



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

WATER MANAGEMENT PROGRAM



July 27, 2011

Fairview Township
599 Lewisberry Road
New Cumberland, PA 17070

Re: Act 537 Plan Update
APS ID No. 699044
DEP Code No. C2-67919-ACT
Fairview Township, York County

Ladies and Gentlemen:

We have reviewed your January, 2011 Act 537 Plan, submitted on February 14, 2011, prepared by Gannett Fleming, and entitled Act 537 Sewage Facilities Plan Update. The submission is consistent with the planning requirements given in Chapter 71 of the rules and regulations of the Department. The plan provides for sewer extensions to serve the Fairview Farms and Timber Ridge areas of the Township. The Meadowbrook Mobile Home Park is included in the Fairview Farms sewer service area and will be required to construct a pump station and force main to connect to the proposed sewer facilities. The Plan also provides for the adoption and implementation of an on-lot sewage system management ordinance.

The plan is approved with the following comments:

1. The approved project will require a Water Management Part II Permit for the construction and operation of the proposed sewage facilities. The permit application must be submitted in the name of the municipality or authority, as appropriate. Issuance of a Part II Permit will be based upon a technical evaluation of the permit application and supporting documentation. Starting construction prior to obtaining a Part II Permit is a violation of The Clean Streams Law.
2. Other Departmental permits may be required for construction if encroachment to streams or wetlands will result. Information regarding the requirements for such permits or approvals can be obtained from the Department's Permitting and Technical Services Section, Watershed Management Program at the letterhead address or telephone 717.705.4802.
3. The Plan selects an on-lot management ordinance and program to provide assurance of proper operation and maintenance of the on-lot sewage facilities within the Township. Annual reports that document the progress of the program's

implementation must be submitted to the Department's York District Office by January 31st of each year. The report, at a minimum, should include a description of the program's status and progress, the number of pumps/inspections and the number of malfunctions found and abated (with locations plotted on a map) for the previous year.

4. The Department has determined that nitrate-nitrogen levels are consistently elevated in areas underlain by the Diabase and Gettysburg geologic formations. All proposed subdivisions and land development projects utilizing on-lot sewage disposal systems within these described geologic areas will be required to complete a Component 2 Planning Module with a preliminary hydrogeologic study. For the rest of the Township, subdivisions and land development projects proposing on-lot sewage disposal systems within ¼ mile of a well that tested greater than 5 mg/L nitrate-nitrogen must also complete a Component 2 Planning Module with a preliminary hydrogeologic study. Component 1 Planning Modules and on-lot planning exemptions may not be used for subdivisions and land development projects in these areas.
5. The Department will not accept revisions (planning modules for new developments) to the Township's official plan in the North and South sewer areas as depicted on Plate 2 for proposed private community sewerage systems discharging to surface waters of the Commonwealth.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, 717.787.3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800.654.5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717.787.3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717.787.3483) FOR MORE INFORMATION.

If you have any questions, please call David Gates at 717.705.4766.

Sincerely,

A handwritten signature in black ink, appearing to read "Lee A. McDonnell". The signature is fluid and cursive, with the first name "Lee" being particularly prominent.

Lee A. McDonnell, P.E.
Program Manager
Water Management Program

Enclosure

cc: Gannett Fleming, Inc.
York County Planning Commission