EPA."

The EPA directive said industries would be expected to comply with regulations "where reasonably practicable." Businesses that broke regulations would have to be able to show that they tried to reduce the harm, and show how any violations were caused by the coronavirus outbreak, the EPA said.

Wheeler said. "This temporary policy is designed to provide enforcement discretion under the current, extraordinary conditions, while ensuring facility operations continue to protect human health and the environment."

NYSDEC – Division of Water has not provided any general relief from SPDES permit and regulatory requirements. Permittees need to continue to strive for permit and regulatory compliance.

When issues with COVID-19 pandemic or compliance are identified, facilities should: (i) document problems, (ii) document efforts to address the problems and/or non-compliance, and (iii) document any additional actions undertaken to maintain facility treatment and achieve compliance. As required under standard protocols, operators should report non-compliance, the associated circumstances related to non-compliance, and actions to address non-compliance to DEC.

If circumstances prevent the timely submission of a routine report requirements, permittees should submit the completed report as soon as reasonably possible and provide the reasons for delay with the submission.

DEC will consider the overall circumstances and extent of non-compliance, and actions by the facility to resolve issues.

The Impact of the Decision on Stormwater Permitting

The door is now open to regulate indirect stormwater discharges through NPDES permits as long as the discharge is functionally equivalent to a direct discharge. While the court's decision is focused on discharges conveyed by groundwater, its ruling could have implications for other nonpoint conveyances such as surface runoff.

The Court explained that the lower courts may arrive at a more refined standard through "the traditional common-law method" of establishing principles in individual cases. The common-law method means more litigation, more contradictory decisions going back to the Supreme Court.

How do we now answer the question—Who needs a permit? The uncertainly remains and the answer will always be uncertain. We will live with this uncertainty forever.

With respect to stormwater permitting we are certain that this decision increases the number of permits. Consider:

1. Stormwater retention ponds percolate into ground water.
2. Non-point runoff from regulated industrial and construction activity indirectly enters regulated waters.

Consider this: if a stormwater point source facility has a non point discharge it must get a NPDES permit if the discharge is functionally equivalent to a regulated direct point source discharge.

The court invited EPA to "provide administrative guidance" in a variety of ways, including through rulemaking.

The Court found, and wrote, "Virtually all water, polluted or not, eventually makes its way to navigable water. This is just as true for groundwater."

By including this statement in the decision, the Court gave a very broad intent of the jurisdiction of the Act. The current Administration is trying to narrow the jurisdiction of the Act.

My Opinion
by
John Whitescarver
Founder and Executive Director
National Stormwater Center

The Court remanded the Maui case to the lower court to use the functional equivalent test not the pollutants were "fairly traceable" test. However, it will be necessary to trace pollutants from their source to navigable waters. This decision was necessary to get several conservative judges to join the liberals for the 6-3 vote.

The functional equivalent test will be administered by courts across our nation. This is the traditional common-law method for decisions on individual cases. Over a period of years we will have appeals back to the Supreme Court to improve their decision.

One thing's for certain: lawyers and their expert witnesses will engage litigation under the court's new test. Expect extensive citizen suits to either force an indirect discharge permit or to achieve settlement agreements.

Lawyers will successfully argue that the Act requires a permit for discharges that are direct or the functional equivalent to a direct discharge.

Congress did not limit the NPDES permit to only direct discharges. The law in Section 301(a) states that it "prohibits the **discharge** of any pollutant into navigable waters except in compliance with the CWA" and in Section 402 "to issue a permit for the **discharge** of any pollutant.

JUSTICE ALITO
Excerpts from his Dissenting Position

If the Court is going to devise its own legal rules instead of interpreting those enacted by Congress, it might at least adopt rules that can be applied with a modicum of consistency. Here, however, the Court makes up a rule that provides no clear guidance and invites arbitrary and inconsistent application.

Under the Court's interpretation, it appears that a pollutant that leaves a point source and heads toward navigable waters via some non-point source (such as by flowing over the ground or by means of groundwater) is "from" the point source for some portion of its journey, but once it has travelled a certain distance or once a certain amount of time has elapsed, it is no longer "from" the point source and is instead "from" a non-point source

The term "functional equivalent" may have a quasi-technical ring, but what does it mean? "Equivalent" means "equal" in some respect, and "functional" signifies a relationship to a function. The function of a direct discharge from a point source into navigable waters is to convey the entirety of the discharge into navigable waters without any delay.

Therefore, the "functional equivalent" of a direct discharge of a pollutant into navigable waters would seem to be a discharge that is equal to a direct discharge in these respects.

If that is what the Court meant by "the functional equivalent of a direct discharge," the test would apply at best to only a small set of situations not involving a direct discharge.

