



October 24, 2023

SENT VIA ELECTRONIC MAIL ONLY

Mr. David Kraynik, Manager
Towamencin Township
PO Box 303
Kulpsville, PA 19443-0303
dkraynik@towamencin.org

Mr. Joseph S. Czajkowski, Manager
Lower Salford Township
379 Main Street
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township@lowersalfordtownship.org

Ms. Sandra Brookley Zadell, Manager
Upper Gwynedd Township
1 Parkside Place
North Wales, PA 19454
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Mr. Aaron Bibro, Manager
Hatfield Township
1950 School Road
Hatfield, PA 19440
abibro@hatfield.org

Mr. Sean Halbom, Manager
Worcester Township
PO Box 767
Worcester, PA 19490
shalbom@worcestertwp.com

Mr. John J. Ernst, Manager
Lansdale Borough
One Vine Street, Suite 201
Lansdale, PA 19446
jernst@lansdale.org

Re: Approval Letter
Act 537 Plan Update – Special Study
Towamencin Township System Sale
APS ID 1099385, Auth ID 1459139
Towamencin Township
Montgomery County

Dear Mr. Kraynik:

The Department of Environmental Protection (DEP) has reviewed the proposed Official Sewage Facilities Plan Special Study for Towamencin Township (Township), Montgomery County, titled *Acquisition of Towamencin Township / Towamencin Municipal Authority Sewage Facilities by Pennsylvania-American Water Company (Special Study)*, prepared by Gilmore & Associates, Inc., received June 29, 2023, with an additional submission received September 28, 2023, and supplemental information received October 20, 2023. The Special Study is consistent with the planning requirements in Chapter 71 of DEP's regulations.

This Special Study is approved.

The Special Study provides for the sale of the Township's sewerage facilities to Pennsylvania American Water Company (PAWC). The sewerage systems involved in the sale are depicted on

the *Sanitary Sewer System Ownership Map*, prepared by Gilmore & Associates, Inc., dated January 2023, and last revised October 2023, and include the following facilities:

- The Township Municipal Authority's (TMA) Wastewater Treatment Plant WWTP; and
- The collection/conveyance systems located within Towamencin Township, Lansdale Borough, Worcester Township and Lower Salford Township currently owned by the Township and tributary to the TMA WWTP.

Private facilities as indicated on the *Sanitary Sewer System Ownership Map* and Section B (Private Sewerage Facilities Not Being Acquired) of the Special Study Plan Summary will not be sold to PAWC.

All intermunicipal wastewater contracts held by the Township will be transferred to PAWC as stipulated in the *Asset Purchase Agreement* between the Township, TMA and NextEra Water Pennsylvania, LLC (NEWPA), dated June 14, 2022; the *First Amendment to Asset Purchase Agreement* between the Township, TMA and NEWPA, enacted on March 23, 2023; and the *Assignment and Assumption Agreement of Asset Purchase Agreement*, between the Township, TMA, NEWPA and PAWC, enacted March 23, 2023.

Per the Special Study, the Township will retain responsibility for sewage facilities planning under Act 537 and will confer with PAWC regarding any proposals that would impact sewage facilities services. The Township will retain the authority to enforce, maintain and update/amend all Township ordinances, code and policy pertaining to wastewater facilities, and will coordinate with PAWC to implement and administer Township ordinances as outlined in Section VII.B (Description of Administration and Legal Activities) of the Special Study. The Township will continue to maintain and enforce the provisions of the onlot disposal system ordinance.

PAWC will own, operate, and maintain the sewerage facilities within the Township and will be responsible for any upgrades, expansion, permitting, and compliance. PAWC will also prepare all annual Wasteload Management Reports under Chapter 94.

All DEP permits associated with the Township's sewerage facilities will be transferred to PAWC.

The Special Study approval is only a determination of sewage facilities planning under Chapter 71, PA Code, Title 25. All legal concerns regarding the system sale must be resolved through the appropriate channels. Additionally, approval from the Pennsylvania Utility Commission (PUC) must be obtained for this project. Should the proposal as specified in this Special Study change, the Township must contact DEP in order to determine if additional sewage facilities planning will be required.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board), pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board's address is:

Environmental Hearing Board
Rachel Carson State Office Building, Second Floor
400 Market Street
P.O. Box 8457
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.

Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

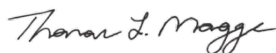
A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. 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 AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

If you have any questions, please contact Ms. Suzanne Banks of this office at 484.250.5179 or subanks@pa.gov.

Sincerely,



Thomas Magge
Regional Manager
Clean Water

cc: Montgomery County Planning Commission (via email)
Montgomery County Health Department (via email)
Montgomery County Conservation District (via email)
Franconia Township (via email)
Gilmore & Associates, Inc. (via email)
PAWC (via email)
Mr. Burke – DEP Watershed Manager
Mr. Patel – DEP Environmental Engineer Manager
Mr. Gelles – DEP OCC
Planning Section