

# **APPENDIX A**

## **NEEDS ANALYSIS SURVEY**

# HAMILTON TOWNSHIP - ROUTE 94 (CARLISLE PIKE) AREA NEEDS ANALYSIS SURVEY FORM

(CIRCLE OR FILL IN AS APPROPRIATE; ADD COMMENTS AS NEEDED)

NAME: \_\_\_\_\_ PHONE: ( ) \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

1. How many people live in your house? \_\_\_\_\_ Seasonal / All Year?
2. How large is your lot? \_\_\_\_\_
3. Do you have more than one sewage system on your lot? Yes / No
4. If yes, explain: \_\_\_\_\_  
What kind of water system do you have? Well Spring Public Other
5. If other, explain: \_\_\_\_\_
6. Do you treat your water? Yes / No If yes, how? \_\_\_\_\_
7. If you have a well: Is it Dug or Drilled? How Deep: \_\_\_\_\_ feet Cased: Yes / No
8. Approximately how far is the well or spring from the septic drain field? \_\_\_\_\_ feet.  
Is the well Up or Down Slope of the drain field? \_\_\_\_\_
9. Have you ever had your water tested? Yes / No If so, when: \_\_\_\_\_  
What were the results: \_\_\_\_\_  
What kind of sewage system do you have? (CIRCLE ALL THAT APPLY)  

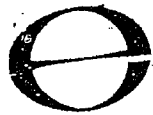
Septic Tank	Cesspool	Holding Tank
Privy	Bore Hole	Seepage Pit
Public Sewer	Inground Bed	Inground Trench
Other _____		Elevated Sand Mound
10. Where does your laundry and / or sink water go? \_\_\_\_\_
11. How old is your system? \_\_\_\_\_ Was it permitted? Yes / No If yes, when: \_\_\_\_\_
12. Have you ever noticed any of the following near your septic system?  

Wetness or Spongy Areas	Sluggish Drains
Water Ponding or Surfacing	System Overflow
Wastewater Backing Into the Home	Odors
Green Lush Grass	
Other _____	
13. Was system ever pumped out? Yes / No How Often: \_\_\_\_\_ Most Recently: \_\_\_\_\_
14. Was system ever repaired? Yes / No When: \_\_\_\_\_ By Permit? Yes / No
15. What part was repaired / replaced? Tank: Repaired / Replaced  
Line: Repaired / Replaced Drain Field: Repaired / Replaced Other: \_\_\_\_\_

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_

# **APPENDIX B**

## **WELL ANALYSIS**



# ENVIRO-LAB, Inc.

Environmental Testing & Field Services

1221 HANOVER RD. • YORK, PA 17404-6299

PHONE (717) 225-2400 FAX (717) 225-6882

December 18, 1996

# RECEIVED

DEC 23 1996

C. S. DAVIDSON, INC.  
Gettysburg, PA

## HAMILTON TOWNSHIP

Well and Groundwater Results  
Samples collected 11/25/96 to 12/5/96

SAMPLE NUMBER	NAME	LOCATION	WELL DEPTH	NO3-N	TOTAL COLIFORM	FECAL COLIFORM
HA-01	J. WITHEROW	3420 CARLISLE PK	?	1.5	0/100	0/100
HA-02	S. BATTS	3345 CARLISLE PK	30'	10.9	>80/100	0/100
HA-03	M. BURCHETTE	3316 CARLISLE PK	240'	2.5	0/100	0/100
HA-04	C. BOLLINGER	3306 CARLISLE PK	?	3.0	0/100	0/100
HA-05	T. MURREN	1036 700 RD	?	4.3	0/100	0/100
HA-06	R. SLOTHOUR	908 700 RD	?	2.5	0/100	0/100
HA-07	J. GRAHAM	1125 700 RD	280'	3.9	2/100	0/100
HA-08	CB. MOTORS	RT 94	160'	12.8	6/100	0/100
HA-09	E. BAUGHER	1094 700 RD	132'	3.1	0/100	0/100
HA-10	T. KERCHNER	1035 700 RD	?	6.5	10/100	0/100
HA-11	KUHN	40 PINE RUN RD	?	5.7	0/100	0/100
HA-12	W.C. HALE	55 PINE RUN RD	?	3.6	>80/100	0/100
HA-13	SMALL	70 PINE RUN RD	?	7.4	50/100	0/100
HA-14	HAVERSTICK	110 PINE RUN RD	?	7.5	16/100	0/100
HA-15	J. FRETZ	136 PINE RUN RD	?	3.4	10/100	0/100
HA-16	U. FROST	175 PINE RUN RD	206'	6.4	8/100	0/100
HA-17	SHEARER	240 PINE RUN RD	?	6.5	26/100	0/100
HA-18	R. SCHWARTZ	352 PINE RUN RD	90'	5.8	22/100	0/100
HA-19	B. ZOELLER	35 PINE RUN RD	?	6.4	>80/100	6/100
HA-20	ZOELLER'S FRUIT	RT. 94	?	3.8	34/100	24/100
HA-21	R. BRODBECK	3635 CARLISLE PK	?	4.3	2/100	0/100
HA-22	D.M. MILLER	890 BERLIN RD	?	7.0	>80/100	0/100
HA-23	H.L. FOSTER	3725 CARLISLE PK	?	4.8	17/100	0/100
HA-24	F. USLIN	10 PINE RUN RD	?	4.5	0/100	0/100
HA-25	T. FAHS	3710 CARLISLE PK	140'	3.2	11/100	0/100
HA-26	S. MYERS	3720 CARLISLE PK	160'	5.4	>80/100	0/100
HA-27	R. LAUGHMAN	3780 CARLISLE PK	?	3.2	0/100	0/100
HA-28	M. TOPPER	495 GUN CLUB RD	180'	5.8	0/100	0/100
HA-29	B. STOCK	150 DOGWOOD CT	?	3.7	11/100	0/100
HA-30	L. ZARTMAN	145 DOGWOOD CT	140'	2.5	0/100	0/100
HA-31	BAPTIST CH	125 DOGWOOD CT	?	2.5	10/100	0/100
HA-32	HOIBOUGH	45 DOGWOOD CT	?	2.4	7/100	0/100
HA-33	WILLOW ENT	390 GUN CLUB RD	?	2.9	0/100	0/100



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HA-34	S.ADDALLI	10 DOGWOOD CT	180'	3.3	>80/100	2/100
HA-35	L.BOSSERMAN	3820 CARLISLE PK	160'	6.5	18/100	0/100
HA-36	R.BECKER	3860 CARLISLE PK	210'	14.8	0/100	0/100
HA-37	R.STEVENS	35 CEDAR RD	175'	1.5	0/100	0/100
HA-38	T.DUNLAP	3970 CARLISLE PK	179'	2.4	0/100	0/100
HA-39	DINGLE	3885 CARLISLE PK	?	5.0	5/100	0/100
HA-40	M.SCHRIVER	3785 CARLISLE PK	145'	2.2	0/100	0/100

No representation as to the fitness or quality of the water sample taken is made, except for the parameters tested.

Respectfully submitted,  
ENVIRO-LAB, INC.  
Reviewed and approved by:

*Mary Ann Weaver*  
Mary Ann Weaver, Director

**APPENDIX C**  
**ON-LOT SEWAGE DISPOSAL**  
**ORDINANCE**

## ON-LOT SEWAGE DISPOSAL ORDINANCE

Section 1. Purpose. The purpose of the On-Lot Sewage Disposal Ordinance is to provide for the proper maintenance and care of all on-lot sewage disposal systems within Hamilton Township; to provide for the routine pumping out of said systems; to provide the Township inspections of said systems; to authorize intervention by the Township in situations involving health hazards; and to insure Township compliance with the Pennsylvania Sewage Facilities Act, the Clean Streams law and other appropriate health and safety laws.

### Section 2. Definitions.

**ADMINISTRATIVE WARRANT** - a duly obtained warrant to authorize the entry of Township or its agents or employees for the purpose of inspecting the on-site waste disposal system of any property.

**DENITRIFICATION UNIT** - any reliable system that removes nitrate-nitrogen prior to treatment and disposal using an on-lot system.

**MALFUNCTION** - a condition which occurs in which an on-lot sewage disposal system discharges sewage onto the surface of the ground, into groundwaters of this Commonwealth, into surface waters of this Commonwealth, backs up into a building connected to the system or in any manner causes a nuisance or hazard to the public health or pollution of ground or surface water or contamination of public or private drinking water wells. Systems shall be considered to be malfunctioning if any condition noted above occurs for any length of time during any period of the year.

**MALFUNCTION RISK-ZONE** - a geographic area of the Township which has been shown to have a high rate of failure for on-site sewage disposal systems.

**ON-LOT SEWAGE DISPOSAL SYSTEM** - includes all individual sewage systems, community sewage systems, holding tanks and other authorized systems for the disposal of domestic sewage which are permitted by statute or rule and regulation. Said systems shall include, but not be limited to, septic tanks, sand mounds and holding tanks.

**OWNER** - any natural person, corporation or partnership owning the property or properties served by an on-lot system, even if said entity does not reside on said property.

**PERSON** - any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term person shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.

**SEWAGE** - any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation or which constitutes pollution under the Act of June 22, 1937 (P.L. 1987, No. 394), known as "Clean Streams Law," as amended.

**SEWAGE ENFORCEMENT OFFICER (SEO)** - a person certified by DEP who is employed by the Township. Such person is authorized to conduct investigations and inspections, review permit applications, issue or deny permits and do all other activities as may be provided for such person in the Sewage Facilities Act, the rules and regulations promulgated thereunder and this or any other ordinance adopted by the Township.

**SEWAGE PERMIT** - authorization from Township to build, create, modify or alter an on-site waste disposal system. Such permit shall only be issued if the owner is in compliance with all statutes, ordinances, rules and regulations governing said systems including, but not limited to, the provisions of this Part.

**TOWNSHIP** - Hamilton Township, Adams County, the Hamilton Township Board of Supervisors, or any person or entity acting under the due authority of said Township.

All other definitions or words and terms used in this part shall have the same meanings as set forth in "Chapter 73, Standards for Sewage Disposal Facilities" of Title 25, Rules and Regulations, Department of Environmental Protection.

Section 3. Installation of System. The Sewage Enforcement Officer of the Township shall not authorize the issuance of a permit for any on-site sewage disposal system without reviewing the design for compliance with the "Chapter 73, Standards for Sewage Disposal Facilities and compliance with the inspection schedule set forth below.

a. No system or structure designed to provide individual or community sewage disposal shall be covered from view until approval to cover has been given by the Sewage Enforcement Officer. If 72 hours have elapsed, excluding Saturdays, Sundays and official holidays, since the Sewage Enforcement Officer has received proper notification of the completion of construction, the applicant may cover the system or structure unless permission has been specifically refused by the Sewage Enforcement Officer;

b. The Township may by resolution set a schedule of interim inspections in addition to the final inspection. If such a schedule is set, applicants must notify the Sewage Enforcement Officer of the schedule for construction so that all interim inspections may be performed;

c. If any alteration, conversion or improvement to an existing structure will result in an increase or potential increase in sewage flows, no work shall begin on said alteration, conversion or improvement until the owner receives a permit for the alteration or improvement of the existing sewage disposal system or until the owner shall receive written notification from the Sewage Enforcement Officer that no alteration or improvement of the sewage disposal system is required.

Once a permit is issued, the Sewage Enforcement Officer is authorized to make yearly inspections of the system. Such an inspection may include taking a physical tour of the property, the taking of samples from surface water, wells, other ground water sources and the sampling of the contents of the sewage disposal system. If the system is located in a Malfunction Risk Zone or if the above inspection raises questions as to the functioning of the system, the Sewage Enforcement Officer may introduce a traceable substance into the plumbing of the structure in order to ascertain the path and ultimate destination of wastewater generated within the structure.



#### Section 4. Inspections.

1. The annual inspections provided for in Section 3 shall be conducted, whenever reasonable, in the presence of the property owner or resident.

2. In addition to the annual inspections provided above, where complaints are received by the Township concerning any on-site sewage disposal systems, where problems or malfunctions are discovered pursuant to Subsection (1), where property owners fail to comply with the pumping and maintenance provisions of Section 5 or where the Township is in receipt of other competent information concerning problems, malfunctions or improper care and maintenance of on-site sewage systems the Township Sewage Enforcement Officer shall obtain an administrative search warrant to conduct any and all necessary examinations of said systems. Said warrant shall authorize the least restrictive and intrusive means possible for the necessary examination of said system.