The Court's example of a pipe that emits pollutants a few feet from the ocean would presumably qualify on de minimus grounds, but if the pipe were moved back any significant distance, the discharge would not be exactly equal to a direct discharge. There would be some lag from the time of the discharge to the time when the pollutant reaches navigable waters; some of the pollutant might not reach that destination; and the pollutant might have changed somewhat in composition by the time it reached the navigable waters.

Clean Water Act's definition of a "point source"

If water discharged on the surface of the land finds or creates a passage leading to navigable waters, a permit may be required if the course that the discharge takes is (1) a "conveyance" that is (2) "discernible" and (3) "confined."

Those three requirements are rather easily satisfied. When a liquid flows over the surface of land to navigable waters, the surface is a conveyance, i.e., a "means of carrying or transporting something" from one place to another.

This conveyance would be "discernible," i.e., capable of being seen.

And it would be "confined," i.e., held within bounds, if the topography of the land in question imposes some boundaries on its flow.

If the term "point source" is read in this way, it would have a broad reach and would cover many of the cases that trouble the Court.

Septic Fields

Septic systems generally operate by "discharging liquid effluent into perforated pipes buried in a leach field, chambers, or other special units designed to slowly release the effluent into the soil." That effluent then percolates through the soil and "can in certain circumstances ultimately enter groundwater."

Congress most certainly did not intend that ordinary homeowners with septic systems obtain NPDES permits. According to the EPA, numerous other conveyances that deposit pollutants into groundwater could now require NPDES permits.

Justice Alito writes, "The Court adopts a nebulous standard, enumerates a non-exhaustive list of potentially relevant factors, and washes its hands of the problem. We should not require regulated parties to 'feel their way on a case-by-case basis' where the costs of uncertainty are so great."

Justice Thomas
Excerpts from His Dissenting position

The CWA defines a "discharge" as "any addition of any pollutant to navigable waters from any point source." §1362(12). Based on the statutory text and structure, I would hold that a permit is required only when a point source discharges pollutants directly into navigable waters. The Court adopts this interpretation in part, concluding that a permit is required for "a direct discharge.

Interpreting "discharge" to mean a direct discharge makes sense of other parts of the definition as well. It respects the statutory definition of a point source as a "conveyance," see §1362(14), because a point source that releases pollutants directly into navigable waters is a means of conveyance. And it makes sense of the word "any" before "point source," because that term clarifies that any kind of point source may require a permit.

My reading is also consistent with our decision in South Fla. Water Management Dist. v. Miccosukee Tribe, 541 U. S. 95 (2004). The petitioner in that case argued that no permit was required when a point source was not the original source of the pollutant but instead conveyed the pollutant from further up a chain of sources. Therefore, "a point source need not be the original source of the pollutant; it need only convey the pollutant to 'navigable waters." Although that case did not involve the exact question presented here, the direct-discharge interpretation comports well with that previous decision.

The Court's culinary example also misses the mark, because if the drippings from the meat collect in the pan before the chef adds them to the gravy, the drippings are added to the gravy from the pan, not from the meat. This point becomes clear if we reorder the majority's recipe to match the statute; the chef has not added the drippings to the gravy from the meat.

I do agree with the Court on several points.

First, the interpretation adopted by respondents and the Ninth Circuit is unsupportable. That interpretation - which would require permits for discharges that are "fairly traceable" to, and proximately caused by, a point source is atextual and unsettles the CWA's careful balance between federal regulation of point-source pollution and state regulation of nonpoint-source pollution.

Second, I agree that the interpretation adopted by petitioner and Justice Alito reads the word "any" unnaturally, although the majority appears to deploy that argument itself in another part of the opinion interpretation also gives insufficient weight to the meaning of "addition."

Third, I agree that the EPA's interpretation is not entitled to deference for at least two reasons: No party requests it, and the EPA's reading is not the best one. I add only that deference under Chevron U. S. A. Inc. v. Natural Resources Defense Council, Inc., 467 U. S. 837 (1984), likely conflicts with the Vesting Clauses of the Constitution.

Finally, I agree with the Court's implicit conclusion that Rapanos v. United States, 547 U. S. 715 (2006), does not resolve this case. That plurality opinion, which I joined, observed that lower courts have required a permit when pollutants pass through a chain of point sources. But we expressly said in Rapanos that "we [did] not decide this issue." We are not bound by dictum in a plurality opinion or by the lower court opinions it cited.

The best reading of the statute is that a "discharge" is the release of pollutants directly from a point source to navigable waters. The application of this interpretation to the undisputed facts of this case makes a remand unnecessary. Petitioner operates a wastewater treatment facility and injects treated wastewater into four underground injection control wells. All parties agree that the wastewater enters groundwater from the wells and does not directly enter navigable waters. Based on these undisputed facts, there is no "discharge," so I would reverse the judgment of the Ninth Circuit. I respectfully dissent.

♦

JUSTICE KAVANAUGH,
Excerpts from His concurring position

I write separately to emphasize three points.

