



July 17, 2014

Mr. John P. Finnerty
Borough Council President
Mount Pocono Borough
1361 Pocono Blvd., Suite 100
Mount Pocono, PA 18344

Re: Official Act 537 Plan Update Revision
Mount Pocono Borough, Monroe County

Dear Mr. Finnerty:

The Department has reviewed Mount Pocono Borough's Act 537 Official Plan Revision, dated January 16, 2014, and the revisions, dated May 30, 2014 received June 4, 2014. The Plan, submitted by RKR Hess, is consistent with the planning requirements given in Chapter 71 of the Rules and Regulations of the Department.

Mount Pocono Borough and two areas (the Summit Point Development and Pocono Mountain Industrial Park) in Coolbaugh Township, Monroe County, are presently served by a central sewer system and wastewater treatment plant utilizing stream discharge, operated by the Mount Pocono Municipal Authority (MPMA). The Wastewater Treatment Plant (WWTP) is permitted to discharge 400,000 GPD of tertiary effluent into Forest Hills Run.

The Department is aware of the February 2012 Consent Decree entered into by the Brodhead Watershed Association, Citizens for Pennsylvania's Future and MPMA. The Consent Decree requires the MPMA to establish temperature monitoring stations on Forest Hills Run, establish a stream sampling program, purchase land for spray irrigation, revise the Borough's Act 537 Plan, design and install a spray irrigation system to land apply treated effluent during suitable spray days with stream discharge during unsuitable spray days and when the wastewater flow exceeds the spray field capacity. The spray field, when completed, will provide a peak seasonal spray capacity of at least 500,000 GPD and will be constructed in three phases. The fourth phase may require the installation of a cooling system to chill the treated effluent prior to stream discharge, if necessary. The Consent Decree caps the MPMA discharge into Forest Hills Run at 400,000 GPD (30 day average flow) unless the stream recovers according to the protocols in the Consent Decree. If the stream recovers, the MPMA discharge can expand from 400,000 GPD to 500,000 GPD (30 day average). The Consent Decree caps the MPMA discharge at 500,000 GPD (30 day average) into Forest Hills Run.

This Act 537 Plan Revision is changing the selected disposal alternative from 100% stream discharge to a combination land disposal and stream discharge to meet the terms of the Consent Decree. The selected alternative proposes to complete the project in 4 phases that include a number of modifications to the current WWTP, the construction of a spray field approximately 81 acres in size providing a peak seasonal spray capacity of 569,500 GPD in the month of June, and, if necessary, the

installation of equipment sufficient to cool the discharge from the WWTP to Forest Hills Run. Spray irrigation of the effluent is to be utilized to the maximum extent possible and when conditions limit or prohibit spray irrigation, stream discharge of the effluent is allowed as specified in the Consent Decree. Spray irrigation is projected to start in March and continue thru November. There are no changes proposed to the existing sewer service area. All the properties outside the existing sewer service area will be included in the Sewage Management District and will accommodate their sewage disposal needs with on-site treatment and disposal, unless and until MPMA develops additional land disposal capacity.

Phase I consists of the modifications to the WWTP which include the construction of a headworks screening system, VFDs and DO probes for the SBR blowers, a decant equalization tank with cover, an effluent pump station with force main, and the replacement of the WWTP outfall structure. Included in phase I is the construction of the spray irrigation system pump station and force main, the spray irrigation distribution lagoon, a spray field in areas E1 and F1 that is approximately 53 acres in size and that provides a peak seasonal spray capacity of 380,700 GPD in June, and the associated monitoring wells and access roads. The construction of the stream gauging station and stream temperature monitoring stations are also included in the first phase.

Phase II consists of the construction of a spray field in area H1 which is approximately 19 acres in size and provides a peak seasonal spray capacity of 128,600 GPD in July.

Phase III consists of the construction of a spray field in area J1 which is approximately 9 acres in size and provides a peak seasonal spray capacity of 67,900 GPD in June.

Phase IV consists of the installation of equipment sufficient to cool the discharge from the WWTP to Forest Hills Run if necessary.

The 30 day average wastewater flow associated with the selected alternative for sewage planning approval is up to 400,000 GPD unless the Department advises MPMA in writing in accordance with Part C, 1 of the terms and conditions of NPDES Permit No. PA0044997 that the 30 day average wastewater flow is approved up to 500,000 GPD.

The approved project will require a Clean Streams Law (CSL) permit for the construction and operation of the proposed sewage facilities for Phase I thru IV. The permit application must be submitted in the name of MPMA. Approval of this planning module is only approval of the preliminary concept of the proposed project and does not assure that a permit application will be acted upon favorably by the Department. Issuance of a CSL permit will be based upon a technical evaluation of the permit application and supporting information. Starting construction prior to obtaining a permit is a violation of the Clean Streams Law.

Other DEP 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 Permitting Section, Waterways and Wetlands Program, Northeast Regional Office, at the letterhead address, or by calling 570.826.2511.

The Department's review of the Plan has not identified any significant environmental impacts from the proposal. It is now your responsibility to implement the Plan in accordance with the schedule contained within the Plan.

Since the Department has approved your Plan, you are now eligible to apply for a fifty (50) percent planning cost reimbursement as provided under Section 6 of the Sewage Facilities Act (Act 537). Please be advised the approval of this Official Plan Revision is not a guarantee of eligibility of planning costs for reimbursement by the Commonwealth pursuant to section 6 (a) of Act 537 and 25 Pa Code, Chapter 71 of the Department's Regulations. A copy of the reimbursement application is enclosed. You are reminded that reimbursement applications must show detailed cost breakdowns of tasks completed or you will place your reimbursement in jeopardy.

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 use may contact the board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this Action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717-787-3483) FOR MORE INFORMATION.

If you have any questions please contact Robert Corby at 570-895-4049.

Sincerely,



Michael J. Brunamonti, P.E.
Program Manager
Clean Water Program

Enclosure

cc: Brodhead Watershed Association
Citizens for Pennsylvania's Future
Mount Pocono Municipal Authority
McFall, Layman & Jordan, P.C.