#### Section 5. Maintenance.

1. The septic tanks of all subsurface sewage disposal systems shall be pumped out every three (3) years or at other reasonable intervals as established by the Township which are commensurate with the type and location of said system. Said pumping shall be performed by an authorized septic hauler.

2. The required interval for mandatory pumping out shall be a condition for the issuance of a sewage disposal system permit and said interval shall appear on each permit hereinafter issued.

3. Each property owner shall be responsible for the continuing care and maintenance of the on-site sewage system and issuance of a sewage disposal system permit shall be conditioned upon the continued care and maintenance of said system.

4. Any person owning a structure served by an on-lot sewage disposal system which contains an aerobic treatment tank shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of said recommendations shall be submitted to the Township upon application for a sewage permit. Thereafter, service receipts shall be submitted to Township at intervals set forth in said recommendations.

5. Any person owning a structure served by an on-lot sewage disposal system which contains an denitrification unit shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of said recommendations shall be submitted to the Township upon application for a sewage permit. Thereafter, service receipts shall be submitted to Township at intervals set forth in said recommendations.

6. Additional maintenance activity may be required as needed including, but not limited to, cleaning and unclogging of piping, servicing and the repair of electrical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, the diversion of surface water away from the disposal area, and other items.

7. Failure to comply with said maintenance shall result in the revocation of the owner's permit to use and operate said system.

Section 6. Proof of Compliance. Each time a septic tank is pumped out, the property owner shall provide the Township with proof of said pumping on a form provided by Township. Said form shall contain the following:

- A. Date of pumping.
- B. Name and address of owner.
- C. Waste hauler's name and license number.
- D. Ultimate septage disposal site.
- E. List of other maintenance performed.
- F. A statement that the system has been found to be in satisfactory working order.

Section 7. Failure to Provide Proof. Failure of any owner to provide proof of pumping as required in Section 6 at least as often as the interval established in Section 5 shall serve as competent and sufficient evidence of failure to perform necessary maintenance and care and shall serve as the basis for Township to obtain an administrative search warrant in order to inspect said system.

Section 8. Malfunction Risk Zone. Once a malfunction risk zone has been delineated by the Township, all on-lot sewage disposal systems located within said zone shall be subject to the yearly inspections set forth in Sections 3 and 4 and the maintenance requirements set forth in Sections 5 and 6. Township shall further be authorized to revise inspection and maintenance requirements by resolution where immediate corrective action is necessitated.

Section 9. Rehabilitation of Malfunctioning Systems.

1. Any on-lot sewage disposal system or component thereof which is found to be malfunctioning and causing pollution of ground or surface waters, or contamination of private or public drinking water supply, a nuisance, or a hazard to the public health, shall be repaired, modified, or replaced, pursuant to the order of the Township or its authorized agent to correct the condition which caused the malfunction. Rehabilitation shall be performed in accordance with Chapter 73, "Standards for Sewage Disposal Facilities" of Title 25, Rules and Regulations, Department of Environmental Protection. The Sewage Enforcement Officer shall inspect rehabilitation and certify compliance with State and local standards. The Township shall retain final authority for the conditions and issuances of sewage permits.

2. The Township shall have the authority to order the repair of any existing on-lot sewage disposal system including, but not limited to, the installation of a new conventional drainage field, the construction of elevated sand mounds to replace an existing disposal field, holding tanks, spray irrigation system, and the replacement of an existing septic system with a completely different system such as an aerobic system or waterless toilet. The Township shall also have the authority to require two (2) or more buildings serviced by malfunctioning septic tanks and subsurface drainage fields to hook up to a small community system.

3. Rehabilitation of on-lot sewage disposal system ordered by the Township shall commence construction within thirty (30) days of issuance of said order and shall be completed within ninety (90) days unless seasonal conditions mandate a longer period, in which case the Township shall set the extended completion date.

4. The owner of an on-lot sewage disposal system shall not undertake any independent repair, modification, or replacement of the system without a sewage permit. Upon completion, the Sewage Enforcement Officer shall inspect the rehabilitated system and certify its compliance with State and local standards prior to its use.

Section 10. Prohibited Materials. Only normal domestic sewage shall be discharged into the on-site sewage disposal system. The following wastes shall not be discharged into said systems:

- A. Industrial waste.
- B. Fats, grease and garbage grindings.
- C. Automobile oil and other non-domestic oils in excessive amounts.
- D. Toxic or hazardous substances, materials or chemicals, including but not limited to, pesticides, acids, paint thinners, herbicides or solvents.

Section 11. Disposal of Septage. All septage originating within the Township shall be disposed of at sites and facilities approved by the Pennsylvania Department of Environmental Protection and operated in accordance with statute and regulation.

Section 12. Personnel. Township shall have the authority to contract with, employ or appoint any persons, partnership, corporations or agencies in order to fulfill the requirements of this part. Reasonable fees for said actions may be passed on to the owners involved.

Section 13. Appeals.

1. Appeals from decisions of Township employees or authorized agents under this Part shall be made to the Township in writing within thirty (30) days from the date of the decision.

2. The appellant shall be entitled to a hearing before the Township Board of Supervisors at its next regularly schedule meeting if made at least fourteen (14) days prior to the next meeting. The Township shall thereafter reverse, modify, or affirm the aforesaid decision. The hearing may be postponed for good cause shown by the appellant or the Township. Additional evidence may be introduced at the hearing provided it is submitted with the written notice of appeal.

3. A decision shall be rendered within thirty-five (35) days of the date of hearing. Said decision shall be in writing and shall set forth the underlying reasons for that decision.

§514. Penalties.

1. Any malfunctioning sewage disposal system which is not repaired within thirty (30) days of notice from township shall subject owner to a fine of three hundred dollars (\$300.00) per violations. Each day constitutes a separate violation.

2. Any owner who fails to comply with the pumping and proof requirements of Sections 5 through 7 of this Part shall be subject to a fine of fifty dollars (\$50.00) per violation. Each thirty (30) day period where said requirements are not complied with shall constitute a separate violation.

## **APPENDIX D**

# **WELL DRILLERS ORDINANCE**

TOWNSHIP OF HAMILTON  
ADAMS COUNTY, PENNSYLVANIA

ORDINANCE #

AN ORDINANCE PROVIDING FOR THE REGISTRATION, REGULATION AND CONTROL OF ALL WELLS, WHICH MAY BE CONSTRUCTED FOR OBTAINING WATER FOR DOMESTIC PURPOSES IN HAMILTON TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA.

Section 1. Purpose

The intention of this Ordinance is to ensure and protect the quality and suitability of domestic water supply, and to secure and maintain the minimum required isolation distances between water supplies and sewage disposal systems or other sources of contamination.

Section 2. Application

- (a) This Ordinance shall apply to all wells which have not been completed, or which are not in operation or in an inoperable condition at the time of passage of this Ordinance.
- (b) This Ordinance shall further apply to the reconstruction, major repair and other changes to existing wells, when, in the opinion of the Inspection Officer, such reconstruction, major repair and other changes may affect the quality and suitability of the water supply on the property upon which the well is constructed or on surrounding properties.

Section 3. Design Standards

The following standards shall apply for water supplies:

1. Drilled and Driven Wells

Location. Drilled and driven wells shall be located at a point free from flooding and at the following minimum distances to existing or possible future sources of pollution:

<u>Source of Pollution</u>	<u>Minimum Distance</u>
Storm Drains	25 feet
Drains carrying domestic sewage or industrial wastes	50 feet
Septic or Holding Tanks	50 feet
Surface/subsurface sewage disposal fields	100 feet
Sewage seepage pits, cesspools	100 feet
Privies	50 feet
Fuel Tanks	as approved
Other (ditches, streams, barnyards, rainwater pits, etc.)	as approved
<u>Additional Location Restrictions</u>	
Driveways	10 feet
Principal structure/dwelling	20 feet
Property Lines	10 feet

2. Construction

A. Source.

The source of supply shall be from a water bearing formation drawn not less than one hundred (100) feet from the ground surface, with at least twenty (20) feet of properly grouted well casing, and from no formation which is subject to pollution.

B. Casing.

The well shall have a water-tight and durable wrought iron, steel, or other type of approved casing with a nominal thickness of 3/16 (0.1875) inches and six and five-eighths (6 5/8) inches outside diameter. The sections shall be joined together by threaded couplings, joints, by welding or any other watertight approved joint or coupling.

The casing shall be carried to a minimum depth of twenty (20) feet from the finished grade and in any case shall be extended ten (10) feet into bedrock or other impervious strata. Driven wells shall be provided with a drive shoe or other effective casing seal.

An annular space shall be provided between the well casing and the earth formation of a radius at least one and one half (1 1/2) inches greater than the casing radius, excluding coupling for internal pressure grouting, or one and one half (1 1/2) inches greater than the casing radius, excluding coupling for external grouting. The annular space shall be completely filled with impervious cement grout or equivalent sealing material from bottom of the casing to within five (5) feet of the ground surface. External grouting shall be accomplished utilizing a tremie pipe and grout pump to force out any standing water on the outside of the well casing.

The casing shall be sealed effectively against entrance of water from water bearing formations, which are subject to pollution, through which the casing may pass. If casings of smaller diameter are used in the lower portions of the well, effective watertight seals shall be provided between the casings where they telescope. In such instances, sections of casing shall telescope for a minimum distance of four (4) feet.

The top of the well casing shall extend a minimum of eight to twelve (8-12) inches above the finished grade of the lot so that contaminated water or other substances cannot enter the well through the annular opening at the top of the well casing, wall or pipe sleeve.

C. Well Covers.

Every potable water well shall be equipped with an overlapping cover at the top of the well casing or pipe sleeve. Covers shall extend downward at least two (2) inches over the outside of the well casing or wall. All well caps shall indicate well driller's name, depth of well and depth of casing.

Where pump sections or discharge pipes enter or leave a well through the side of the casing, the circle of contact shall be watertight. The use of plastic/nylon adapters for this purpose is not acceptable. A brass pitless adapter with brass connectors or equivalent are required.

Any restoration/repair of wells with casing terminating below grade shall be raised above grade to eight to twelve (8-12) inches minimum.

Electrical wiring for well pumps shall be encased in conduit from the bottom of the water supply line trench to the well cap.

D. Drainage.

All potable water wells and springs shall be constructed so that surface drainage will be diverted away from the well or spring.

E. Pumping Equipment.

All pumps installed in wells drilled to a depth greater than three hundred (300) feet, but not to exceed four hundred and fifty (450) feet shall be installed with 200 pound per square inch plastic pipe. Well depths exceeding four hundred and fifty (450) feet shall have pumps installed with SCHEDULE 80 PVC threaded pipe or galvanized steel pipe to support the increased pumping pressure required for deeper wells. The minimum acceptable pressure rating on plastic pipe is 160 pounds per square inch, regardless of water supply depth.

F. Pump Enclosure.

Any pump room or any enclosure around a well pump shall be drained and protected from freezing by heating or other approved means. Where pumps are installed in basements, they shall be mounted on a block or shelf not less than eighteen (18) inches above the basement floor. Well pits shall be prohibited.

3. Flow Requirements

This Ordinance places no restrictions on "quantity" of water. The acceptability of water quantity is the sole responsibility of the property owner.

4. Well Certification:

(1) Drillers Report

A report for each well shall be prepared by the driller and shall be submitted to the Township for evaluation and approval. The well report shall contain the following pertinent information:

Owner of Property	Address & Lot Number
Date of Completion	Depth of Casing
Depth of Well	Static Water Level
Well Driller	Yield in Gals/Min.
Type & Size of Casing	Grouting Certificate
Type of Test Pump Used	Pump Output-Gals/min.

(2) Water Quality

Subsequent to house construction, but prior to or concurrent with the "Request for Occupancy" the owner/contractor shall initiate appropriate action to have the on-site water

supply tested by a certified laboratory, then provide to the Township a laboratory report containing the following information:

Total Coliform	Fecal Coliform
Iron	Nitrates
Hardness: equivalent calcium carbonates	

5. Dug Wells

No new dug wells will be permitted in the Township of Hamilton due to the great danger of pollution and unreliability of water supply.