First, the Court's interpretation of the Clean Water Act regarding pollution "from" point sources adheres to the interpretation set forth in Justice Scalia's plurality opinion in Rapanos v. United States, 547 U. S. 715 (2006).

The Clean Water Act requires a permit for "any addition of any pollutant to navigable waters from any point source." The key word is "from." The question in this case is whether the County of Maui needs a permit for its Lahaina Wastewater Reclamation Facility.

No one disputes that pollutants originated at Maui's wastewater facility (a point source), and no one disputes that the pollutants ended up in the Pacific Ocean (a navigable water). Maui contends, however, that it does not need a permit. Maui says that the pollutants did not come "from" the Lahaina facility because the pollutants traveled through groundwater before reaching the ocean.

Justice Scalia's plurality opinion in Rapanos explained why Maui's interpretation of the Clean Water Act is incorrect. In that case, Justice Scalia stated that polluters could not "evade the permitting requirement simply by discharging their pollutants into non-covered intermittent watercourses that lie upstream of covered waters."

Justice Scalia reasoned that the Clean Water Act does not merely "forbid the 'addition of any pollutant directly to navigable waters from any point source,' but rather the 'addition of any pollutant to navigable waters.'

Thus, from the time of the CWA's enactment, lower courts have held that the discharge into intermittent channels of any pollutant that naturally washes downstream likely violates §1311(a), even if the pollutants discharged from a point source do not emit 'directly into' covered waters, but pass 'through conveyances' in between."

In other words, under Justice Scalia's interpretation in Rapanos, the fact that the pollutants from Maui's wastewater facility reach the ocean via an indirect route does not itself exempt Maui's facility from the Clean Water Act's permitting requirement for point sources. The Court today adheres to Justice Scalia's analysis in Rapanos on that issue.

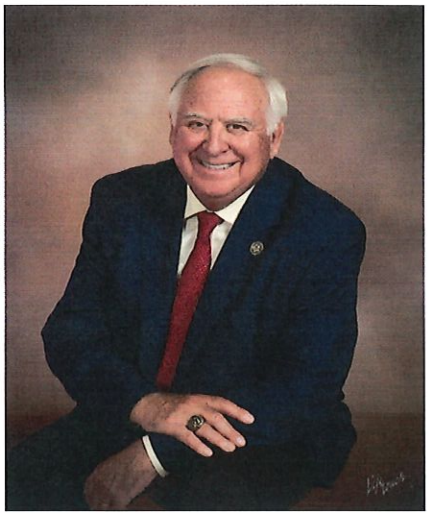
Second, as Justice Scalia's opinion in Rapanos pointed out and as the Court's opinion today explains, the statute does not establish a bright-line test regarding when a pollutant may be considered to have come "from" a point source. The source of the vagueness is Congress' statutory text, not the Court's opinion. The Court's opinion seeks to translate the vague statutory text into more concrete guidance.

Third, Justice Thomas' dissent states that "the Court does not commit" to "which factors are the most important" in determining whether pollutants that enter navigable waters come "from" a point source.

That critique is not accurate, as I read the Court's opinion. The Court identifies relevant factors to consider and emphasizes that "[t]ime and distance are obviously important." And the Court expressly adds that "[t]ime and distance will be the most important factors in most cases, but not necessarily every case."

Although the statutory text concurring does not supply a bright-line test, the Court's emphasis on time and distance will help guide application of the statutory standard going forward. With those additional comments, I join the Court's opinion in full.

National Stormwater Center
John Penn Whitescarver
Founder



Our Nation's waters are a valuable resource that ought to be protected from illegal pollution. We support compliance with the Federal Clean Water Act by providing training and services to government and business.

2020 Training Schedule

See www.npdes.com for complete listing

May 4-5	CSI-MS4 Illinois—Webinar CSI-MS4 Washington DC—Webinar
May 7-8	CSI-MS4 Massachusetts—Webinar CSI-MS4 North Carolina—Webinar
May 11-12	CSI-MS4 New Mexico—Webinar
May 13	CSI-Industrial—Webinar
May 14-15	CSI-MS4 California—Webinar CSI-MS4 Pennsylvania—Webinar
May 18-19	CSI-MS4 Nevada—Webinar CSI-MS4 New York—Webinar
May 20	CSI Network: Illicit Discharges
May 21-22	CSI-MS4 Nebraska—Webinar CSI-MS4 Online—Open for All CSI-Construction Basics CSI– Advanced Construction
June 1-2	CSI-MS4 Hawaii—Webinar CSI-MS4 New Jersey—Webinar
June 4-5	CSI-MS4 Alaska—Webinar CSI-MS4 Pennsylvania—Webinar
June 8-9	CSI-MS4 Ohio—Webinar
June 11-12	CSI-MS4 Texas Webinar CSI-Construction Basics CSI-Advanced Construction
June 17	CSI Network: Indirect Discharges

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