6. Springs

This section of the Ordinance is to be used for the reconstruction of existing springs only. Before rehabilitation shall begin on an existing spring, a report shall be made to determine the advisability of said reconstruction, which shall include as a minimum, quality and quantity of water. Springs for new construction are not considered an adequate water supply and will not be considered as valid for the issuance of a building permit. Reconstructed springs shall be completely enclosed by walls and a cover of reinforced concrete or equally durable watertight material. The cover shall have a firm foundation so as to effectively prevent settling. The uphill wall shall be so constructed as to prevent entrance of surface water. Where manhole covers are used, the manhole shall be at least twenty-four (24) inches in diameter. It shall extend at least three (3) inches above the surrounding ground surface and be covered by an impervious durable cover of concrete, steel or equivalent material which overlaps the manhole vertically by at least two (2) inches. The manhole cover shall be effectively secured to the manhole by bolting, locking or equivalent means, and shall be kept so secured.

7. Abandoned Water Supplies

Wells, springs, cisterns and water storage tanks, which are no longer in use shall be removed, filled or otherwise maintained in a condition such as to prevent access by unauthorized persons or animals to prevent accidental injury, and to effectively prevent pollution of groundwater. Abandoned wells shall be completely filled with cement or equal impervious material.

Wells and springs shall not be used for the disposal of liquid, gaseous and/or solid wastes.

8. Water Service

A. Size of Water Service Pipe

The minimum diameter of water service pipe shall be 3/4 inch.

B. Separation of Water Service and Building Sewer/Drain

Water service pipe shall be installed twelve (12) inches above sewer drains. See Section P-1502.2 in BOCA Plumbing Code for specific requirements.



#### Section 4. Registration

- (a) No construction, drilling, digging, reconstruction, major repair or other change of or for any well/water supply for the production of water for domestic purposes shall commence unless the property owner, or his/her duly authorized agent, shall apply for and receive a permit for such construction activity from the Township of Hamilton.
- (b) Application for a well permit shall be made upon a form supplied by the Township of Hamilton and shall be submitted to the Township Secretary or designated Inspection Officer for review and approval.
- (c) The application shall set forth the following:
  - a. Name(s) of property owners
  - b. Address or location of property
  - c. Scale/sketch of premises showing proposed location of well, buildings, septic tanks, drain fields and boundary lines.
  - d. Name and license number of well driller.

#### Section 5. Inspection

Upon receipt of an application for a well permit, the Township, through its duly authorized Inspection Officer, shall within seven (7) days perform an inspection of the premises on which the well is to be constructed. The inspection shall be conducted in accordance with the provisions of this Ordinance and the provisions of the Township Code of Ordinances.

Upon completion of the inspection, the Inspection Officer shall either (a) issue a permit to the applicant indicating the approved location for the well and special instructions for construction, if any, or (b) refuse to issue the permit, and, in such event, shall provide the applicant with written reasons for such refusal.

#### Section 6. Permits

All permits shall be issued on a form provided by the Township of Hamilton, which shall be executed by the duly authorized Inspection Officer. All permits shall be issued to the property owners or their duly authorized representative/well driller.

#### Section 7. Water Supply Inspection

Upon completion of construction, or at such other time as the Township Inspection Officer may deem appropriate, the Inspection Officer shall perform a final inspection of the well/water supply to determine whether there has been compliance with the permit issued. Upon completion of the inspection, the Inspection Officer shall (a) issue an "APPROVAL OF OPERATION" upon the original permit, or (b) deny such approval due to non-compliance with the permit issued, in which event, written reasons for such denial shall be noted on the original permit.

**AN APPLICATION FOR A BUILDING PERMIT "WILL NOT" BE ACCEPTED AND/OR APPROVED IN THE ABSENCE OF AN "APPROVAL OF OPERATION" ISSUED UNDER THE TERMS AND CONDITIONS OF THIS ORDINANCE.**

#### Section 8. Fees

All applications for a well permit shall be accompanied by a fee payable to the Township of Hamilton in accordance with a schedule of fees established/revised from time to time by the Township Board of Supervisors.

#### Section 9. Effective Date of Permit

- (a) All permits shall be in effect as of the date of issuance, and shall remain in effect for a period of six (6) months. In the event that water supply construction under the permit has not been completed at the expiration of six (6) months from the date of issuance, the permit shall expire and the validity of the permit shall cease and terminate.
- (b) A request for an extension to a permit must be submitted to the Township in writing, ten (10) days before the expiration date of the permit. Extensions are limited to thirty (30) days. Subsequent requests must be accompanied by an application for a new permit with appropriate fee.
- (c) In the event a permit expires and construction has not begun, an application for a new permit must be submitted with appropriate fee.
- (d) Expiration of a permit during construction will result in the landowner being prosecuted in accordance with the violations provision of this Ordinance.

#### Section 10. Violations

- (a) Any person who violates any of the provisions of this Ordinance shall be subject to prosecution by the Township of Hamilton, and upon conviction before the District Magistrate shall be subject to a fine of not more than One Thousand (\$1,000.00) Dollars.
- (b) Upon discovery of any violation of this Ordinance, the Township of Hamilton may, at its option, forgo any prosecution here-under, and may grant to the owner a period of thirty (30) calendar days to comply with the provisions of this Ordinance. Upon failure of the owner to effect such compliance, the Township may initiate prosecution as hereinabove set forth.
- (c) For the purpose of this Ordinance, each day of a continuing violation shall be considered a new and additional violation of this Ordinance.

#### Section 11. Severability Clause

The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect the validity of any of the remaining provisions of this Ordinance.

#### Section 12. Liability

No responsibility, or liability for the construction of any well/water supply shall be deemed to be placed upon the Township of Hamilton, or its officers, agents, or employees by virtue of the terms

of this Ordinance or otherwise.

Section 13. Repealer

All other Ordinances or parts of Ordinances inconsistent herewith be and the same are hereby repealed.

ORDAINED AND ENACTED into law this            day of

CERTIFICATION OF ADOPTION

I hereby certify that the foregoing Ordinance was advertised in \_\_\_\_\_,  
a newspaper of general circulation in the municipality, on \_\_\_\_\_, and was duly  
enacted and approved as set forth at a regular meeting of the Board of Supervisors of the Township of  
Hamilton on \_\_\_\_\_.

\_\_\_\_\_  
Township Secretary





**APPENDIX E**

**EXISTING HOLDING TANK  
ORDINANCE**

HAMILTON TOWNSHIP  
ADAMS COUNTY, PENNSYLVANIA

---

ORDINANCE NO. 69

---

AN ORDINANCE OF HAMILTON TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA,  
REGULATING USE OF HOLDING TANKS

---

IT IS HEREBY ENACTED AND ORDAINED by Hamilton Township, Adams County, Pennsylvania, as follows:

Section 1: The purpose of this Ordinance is to establish procedures for the use and maintenance of holding tanks designed to receive and retain sewage whether from residential or commercial uses and it is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit, and preservation of the health, safety and welfare of the inhabitants of Hamilton Township.

Section 2: Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of the terms used in this Ordinance shall be as follows:

HOLDING TANK - a watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. Holding tanks include but are not limited to the following:

(1) Chemical Toilet - a toilet using chemicals that discharge to a holding tank.

(2) Retention Tank - a holding tank where sewage is conveyed to it by a water carrying system.

(3) Vault Pit Privy - a holding tank designed to receive sewage where water under pressure is not available.

IMPROVED PROPERTY - any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.



OWNER - any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

PERSON - any individual, partnership, company association, corporation or other group or entity.

SEWAGE - any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation.

TOWNSHIP - Hamilton Township, Adams County, Pennsylvania.

Section 3: The Township hereby reserves the right to adopt from time to time such additional rules and regulations concerning sewage which may deem necessary from time to time to effect the purposes herein.

Section 4: All such rules and regulations adopted by the Township shall be in conformity with the provisions herein, all other ordinances of the Township, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

Section 5: The Township shall have the right and power to fix, alter, charge and collect rates, assessments, and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law.

Section 6: The collection and transportation of all sewage from property utilizing a holding tank shall be done solely by or under the direction and control of the Township and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Resources of the Commonwealth of Pennsylvania.

Section 7: The owner of the improved property that utilizes the holding tank shall:

A. Maintain the holding tank in conformance with this or any other regulation of the Township, the provisions of any applicable law and the rules and regulations of this Township and any administrative agency of the Commonwealth of Pennsylvania.

B. Permit only the Township or anyone acting under the direction of the Township to collect, transport, and dispose of the contents therein.

Section 8: The owner of the improved property that utilizes the holding tank shall have an annual inspection of the holding tank completed and deliver a copy of a written inspection and report to the Township.

Section 9: Any person who violates any provisions of the Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) and costs, or in default of payment thereof, shall be subject to imprisonment for a term not to exceed thirty (30) days. Each day that a violation of the Ordinance continues shall constitute a separate offense.

Section 10: In addition to any other remedies provided above, any violation of this section shall constitute a nuisance and may be abated by the Township by either seeking appropriate equitable or legal relief from a court of competent jurisdiction.

Section 11: The owner of the said improved property utilizing a holding tank shall be required to connect to the public sewer facility as soon as such connection is available.

Section 12: The provisions of this Ordinance are severable and if any provision or any part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstances, such invalidity, unconstitutionality or inapplicability shall not effect or impair the remaining provisions of the Ordinance.

Section 13: This Ordinance shall become effective upon enactment.

ENACTED AND ORDAINED this 1st day of MARCH, 1994, by Hamilton Township Board of Supervisors.

Attest:

BOARD OF SUPERVISORS OF HAMILTON TOWNSHIP

Lauri L. Leber  
Secretary

By: Maynard E. Stahl  
Chairman

## **X. ATTACHMENTS**

**A. MUNICIPAL PLANNING COMMISSION  
COMMENTS AND PROOF OF  
PUBLICATION**

**B. COUNTY PLANNING COMMISSION  
COMMENTS**

## C. PUBLIC COMMENTS

## **D. PA DEP COMMENTS**

## **E. CONSISTENCY LETTERS AND RESPONSES**



2



YORK OFFICE  
30 North Duke Street York, PA 17401  
(717) 846-4805 • FAX (717) 846-5811

CONSULTING CIVIL ENGINEERS  
AND SURVEYORS

GETTYSBURG OFFICE  
50 W. Middle Street Gettysburg, PA 17325  
(717) 337-3021 • FAX (717) 337-0782

September 19, 1997

Pennsylvania Historical and Museum Commission  
Division For Historic Preservation  
P.O. Box 1026  
Harrisburg, PA 17108

Re: Hamilton Township, Adams County  
Act 537 Consistency Requirements for  
Archaeological and/or Historical Sites  
Engineer's Project No. 2997.6.01.00

Gentlemen:

Our firm is in the process of preparing Hamilton Township's Act 537 Plan. One of the requirements for approval are letters from various agencies assessing the potential impact our proposed facilities could have.

Enclosed are maps showing the locations of the proposed facilities. Please review this plan with regards to your agency and offer your comments or approval.

If you have any questions or require further information, please call.

Sincerely,

C. S. DAVIDSON, INC.

Jason P. Ordanoff, E.I.T.

lhd\0749.was(b)  
Enclosures

Commonwealth of Pennsylvania  
 Department of Environment Resources  
 Bureau of Water Quality Management

FORM A  
 NOTIFICATION OF POTENTIAL EFFECT OF PROPOSED ACTION  
 ON ARCHAEOLOGICAL AND HISTORICAL RESOURCES

This is to notify the Pennsylvania Historical and Museum Commission in writing of the potential effect of a proposed action on an archaeological or historical resource in accordance with the Pennsylvania Historic Preservation Act, 37 PA. CSA, Sections 501-512.

This action involves: DER 537 Program

Development Name Hamilton Township

Development Location, including County and Municipality: Route 94 Study Area

Hamilton Township, Adams County, Pennsylvania

Enclosed is a copy of the U.S.G.S. 7.5 minute topographic map which clearly outlines the specific project boundaries. The name of the map is Hampton, PA and McSherrystown, PA

This sewage facility plan encompasses 500± acres (total project area).

There are no known buildings over 40 years old within the project area. Pictures and a description of the plans for these buildings are included.

A brief description of this development project is included that indicates the nature of the development, number and size of lots to be subdivided, previous land use.

It is understood that your agency will advise the applicant within 60 days of the receipt of this notice if the project will not affect a known archaeological or historical resource or, if a significant known archaeological or historic resource, as determined by the PHMC using Secretary of Interior criteria for determining resource significance, requires protection or if a "high probability archaeological area" could be affected by the proposed sewage facilities.

Questions concerning this proposal and the results of the search should be directed to:

Applicant's Name: Hamilton Township

Address: c/o C.S. Davidson, Inc., Attn: William A. Sauserman, P.E.

38 North Duke Street, York, PA 17401

Telephone: (717) 846-4805

This form must be forwarded to the:

Pennsylvania Historical and Museum Commission  
 Bureau of Historic Preservation  
 P.O. Box 1026  
 Harrisburg, PA 17108  
 Telephone: 717-783-8946



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION  
THIRD AND NORTH STREETS, BOX 1026  
HARRISBURG, PENNSYLVANIA 17108-1026

October 1, 1997

Jason P. Ordanoff, E.I.T.  
C.S. Davidson, Inc.  
38 North Duke Street  
York, PA 17401

TO EXPEDITE REVIEW USE  
BHP REFERENCE NUMBER:

Re: File No. ER 97-2754-001-A  
DEP 537 PROGRAM:  
Act 537 Consistency  
Requirements for Archaeological  
and/or Historical Sites, Route  
94 Study Area, Hamilton Twp.  
Adams Co.

Dear Mr. Ordanoff:

The Bureau for Historic Preservation has reviewed the above named project under the authority of the Environmental Rights amendment, Article 1, Section 27 of the Pennsylvania Constitution and the Pennsylvania History Code, 37 Pa. Cons. Stat. Section 500 et seq. (1988). This review includes comments on the project's potential effect on both historic and archaeological resources.

There may be resources eligible for the National Register of Historic Places located in the project area. However, due to the nature of the activity, it is our opinion that there will be no effect on these properties. Should the applicant become aware, from any source, that unidentified historic resources are located at the project site, or that the project activities will have an effect on these properties, the Bureau for Historic Preservation should be contacted immediately.

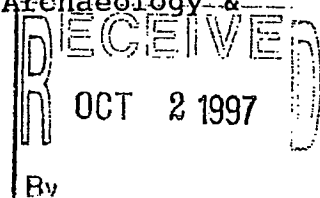
In our opinion no archaeological investigations are necessary in this project area.

If you need further information in this matter please consult Mark Shaffer at (717) 772-0924.

Sincerely,

Kurt W. Carr, Chief  
Division of Archaeology &  
Protection

KC/tmw





YORK OFFICE  
North Duke Street York, PA 17401  
846-4805 • FAX (717) 846-5811

CONSULTING CIVIL ENGINEERS  
AND SURVEYORS

GETTYSBURG OFFICE  
50 W. Middle Street Gettysburg, PA 17325  
(717) 337-3021 • FAX (717) 337-0782

September 19, 1997

PA Department of Environmental Protection  
Bureau of Forestry  
Division of Forest Advisory Services  
PNDI Coordinator  
Harrisburg, PA 17105-8552

Re: Hamilton Township, Adams County  
Act 537 Consistency Requirements for  
Archaeological and/or Historical Sites  
Engineer's Project No. 2997.6.01.00

Gentlemen:

Our firm is in the process of preparing Hamilton Township's Act 537 Plan. One of the requirements for approval are letters from various agencies assessing the potential impact our proposed facilities could have.

Enclosed are maps showing the locations of the proposed facilities. Please review this plan with regards to your agency and offer your comments or approval.

If you have any questions or require further information, please call.

Sincerely,

C. S. DAVIDSON, INC.

Jason P. Ordanoff, E.I.T.

lhd\0749.was(a)  
Enclosures



Appendix L

REQUEST FOR PNDI SEARCH

9/19/97

(DATE)

TO: PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES  
BUREAU OF FORESTRY  
ATTN. BOTANIST  
P.O. 1467  
HARRISBURG, PA 17120

FROM: Hamilton Township, c/o C.S. Davidson, Inc.  
38 North Duke Street  
York, PA 17401  
(MUNICIPAL ADDRESS)

Adams COUNTY

This is to request that you conduct a search of the Pennsylvania Natural Diversity Inventory to identify any species of concern which may be impacted by an alternative being proposed as part of a plan developed under the Pennsylvania Sewage Facilities Act. This plan proposes:

Two (2) public sewer alternatives in the Route 94 study area as shown in Exhibits F & G.

The location of the proposed project components are shown on the attached 7.5 minute U.S.G.S. topographical map or copy of affected portion ~~(a copy of the map is attached)~~ U.S.G.S. Maps: Hampton, PA and McSherrystown, PA

It is understood that you will notify this municipality of any identified protected species within the proposed project area. It is further understood that your agency will assist this municipality in identifying the appropriate contact agency to provide assistance in the evaluation and mitigation of potential impacts on the protected species under their jurisdiction.

If you have questions concerning this project please contact:

C.S. Davidson, Inc.  
William A. Sauserman, P.E.  
(Municipal Planning Consultant)

(717) 846 - 4805  
Telephone #

Doug Miller, Chairman  
Municipal Official

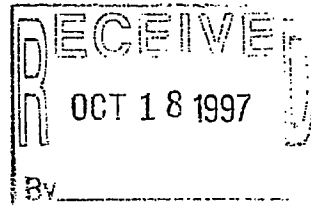


**Pennsylvania Department of Conservation and Natural Resources**

Rachel Carson State Office Building  
P.O. Box 8552  
Harrisburg, PA 17105-8552  
October 15, 1997

**Bureau of Forestry**

Jason P. Ordanoff  
C.S. Davidson, Inc.  
38 North Duke Street  
York, PA 17401



717-787-3444  
Fax 717-783-5109

**Re:** Pennsylvania Natural Diversity Inventory Review of Act 537 Plan for Hamilton Township,  
Adams County, PA.  
**PER Number:** 005817

Dear Mr. Ordanoff:

In response to your request of September 19, 1997, to review the above mentioned project, we have reviewed the area using the Pennsylvania Natural Diversity Inventory (PNDI) information system. PNDI records indicate no occurrences of species of special concern within the vicinity or in the project area, therefore we do not anticipate any impact on endangered, threatened, or rare species at this location.

PNDI is a site specific information system which describes significant natural resources of Pennsylvania. This system includes data descriptive of plant and animal species of special concern, exemplary natural communities and unique geological features. PNDI is a cooperative project of the Department of Conservation and Natural Resources, The Nature Conservancy and the Western Pennsylvania Conservancy. This response represents the most up-to-date summary of the PNDI data files and is good for one year. An absence of recorded information does not necessarily imply actual conditions on-site. A field survey of any site may reveal previously unreported populations.

PNDI is partially funded through contributions to the Wild Resource Conservation Fund. If you feel that this information is of use to your company please use the enclosed flyer to make a donation to the Wild Resource Conservation Fund.

Legal authority for Pennsylvania's biological resources resides with three administrative agencies. The enclosure titled Pennsylvania Biological Resource Management Agencies, outlines which species groups are managed by these agencies. If data provided by the PNDI system are to be published in any form, the Inventory should be informed and credited as the source.

Mr. Ordanoff

2

October 15, 1997

Feel free to phone our office if you have questions concerning this response or the PNDI system, and please refer to the P.E.R. Reference Number at the top of the letter in future correspondence concerning this project.

Sincerely,

A handwritten signature in cursive script that reads "Jeanne Brennan".

Jeanne Brennan  
Environmental Review Specialist  
Pennsylvania Natural Diversity Inventory

Enclosures

cc: Jenni Farber, PNDI-E  
File

**F. OXFORD TOWNSHIP LETTER**



## OXFORD TOWNSHIP MUNICIPALITY

P. O. BOX 86

NEW OXFORD, PA, 17350-0086

TELEPHONE #  
(717) 624-4544

FAX #  
(717) 624-3511

September 17, 1998

Douglas Miller, Chairman  
Hamilton Township Board of Supervisors  
272 Mummerts Church Road  
Abbottstown, PA 17301

Re: Public Sanitary Sewer Service  
Act 537 Sewage Facilities Planning Update

Dear Mr. Miller:

In response to the August 6, 1998 letter that we received from your engineer in the above referenced regard, you may recall that in the preparation of your previous submission to DEP we had informally indicated that our existing Route 30 gravity sewers would not be a feasible means of conveying your projected sewage flows from Route 94 to the New Oxford Municipal Authority (NOMA) Wastewater Treatment Plant (WWTP). More specifically, the Route 30 sewers are currently carrying substantial flows, and The Brethren Home Community has a master plan for some relatively significant land development on their property in the southwest quadrant of the Cross Keys area. Therefore, your previously proposed conveyance directly to a point closely adjacent to our East Golden Lane Pump Station would be necessary.

With respect to reserve sewer capacity in the NOMA WWTP, you should contact Earl Mummert, NOMA Chairman, directly. It may be advisable to do this promptly, as the WWTP expansion is currently under construction, and it may be a key time to lock in reserve capacity.

If you have any further questions in this regard, you may contact the Township office at 624-4544, or our engineer, Jon Holmes, at 337-3021.

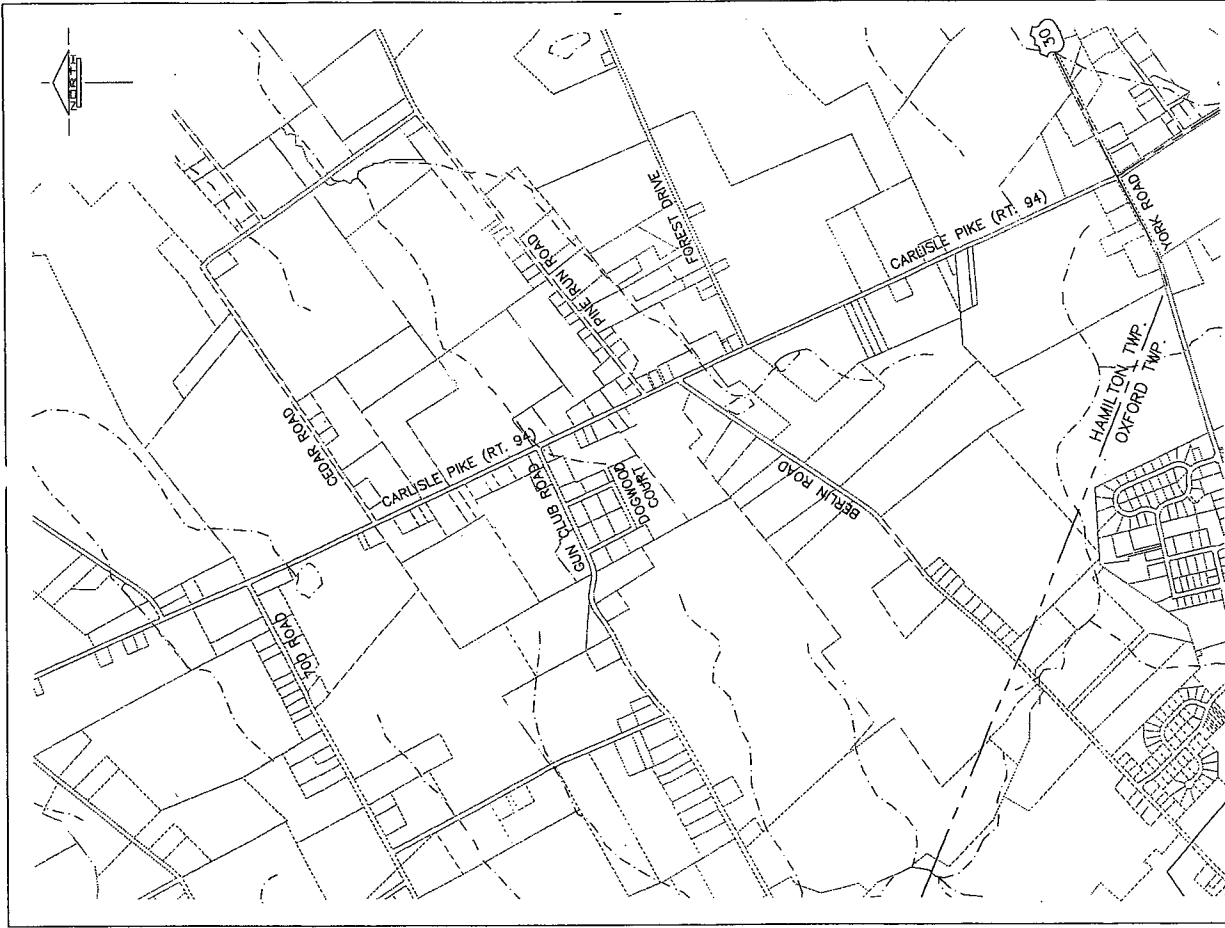
Sincerely,

Donald F. Poist, Chairman  
Oxford Township Board of Supervisors

JDH/caw/1223

cc: Jonathan D. Holmes, P.E. - Oxford Township Engineer  
Paul J. Sauers, III - Hamilton Township Engineer

## **XI. EXHIBITS**




<b>HAMILTON TOWNSHIP</b>	
ACT 537 PLAN UPDATE EXHIBIT A SITE PLAN	
Hamilton Township	Adams County, Pennsylvania
DATE	11/27/99
SCALE	1"=1000'
CHECKED BY	
DRAWN BY	B.A.M.
FILE NO.	3897&6100
DWG. NO.	3897&6100
<b>C.S. Davidson, Inc.</b>	
CONSULTING CIVIL ENGINEERS & SURVEYORS	
24 S. BIRCH STREET, WYOMING, PA 17374-2001 PHONE: (717) 844-2800 FAX: (717) 844-2801	
SHEET	1 OF 1

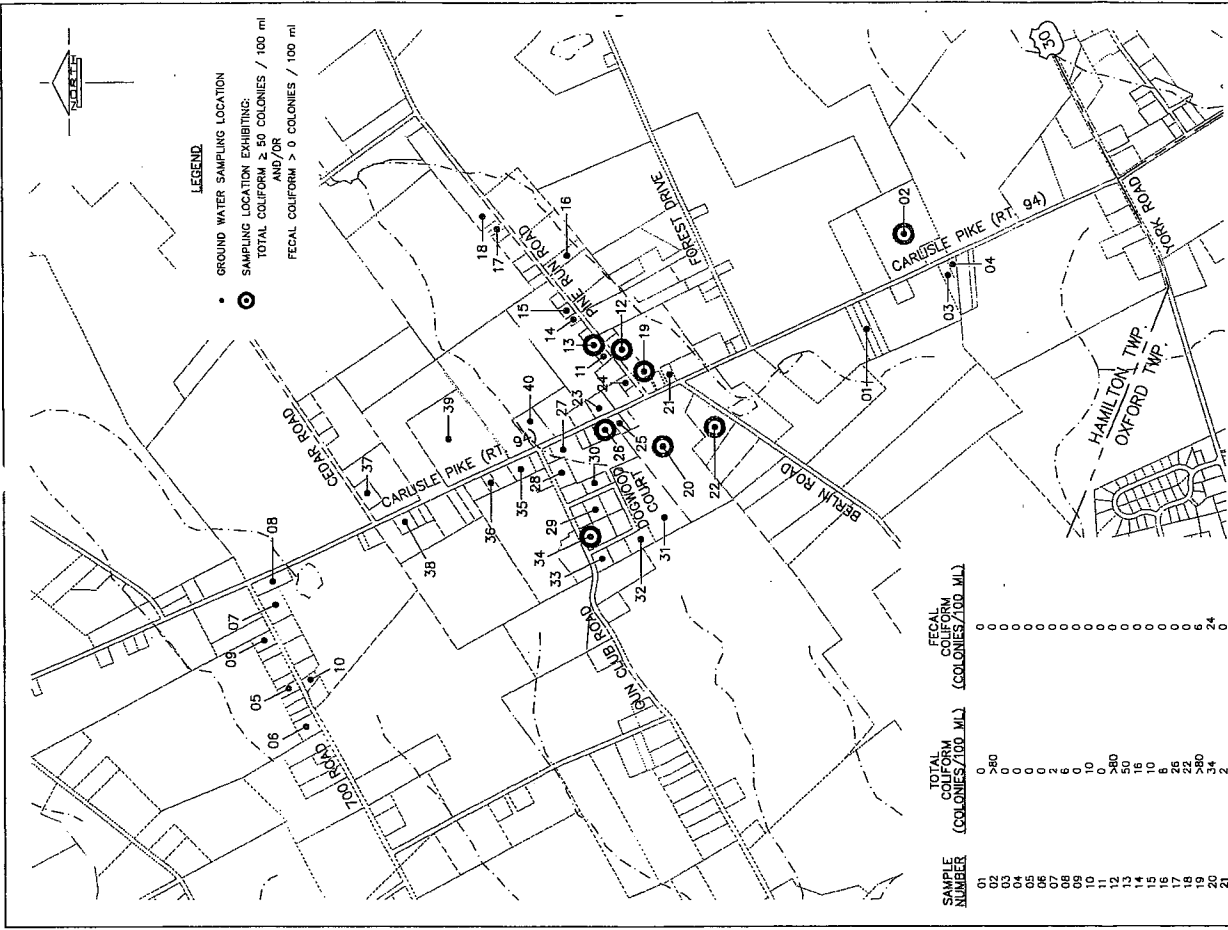


**LEGEND**

- ▲ MAIL SURVEY - NO APPARENT MALFUNCTION
- △ FIELD SURVEY - NO APPARENT MALFUNCTION
- MAIL SURVEY - POTENTIAL MALFUNCTION
- FIELD SURVEY - POTENTIAL MALFUNCTION
- MAIL SURVEY - SUSPECTED MALFUNCTION
- ▣ FIELD SURVEY - SUSPECTED MALFUNCTION
- MAIL SURVEY - CONFIRMED MALFUNCTION
- ◆ FIELD SURVEY - CONFIRMED MALFUNCTION
- ⊕ HOLDING TANK
- ∇ UNDEVELOPED LAND

**NOTES:**  
 1. THE MAIL-IN SURVEY WAS PERFORMED IN SEPTEMBER 1996.  
 2. THE FIELD SURVEY WAS PERFORMED IN SEPTEMBER 1996.  
 3. THE TOWNSHIP ENGINEER'S OFFICER IN DECEMBER 1996.

<b>HAMILTON TOWNSHIP</b>	
ACT 537 PLAN UPDATE EXHIBIT B	
ON-LOT DISPOSAL SYSTEM ASSESSMENT	
DRAWN BY	B.A.H.
CHECKED BY	
SCALE	1"=1000'
DATE	11/2/99
Hamilton Township Adams County, Pennsylvania	
 <b>C.S. Davidson, Inc.</b> CONSULTING ENGINEERS 1225 W. 10TH ST., SUITE 101 HAMILTON, PA 17032 TEL: (717) 537-2222 FAX: (717) 537-2222	
DWG. NO.	2097A.01.00
FILE NO.	2097A.01.00
SHEET	1 OF 1



SAMPLE NUMBER	TOTAL COLIFORM (COLONIES/100 ML)	FECAL COLIFORM (COLONIES/100 ML)
01	0	0
02	0	0
03	0	0
04	0	0
05	0	0
06	0	0
07	0	0
08	0	0
09	0	0
10	0	0
11	0	0
12	>80	0
13	50	0
14	10	0
15	10	0
16	8	0
17	25	0
18	25	0
19	>80	0
20	34	0
21	2	0
22	190	0
23	17	0
24	0	0
25	11	0
26	>80	0
27	0	0
28	0	0
29	11	0
30	0	0
31	10	0
32	0	0
33	>80	0
34	18	0
35	0	0
36	0	0
37	0	0
38	0	0
39	0	0
40	0	0

**HAMILTON TOWNSHIP**  
 ACT 537 PLAN UPDATE  
 EXHIBIT C  
 FECAL COLIFORM AND TOTAL COLIFORM  
 CONCENTRATIONS OF WELL SAMPLES  
 Hamilton Township  
 Adams County, Pennsylvania

DRAWN BY: B.A.J.  
 CHECKED BY:  
 SCALE: 1"=100'  
 DATE: 11/2/99  
 DPC NO.: 299750H  
 FILE NO.: 2997.6.01.00  
 SHEET: 1 OF 1

**C.S. Davidson Inc.**  
 CONSULTING CIVIL ENGINEERS  
 SURVEYORS  
 56 N. MONROE ST., GETTYSBURG, PA.  
 PHONE NO.: (717) 337-4400  
 FAX NO.: (717) 337-4282



SAMPLE NUMBER	NO3-N (mg/l)
01	1.5
02	10.9
03	3.0
04	4.3
05	2.5
06	12.8
07	3.1
08	6.5
09	3.7
10	7.5
11	7.4
12	2.4
13	6.5
14	5.8
15	6.5
16	6.5
17	6.5
18	6.5
19	6.4
20	6.3
21	6.3
22	7.0
23	4.8
24	3.2
25	5.4
26	3.2
27	3.2
28	3.7
29	2.5
30	3.5
31	2.9
32	2.9
33	3.3
34	3.3
35	1.5
36	1.5
37	2.4
38	5.0
39	2.2
40	2.2

**LEGEND**

- GROUND WATER SAMPLING LOCATION
- ◻ SAMPLING LOCATION WITH NO3-N ≥ 10 mg/l
- ◉ SAMPLING LOCATION WITH 5 mg/l ≤ NO3-N < 10 mg/l

**HAMILTON TOWNSHIP**

ACT 537 PLAN UPDATE

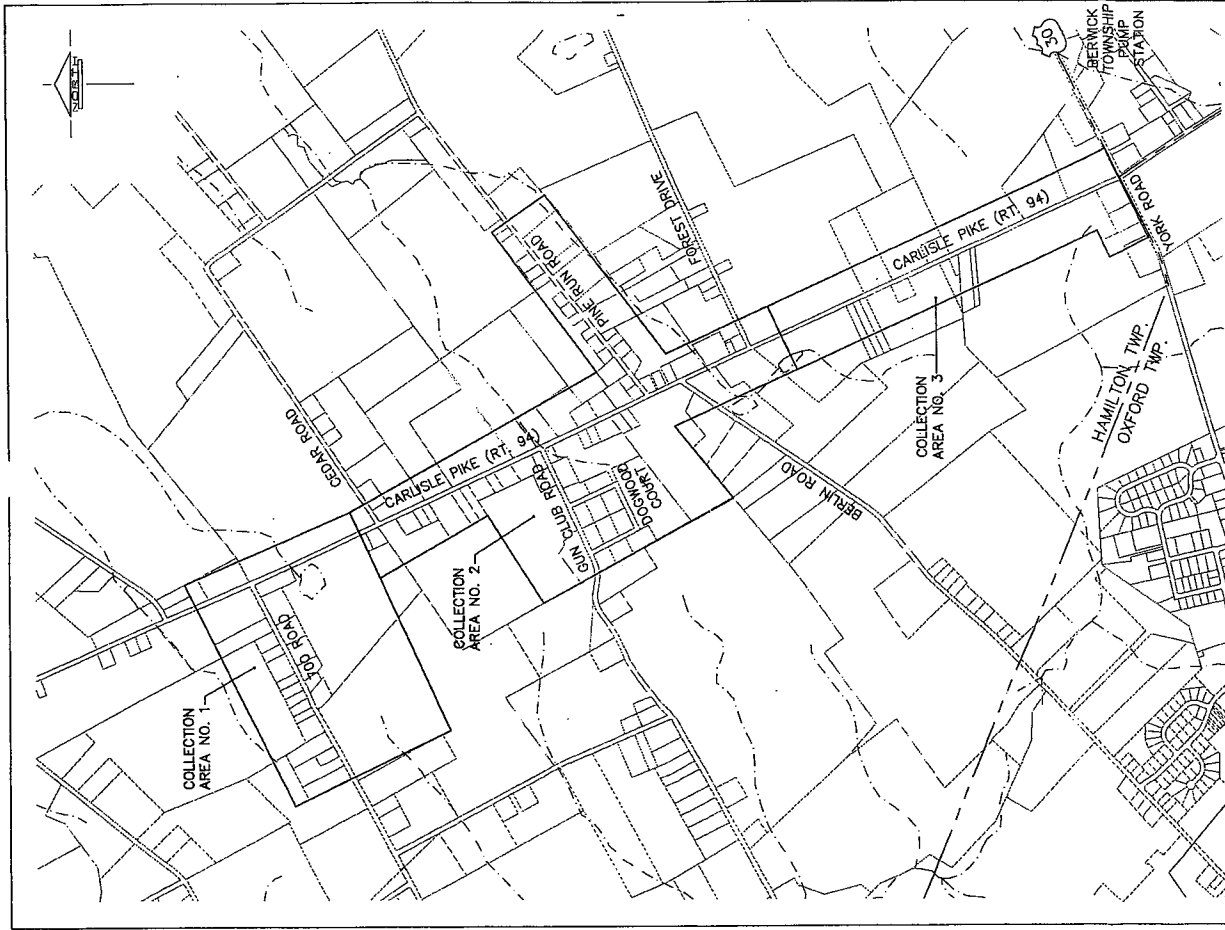
EXHIBIT D

NITRATE-NITROGEN (NO3-N) CONCENTRATIONS OF WELL SAMPLES

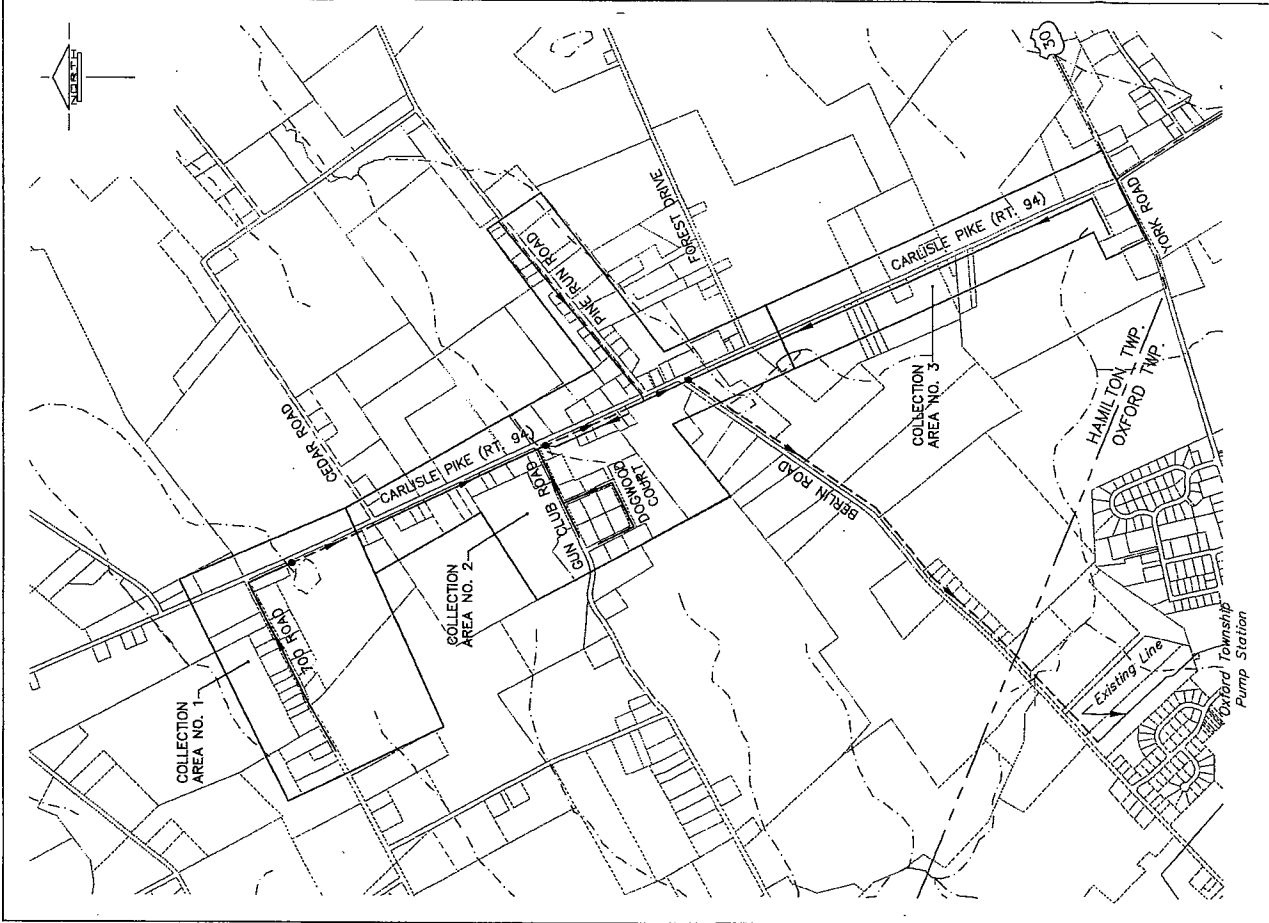
Hamilton Township  
Adams County, Pennsylvania

DRAWN BY: B.A.H.  
CHECKED BY:  
SCALE: 1"=100'  
DATE: 1/27/99  
DWC NO. 28976.01.00  
FILE NO. 28976.01.00  
SHEET 1 OF 1

**C.S. Davidson, Inc.**  
CONSULTING ENGINEERS  
1000 W. MARKET ST., SUITE 200  
HARRISBURG, PA 17104  
TEL: (717) 651-2222



<b>HAMILTON TOWNSHIP</b>	
ACT 537 PLAN UPDATE	DRAWN BY B.A.J.
EXHIBIT E	CHECKED BY
COLLECTION AREAS	SCALE 1"=1000'
	DATE 11/27/99
	DWC NO. 2897801E
	FILE NO. 2897801.00
	SHEET 1 OF 1
Hamilton Township Adams County, Pennsylvania	
 CONSULTING CIVIL ENGINEERS 3000 W. 12TH AVENUE DENVER, CO 80202 PHONE: (303) 733-8800 FAX: (303) 733-8801	



**HAMILTON TOWNSHIP**

ACT 537 PLAN UPDATE  
 EXHIBIT F  
 ALTERNATIVE NO. 1

Hamilton Township Adams County, Pennsylvania

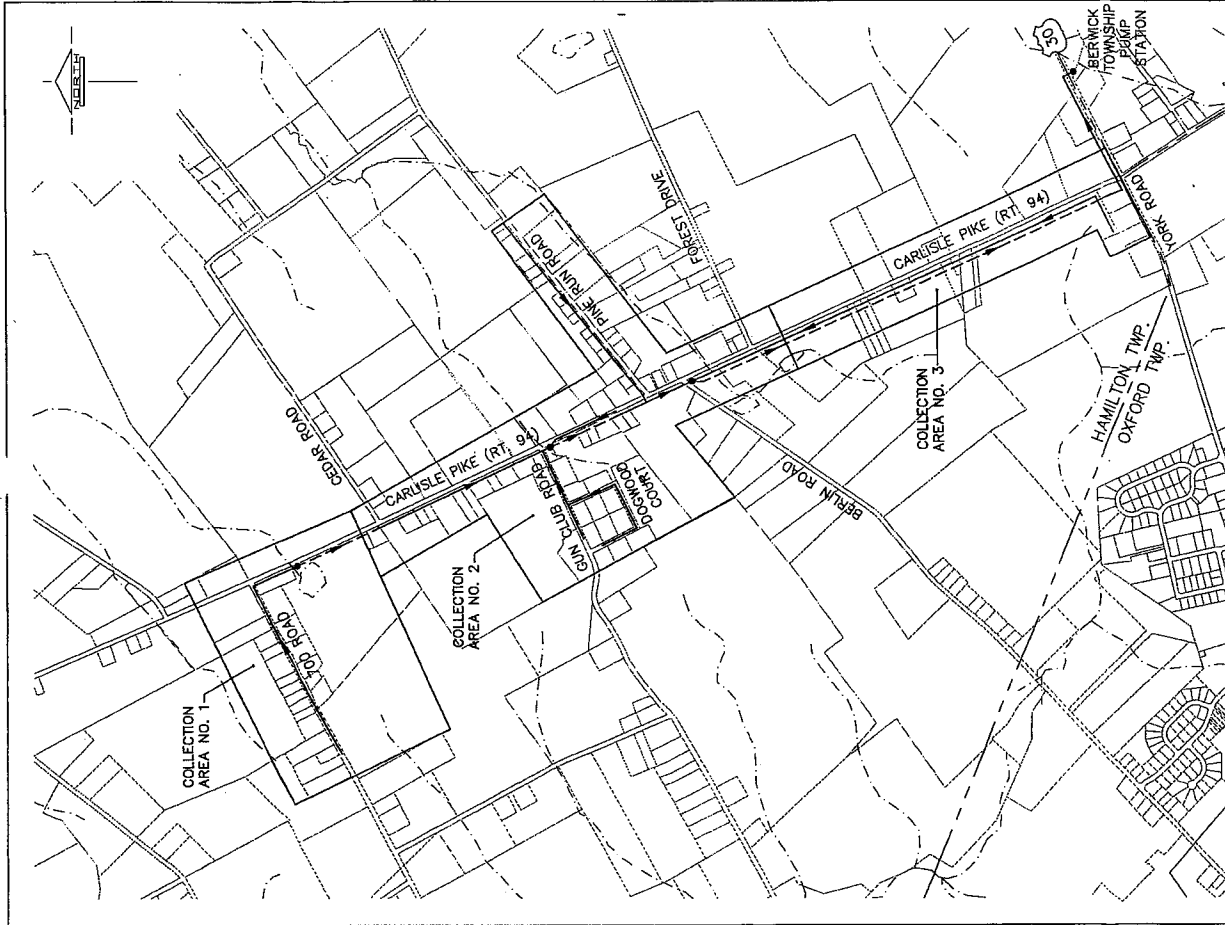
DRAWN BY	B.A.L.
CHECKED BY	
SCALE	1"=100'
DATE	11/22/98
DWG. NO.	29976201A
FILE NO.	29976.01.00
SHEET	1 OF 1

**CS Davidson Inc.**  
 CONSULTING CIVIL ENGINEERS  
 1500 N. 10TH ST., SUITE 100  
 HARRISBURG, PA 17104  
 TEL: 717/633-3333  
 FAX: 717/633-3333

**LEGEND**

- PUMP STATION
- GRAVITY MAIN
- - - FORCE MAIN





**HAMILTON TOWNSHIP**

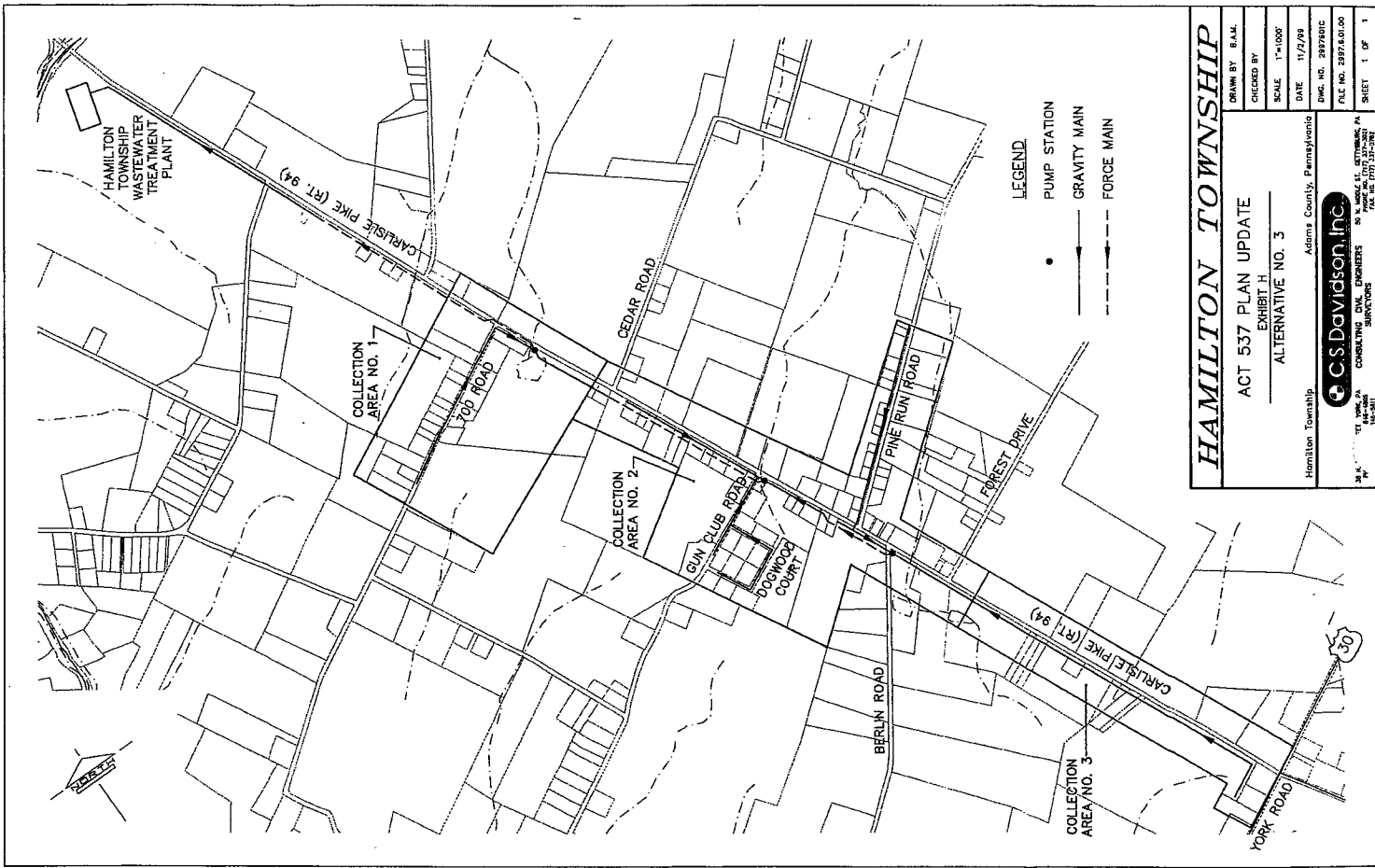
ACT 537 PLAN UPDATE  
EXHIBIT G  
ALTERNATIVE NO. 2

Hamilton Township Adams County, Pennsylvania

**C.S. Davidson, Inc.**  
CONSULTING CIVIL ENGINEERS  
SARATOGA

DRAWN BY: B.A.M.  
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SCALE: 1"=100'  
DATE: 11/27/89  
DWG. NO.: 28972018  
FILE NO.: 28972.01.00  
SHEET 1 OF 1

- LEGEND**
- PUMP STATION
  - GRAVITY MAIN
  - - - FORCE MAIN



<b>HAMILTON TOWNSHIP</b>	
ACT 537 PLAN UPDATE EXHIBIT H ALTERNATIVE NO. 3	DRAWN BY B.A.L. CHECKED BY SCALE 1"=1000' DATE 11/2/99 DWG. NO. 289740C FILE NO. 28974.6.01.00 SHEET 1 OF 1
Hamilton Township Adams County, Pennsylvania	<b>C.S. Davidson, Inc.</b> CONSULTING CIVIL ENGINEERS 100 N. MARKET ST., SUITE 101 YORK, PA 17401-3100 TEL: 717/765-1100 FAX: 717/765-1101



<b>HAMILTON TOWNSHIP</b>	
ACT 537 PLAN UPDATE	DRAWN BY: B.A.M.
EXHIBIT 1	CHECKED BY:
MALFUNCTION RISK ZONE	SCALE: 1"=100'
	DATE: 11/2/98
	DWG. NO.: 38475103
	FILE NO.: 38475103
	SHEET: 1 OF 1
Hamilton Township Adams County, Pennsylvania <b>CS Davidson, Inc.</b> CONSULTING ENGINEERS 1410 N. 10TH ST., SUITE 200 YORK, PA 17404 TEL: 717.766.3311 FAX: 717.335.0261	

**IMPLEMENTATION SCHEDULE**  
**FOR**  
**HAMILTON TOWNSHIP ACT 537 PLAN AMENDMENT**

<u>Event</u>	<u>Date</u>
• Township Adoption of Act 537 Plan Revision	December 13, 1999
• Township Adoption of Agreement with Berwick Township to engineer WWTP	December 13, 1999
• Submission of Act 537 Plan Revision to PA DEP for review and approval	December 15, 1999
• Submission of Berwick Township's NPDES Part I Permit Application	December 15, 1999
• PA DEP Approval of Act 537 Plan Revision	January 19, 2000
• PA DEP Approval of Berwick Township's NPDES Part 1 Permit Application	January 19, 2000
• Township enters into Intermunicipal Agreement with Berwick Township	February 1, 2000
• Township authorizes Design of Sanitary Sewer Collection System	February 1, 2000
• Berwick Township submits Part II Permit Application	February 23, 2000
• Township reviews Final Design and Authorizes Bidding	February 6, 2001
• Advertise for Bids	March, 2001
• Open Bids	April, 2001
• Submit completed Application to Pennvest and DEP for funding	May 24, 2001
• Finalize financing of Sanitary Sewer Collection System and Award Contracts for construction	August, 2001
• Start Sanitary Sewer Collection System construction	September, 2001
• Township Adoption of On-Lot Sewage Disposal Ordinance, Well Drillers Ordinance, Planning Module Requirements and Public Education Program	September, 2001
• Complete Sanitary Sewer Collection System construction and issue Hook Up Notices	September, 2002
• 90-day Hook-Up period	September, 2002 - November, 2002

# Wm. F. Hill & Assoc., Inc.

207 Baltimore Street • Gettysburg, Pennsylvania 17325 • Office (717) 334-9137

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August 3, 1999

Hamilton Township Board of Supervisors  
272 Mummert's Church Road  
Abbottstown, PA 17301

Subject: Hamilton Township Request for Capacity at  
Berwick Township Wastewater Treatment Facility

Dear Supervisors:

On behalf of Berwick Township we are providing a response to your June 30, 1999 request for capacity at the proposed Berwick Township Wastewater Treatment Facility.

It is our understanding that Hamilton Township's immediate needs are 32,000 GPD with a projected total future demand of 100,000 GPD. This would serve the Route 94 area of Hamilton Township north of Cross Keys.

The NPDES Permit for Berwick Township's WWTF is approved for 200,000 GPD which is planned to meet Berwick's present and future needs. Therefore to accommodate the request of Hamilton it would be necessary to upgrade the Berwick Facility to 300,000 GPD.

In response to the need to upgrade the Berwick Facility, we contacted the PA DEP Regional Office to determine the effect that the increase in capacity would have on existing, stream discharge effluent criteria. The DEP informed us that the effluent criteria for CBOD, Suspended Solids, and Ammonia Nitrogen would not be modified but that the requirement for phosphorus would be reduced to 2.0 mg/l. Phosphorus removal is generally accomplished with a chemical feed system and the addition of aluminum sulfate or sodium aluminate. DEP also stated that for flows of 500,000 GPD and greater the ammonia nitrogen limit would be modified from 2.0 mg/l to 1.5 mg/l. According to current PA DEP standards a flow equalized effluent discharge would not be required for flows up to 500,000 MGD.

It will be necessary for Berwick to file a Part I NPDES Permit Amendment. The DEP is allowed 180 days to process an application, however the typical response time is 100 days. The application fee would be \$ 500.

Berwick Township is required to submit a Part II Permit Application package to the DEP on or before February 23, 2000. In order to be able to meet this deadline the Part I NPDES Amendment application would need to be submitted by October 1, 1999. It would also be desirable to have an inter-municipal agreement executed prior to submission of this application.

It is our understanding that Hamilton Township will be responsible for all aspects of their sanitary sewer collection and conveyance system to the point where it is connected to the Berwick Township system including all associated costs. From discussions with the Hamilton Township Engineer it is our understanding that connection the Berwick Township system would likely occur at the pumping station proposed for Route 30. A meter manhole would be recommended at or near the point of connection.

We estimate that the additional construction cost associated with upgrade of the Berwick WWTF would be in the range of \$ 350,000, including a slightly larger control building. The building size will increase to accommodate larger blowers, generator, and related piping and equipment. We estimate that the additional engineering design cost to upgrade the Berwick WWTF would be in the range of \$ 40,000 to \$ 50,000 since we have already completed the Drawings (28 design sheets), Design Engineer's Report, Water Pollution Control Modules, Part II Permit Application, and a draft version of the written specifications.

When considering the dollar cost per gallon of treatment capacity it is more cost effective to construct a 300,000 GPD facility than a 200,000 facility.

Estimated construction costs are as follows:

Capacity	Total Est. Cost	Est. Cost per Gal.
200,000 GPD	\$ 1,000,000	\$ 5.00 / Gal
300,000 GPD	\$ 1,350,000	\$ 4.50 / Gal

Additional construction costs would also be incurred to increase Berwick's sanitary sewer system to accommodate the flow from Hamilton. The proposed gravity line would be increased from 8 inch to 12 inch and the force main would likely be increased from 4 inch to 6 inch. The Berwick Pumping Station equipment would also require upgrade. Additional engineering design costs for these modifications would be in the range of \$ 10,000.

Estimated additional construction cost for the increased capacity in the Berwick sanitary collection system is as follows:

Gravity Sewer 8 inch to 12 inch 1000 lineal feet @ \$ 7.50 / Ft.	\$ 7,500
Force Main 4 inch to 6 inch 1800 lineal feet @ \$5.00 / Ft.	\$ 9,000
Increased Pumping Station Capacity	<u>\$ 15,000</u>
Est. Additional Construction Cost	\$ 31,500

In addition if the Berwick WWTF will be operational for a period of time prior to the installation of Hamilton's system, a token reserve capacity charge may be appropriate.

It is our understanding that this information will be used by Hamilton in the evaluation of three alternatives for wastewater treatment capacity:

1. To purchase 90,000 Gal / Day capacity from the New Oxford Municipal Authority through Oxford Township for a cost of \$ 450,000. It is also our understanding that this alternative requires substantial upgrade to the existing sanitary sewer conveyance lines.
2. Construct a 100,000 GPD wastewater treatment facility in Hamilton Township near the intersection of Rt. 94 and the Conewago Creek.
3. To purchase 100,000 GPD from Berwick Township. This alternative requires the Berwick WWTF to be designed to accommodate the additional 100,000 GPD (300,000 GPD Total) and that a small portion of the Berwick Conveyance System be designed to accommodate the increased flow.

Hamilton Township  
August 3, 1999

page 4

We estimate that the capital contribution required from Hamilton Township for 100,000 GPD of capacity would be \$ 450,000. The estimated capital contribution for the increased capacity in the conveyance system would be \$ 31,500. The estimated additional cost for engineering would be in the range of \$ 55,000.

Assuming that Hamilton makes a capital contribution up front to pay for their capacity in the Berwick WWTF and Conveyance System we estimate that the fee for operation and maintenance per EDU for treatment and conveyance through Berwick would be in the range of \$ 22.00 to \$ 30.00 per month. This monthly fee does not include any debt service associated with the Berwick WWTF or Collection System.

In closing, due to Berwick's Time Schedule as approved by DEP, it is important that these negotiations proceed in a timely manner. In the event that Hamilton is agreeable in concept to the alternative of purchasing capacity from Berwick we would recommend that a meeting between DEP, Hamilton, and Berwick be scheduled.

On behalf of Berwick Township we appreciate your interest.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Timothy R. Knoebel', written over a horizontal line.

Timothy R. Knoebel, P.E.

cc: Berwick Township





**Pennsylvania Department of Environmental Protection**

**909 Elmerton Avenue  
Harrisburg, PA 17110-8200**

**February 2, 1999**

**Southcentral Regional Office**

**717-705-4707  
FAX - 717-705-4760**

**Berwick Township Board of Supervisors  
c/o Barbara Webb, Secretary  
85 Municipal Road  
Hanover, PA 17331**

**Re: Stipulation and Settlement Agreement  
Berwick Township, Adams County**

**Ladies and Gentlemen:**

On January 20, 1999, NPDES Permit No. PA 0087921 was issued 124 days from September 18, 1998, the date the application was submitted. Pursuant to paragraph 12 of our Stipulation and Settlement Agreement, the subsequent performance dates are extended by 64 days as follows:

- |   |                                   |
|---|-----------------------------------|
| Complete negotiations with developers     | February 23, 1999 (Paragraph 2)   |
| Adopt appropriate ordinances              | May 25, 1999 (Paragraph 3)        |
| Acquire rights-of-way                     | July 24, 1999 (Paragraph 4)       |
| Submit Part II Permit application         | February 23, 2000 (Paragraph 5)   |
| Submit application for PENNVEST financing | May 24, 2000 (Paragraph 6)        |
| Obtain financing                          | February 23, 2001 (Paragraph 7)   |
| Award contracts                           | August 24, 2001 (Paragraph 8)     |
| Begin construction                        | September 23, 2001 (Paragraph 9)  |
| Complete construction                     | September 23, 2002 (Paragraph 10) |
| Achieve compliance                        | November 24, 2002 (Paragraph 11)  |

Please call me at 717-705-4779 if you have any questions.

Sincerely,

*Lee A. Yohn*  
Lee A. Yohn  
Compliance Specialist  
Water Management Program

OXFORD TOWNSHIP MUNICIPALITY  
P.O. BOX 86  
780 HANOVER STREET  
NEW OXFORD, PA 17350

November 2, 1999

Hamilton Township Board of Supervisors  
227 Mummerts Church Road  
Abbottstown, PA 17301

RE: Sewerage Transportation Fees  
Route 94 Area

Dear Supervisors:

In response to your engineer's letter, dated March 25, 1999, regarding transportation fees (this does not include any treatment cost or EDU capacity fees) attributed to Hamilton Township's wastewater flow from the PA Route 94 area, we have determined the following:

1. The flow would be pumped from a centrally located pump station in Hamilton Township at the intersection of PA Route 94 with Berlin Road to Oxford Township's gravity system off the south side of Berlin Road.
2. The flow from Hamilton Township would be pumped from the East Golden Lane Pump Station to the New Oxford Municipal Authority's Wastewater treatment plant.
3. Initial flows from Hamilton Township are estimated to be 32,000 gallons per day (average).
4. A flow meter would be required on the system to measure the amount of sewage received by Oxford Township.
5. Based upon the metered amount of flow, Oxford Township would charge Hamilton Township \$0.50/1000 gallons of flow transportation.
6. The cost of operation and future maintenance of the gravity system and East Golden Lane Pump Station have been included with the \$0.50/1000 gallons transportation fee.

The Oxford Township Supervisors are continuing their discussion regarding the purchase of the remaining 180,000 gallons per day capacity at the NOMA treatment plant. The purchase of that capacity would be in the full amount of \$900,000.00 with the resale of 50% of the flow capacity to Hamilton Township in the amount of \$450,000.00

Obviously, some legal work would be necessary to complete these transactions through inter-municipal agreements, of which costs could be shared by the parties involved.

Sincerely,  
Oxford Township Supervisors



Donald Poist, Chairman



Pennsylvania Department of Environmental Protection  
SOUTHCENTRAL REGIONAL OFFICE  
WATER MANAGEMENT PROGRAM  
909 ELMERTON AVENUE  
HARRISBURG, PA. 17110-8200

PH# (717) 705-4707

FAX (717) 705-4760

**FAX COVER SHEET**

DATE 8/9/99

TO: Paul Sauer  
C.S. Davidson

FAX # (717) 846-5811 PHONE # (717) 846-4805

FROM: Lisa Sweigert

PHONE # (717) 705-4814

MESSAGE Attached are the preliminary effluent limits  
you requested for Hamilton Twp Bd. of Supervisors. As  
we discussed earlier, this proposed discharge will change  
the effluent limits on the Glabview Area STP and Reading Twp's  
#5TP. Since Hamilton Township owns the Glabview Area STP,  
I also enclosed preliminary effluent limits for them. If  
you have any questions, please call.  
Lisa

TOTAL NUMBER OF PAGES (INCLUDING THIS COVER PAGE) 2

PRELIMINARY EFFLUENT LIMITS FOR THE PROPOSED HAMILTON TWP. WWTP

Parameter	Concentration (mg/l)		
	Monthly Average	Weekly Average	Instantaneous Maximum
5-Day CBOD	25	40	50
Suspended Solids	30	45	60
Ammonia Nitrogen (as N) (5-1 to 10-31) (11-1 to 4-30)	13.0 Monitor & Report	XXX  XXX	26 Monitor & Report
Total Residual Chlorine	0.5	XXX	1.6
Dissolved Oxygen	Minimum of 5.0 at all times		
pH (S.U.)	Within range of 6 to 9 at all times		
Fecal Coliform	Not greater than 200/100 ml as a geometric average value, not greater than 1,000/100 ml in more than 10% of the samples tested from May 1 to September 30; not greater than 98,000/100 ml as a geometric average value during the remainder of the year.		

PRELIMINARY EFFLUENT LIMITS FOR THE EXISTING HAMILTON TWP. WWTP

Parameter	Concentration (mg/l)		
	Monthly Average	Weekly Average	Instantaneous Maximum
5-Day CBOD	25	40	50
Suspended Solids	30	45	60
Ammonia Nitrogen (as N) (5-1 to 10-31) (11-1 to 4-30)	13.0 Monitor & Report	XXX  XXX	26 Monitor & Report
Dissolved Oxygen	Minimum of 5.0 at all times		
pH (S.U.)	Within range of 6 to 9 at all times		
Fecal Coliform	Not greater than 200/100 ml as a geometric average value, not greater than 1,000/100 ml in more than 10% of the samples tested from May 1 to September 30; not greater than 100,000/100 ml as a geometric average value during the remainder of the year.		

# DRAFT

## AGREEMENT

THIS AGREEMENT (the "Agreement"), is made and entered into this \_\_\_\_ day of November, 1999, by and between, BERWICK TOWNSHIP ("Berwick"), a municipal subdivision of the Commonwealth of Pennsylvania, organized and existing under the Second Class Township Code, *as amended*, 53 P.S. Section 65101, *et seq.*, with a business address of 85 Municipal Road, Hanover, Pennsylvania 17331 -AND- HAMILTON TOWNSHIP ("Hamilton"), a municipal subdivision of the Commonwealth of Pennsylvania organized and existing under the Second Class Township Code, *as amended*, 53 P.S. Section 65101, *et seq.*, with a business address of 272 Mummerts Church Road, Abbottstown, Pennsylvania 17301.

### WITNESSETH:

WHEREAS, Pursuant to a Stipulation and Settlement Agreement dated September 21, 1998 between Berwick and the Commonwealth of Pennsylvania, Department of Environmental Protection (Pa. DEP) (Attached as Exhibit A), Berwick is obligated to sewer certain portions of the Township within time frames set by Pa. DEP; and

WHEREAS, pursuant to the Stipulation and Settlement Agreement, Berwick is currently in the process of designing the said sewer system and a wastewater treatment facility with a hydraulic capacity of two hundred thousand (200,000) <sup>Avg. Daily Flow</sup> gallons per day; and

WHEREAS, Hamilton is in the process of amending its Act 537 Plan which will involve, *inter alia*, the sewerage of certain portions of the Township north of Cross Keys, Route 94; and

WHEREAS, Hamilton's proposed Act 537 Plan provides for Berwick to treat Hamilton's wastewater in the proposed Berwick Township Wastewater Treatment Facility; and

WHEREAS, under Hamilton's proposed Act 537 Plan Amendment, Berwick will be required to redesign the Wastewater Treatment Facility and related sanitary sewer system appurtenances to allow for an additional hydraulic capacity of one hundred thousand (100,000) gallons per day for a total of three hundred thousand (300,000) gallons per day; and

*AVG DAILY FLOW*

WHEREAS, as a result of the request by Hamilton, contemporaneously with this Agreement, Berwick will enter into an agreement with William F. Hill & Associates, Inc. for the redesign of the wastewater treatment facility and related sanitary sewer system appurtenances; and

WHEREAS, the parties hereto wish to set forth their agreement as to the responsibilities for the costs of the redesign of the Wastewater Treatment Facility and related sanitary sewer system appurtenances.

NOW, THEREFORE, intending to be legally bound hereby, the parties agree as follows:

1. Berwick shall direct its engineer to provide the following services:
  - a. Provide detailed plans and specifications for the proposed increased Wastewater Treatment Facility capacity as described in the Hamilton Township Act 537 Plan. The blue print sheet size shall be 24 inch X 36 inch, and the scale shall be designated on each sheet.
  - b. Provide detailed project specifications, bidding documents, and related printed material in an acceptable format as required for a project of this type.
  - c. Provide necessary field work to properly design the required increased

wastewater treatment facility capacity.

- d. Modify the Design Engineer's Report as required by the Pennsylvania Department of Environmental Protection.
- e. Modify the Water Pollution Control Modules and related Part II Permit Application(s). Submit Act 14 Notifications as required by the Pa. DEP.
- f. Provide two (2) sets of the plans and specifications for the Pa. DEP, and provide one (1) set each for the Berwick Township Supervisors and the Hamilton Township Supervisors, or a total of (4) sets of plans and specifications. Additional copies are available at the cost of reproductions.
- g. Modify the Sedimentation and Erosion Control Plan/Specifications and obtain necessary approvals.
- h. Prepare progress reports for submittal at the monthly meetings of the Berwick Township Supervisors during the design phase.
- i. Modify the electrical and structural design for 0.300 MGD Wastewater Treatment Facilities, including the redesign of the SBR tanks, decanter system, lift station, operations and control building, UV disinfection system, and alter modifications to the biosolids handling facilities.
- j. Provide the design for the phosphorus removal equipment as required by the Pa. DEP for the additional hydraulic loading.
- k. Provide a cost estimate of project construction based on the final design.
- l. Prepare an amendment to the existing NPDES Permit.



- m. Provide the design for additional hydraulic capacity at Pumping Station No. 3, located to the west of the intersection of U.S. Rt. 30 and Stanley Drive.
  - n. Assist in preparation of sewer service agreement between Berwick and Hamilton, until PA. DEP submission date of February 23, 2000.
  - o. Provide any redesign of force main.
  - p. Provide the design of any modifications of the existing gravity sanitary sewer design that conveys wastewater generated in Hamilton Township to the Berwick Township Wastewater Treatment Facility.
2. Hamilton shall be responsible to reimburse Berwick for the additional work as detailed in Paragraph 1, above, for the redesign of the Wastewater Treatment Facility and related sanitary sewer appurtenances.
3. The estimated fee for the same will be as follows:
- a. Redesign of the Berwick Township Wastewater Treatment Facility --  
\$50,000.00.
  - b. Redesign of the Pumping Station, force main and related sanitary sewers -- \$10,000.00.
  - c. Preparation of amendment of existing NPDES Permit --  
\$500.00 - \$1,000.00.
4. William F. Hill & Associates, Inc. will submit itemized billing statements to Berwick and Hamilton which will be due in thirty (30) days of the date of the statement. *ITEM Not to exceed w/o APPROVAL INVOICED SEPARATELY.*
5. Berwick will pay the said invoice and will forward proof of payment to Hamilton

which shall reimburse Berwick within five (5) days of receipt of same.

6. The parties hereto acknowledge that Berwick, pursuant to the aforesaid Stipulation and Settlement Agreement (Exhibit A), is mandated to meet the deadlines outlined in the said Agreement or be subject to severe penalties. Accordingly, Berwick must submit the NPDES Amendment <sup>to coincide with Hamilton Act 537 Plan</sup> on or before December 16, 1999 and must submit a full and complete application for a Water Quality Part II Permit by February 23, 2000. Time is of the essence in this Agreement.

7. In the event Hamilton defaults in its responsibility to reimburse Berwick or interferes with Berwick's ability to comply with the time limits set forth in the said Stipulation and Settlement Agreement (Exhibit A) and in this Agreement, Berwick has the right to direct its engineer to cease work on the redesign as outlined in Paragraph 1, above. In such case, Hamilton shall be responsible for actual costs incurred by Berwick for the said redesign, as well as any incidental and/or consequential damages which result therefrom.

8. Neither Berwick or its Engineer warrant or guarantee Pa. DEP's approval of Hamilton's Act 537 Plan Amendment, the NPDES Amendment or the Water Quality Part II Permit.

9. Each party hereby agrees to pay all attorney's fees and costs of litigation that the other party may sustain or incur in any way whatsoever as a consequence of any default or breach by the other party of any terms or provisions of this Agreement; provided that the party who seeks to recover such attorney's fee, and costs of litigation must first be successful in whole or in part, before such liability may be imposed.

10. This Agreement embodies the entire agreement between the parties hereto and there are no agreements, understandings, conditions, warranties or representations, oral or written, expressed or implied, by reference to the subject matter hereof, that are not in this Agreement.

11. The failure of any party hereto to insist upon strict performance of this Agreement or any other terms or conditions hereof shall not be construed as a waiver of any of its rights hereunder.

12. This Agreement shall be binding upon any and all successors in interests to the parties.

13. This Agreement shall be construed, interpreted and implied in accordance with the laws of the Commonwealth of Pennsylvania.

14. This Agreement may not be altered, modified, amended, renewed, extended or terminated unless by an instrument in writing duly executed by the parties.

IN WITNESS WHEREOF, the parties hereto by and through their authorized representatives and counsel have caused this Agreement to be duly executed and entered as of the date and year first above written.

ATTEST:

DRAFT  
Secretary

BERWICK TOWNSHIP

By: DRAFT  
Chairman

ATTEST:

DRAFT

Secretary

HAMILTON TOWNSHIP

DRAFT

By:

Chairman

COMMONWEALTH OF PENNSYLVANIA :  
: ss  
COUNTY OF \_\_\_\_\_ :

On this \_\_\_\_\_ day of \_\_\_\_\_, 1999, before me, the subscriber, a notary public in and for said Commonwealth and County, personally appeared Alan S. Carey who acknowledged to be the Chairman of the Berwick Township Board of Supervisors, and that as such Chairman being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing his name as Chairman.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

MY COMMISSION EXPIRES:

COMMONWEALTH OF PENNSYLVANIA :  
: ss  
COUNTY OF \_\_\_\_\_ :

On this \_\_\_\_\_ day of \_\_\_\_\_, 1999, before me, the subscriber, a notary public in and for said Commonwealth and County, personally appeared \_\_\_\_\_ who acknowledged to be the Chairman of the Hamilton Township Board of Supervisors, and that as such Chairman being authorized to do so, executed the foregoing instrument for the purposes therein contained by signing his name as Chairman.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

MY COMMISSION EXPIRES:

