



## UPPER MILFORD TOWNSHIP BOARD OF SUPERVISORS

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### UPPER MILFORD TOWNSHIP SEWERAGE FACILITIES PLAN (ACT 537) NOTICE OF PUBLIC MEETING AND FACT SHEET GENERAL INFORMATION AND CLARIFICATION:

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The Upper Milford Township Board of Supervisors is proposing to adopt revisions to its Official Sewerage Facilities Plan for the entire Township.

There will be a Special Meeting of the Township Board of Supervisors to be held on **THURSDAY, SEPTEMBER 29<sup>TH</sup>, 2005 AT 7:00 P.M.** in the **AUDITORIUM OF THE EYER MIDDLE SCHOOL**. Located at **5616 BUCKEYE ROAD, MACUNGIE, PA** at which time questions will be received and answered relative to the Plan content.

The information contained in this communication is for the purpose of summarizing the Plan content and informing the Township's residents of the facts of this plan.

The Plan requirement is authorized by the Pennsylvania Sewage Facilities Act (Act 537, as amended) enacted in 1966.

The primary purpose of the plan is for the purpose for addressing existing sewage disposal problems and planning for long-term wastewater disposal needs for the entire Township.

The Township began the plan revision process in 1996 for the purpose of addressing concerns about potentially failing or malfunctioning septic systems in the area of "Vera Cruz". Over the next several years the study area was enlarged to include 13-areas of similarity which were comprised of the more concentrated built-up areas of the Township. The areas studied in detail were selected primarily by looking at properties with small lot sizes where homes were close together, which included the Township's "Village Areas".

The Township's Sewerage Enforcement Officer met with Township residents over several years and performed on-site evaluations of the existing septic systems. This information was then tabulated and the concentrations of failing systems were analyzed. To no one's surprise the combination of small size lots and concentrated homes combined with the presence of high water tables and poorly drained soils exhibited a high concentration of failures. Many of these residents expressed their frustrations with seasonal problems associated with their malfunctioning on-lot system and how they as individuals, have modified their water usage to compensate for their situation. The majority of those persons also indicated that they would correct the problem on their lot if they could.

The Township's Sewage Enforcement Officer examined various repair or on-site replacement solutions as viable alternatives to correct the observed malfunctions. It was determined that the combination of small lot size, concentrated housing, on-site wells, high water table and poor soil drainage made it impossible to correct many of these malfunctions via on-site system repair, or modification.

The above combination of limiting factors conclude that some type of public sewage collection system with off site treatment is the only viable long-term solution for wastewater disposal need for this identified area.

It should be noted that there are some areas of the Township that have small size lots without the associated problem of high water table and poor soil drainage that actually have functional or repairable malfunctioning on-lot systems.

After evaluating the Township sewerage needs in its entirety, along with the individual concentrated areas, the plan recommendations are as follows:

1. The Township should pursue the installation of public sewerage facilities to the general area of Shimerville Road and Mill Road, Vera Cruz Road, Main Road East and West, Acorn Drive to the railroad and the area of concentrated homes near the intersection of Main Road East with Brunner and Limeport Road. (The Vera Cruz Project Area)
2. The Township should pursue the extension of public sewerage facilities to the area of South 7<sup>th</sup> Street Extension and Pike Road, just south of the Emmaus Borough municipal limits. This project should be done via a planning module amendment with or without the Act 537 Plan approval.
3. Public sewer service to the Golf Circle Area will be provided in part by developer-installed extensions and / or if a future need is identified by a “public sewer project”, both cases will be addressed with applicable PA DEP *Sewage Planning Modules*.
4. At this time there is insufficient demonstration of the need for public sewerage service in other areas of the Township and therefore all areas within the Act 537 Plan’s proposed sewer servicing areas will be serviced with public facilities only when the need is demonstrated or justified.
5. The Township shall within nine (9) months of the Plan’s approval, initiate the development of an “On-lot Septic Management Program” for all properties within the Township not connected to public sewer facilities. This program will be enabled through the adoption of a “Septic Management Ordinance” that will require that all on-lot systems be periodically maintained and inspected. The primary purpose of the “Septic Management Program” is to assure proper and timely maintenance and repairs of existing on-lot septic systems to assure the long-term functionality of these systems in order to avoid the installation of a very expensive public sewer system.

### **Most frequently asked questions and / or misconceptions about the Upper Milford Township Official Sewage Facilities Plan (Act 537 Plan).**

#### **What is an Act 537 Plan?**

On January 24, 1966, the Pennsylvania Sewage Facilities Act (Act 537, as amended) was enacted to correct existing sewage disposal problems and prevent future problems.

#### **History of the Act 537 Program**

Domestic sewage and wastewater are treated and disposed of by various methods, ranging from large municipally owned sewage treatment plants to community or individual on-lot disposal systems also called “septic systems”. Malfunctioning sewage disposal systems, regardless of type, pose a serious threat to public health and the environment. They can pollute public and private drinking water sources, often by discharging directly to the groundwater, and they can expose humans and animals to various bacteria, viruses and parasites.

#### **The Major Provisions of Act 537**

All municipalities must develop and implement an official sewage plan that addresses their present and future sewage disposal needs. These plans are modified as new land development projects are proposed, or whenever a municipality’s sewage disposal needs change. Pennsylvania’s Department of Environmental Protection reviews and approves the official plans and any subsequent revisions.

## The Planning Process

Municipalities are required to develop and implement official sewage plans that: address existing sewage disposal needs or problems; account for future land development; and provide for future sewage disposal needs of the entire municipality. This document is called an "Official Plan".

"Official Plans" contain comprehensive information, including:

Population figures and projections; Drinking water supplies; Waterways, soil types and geological features; Sanitary survey results; Location, type and operational status of existing sewage facilities; Local zoning and land use designations; Estimates of the future sewage disposal needs; Identification of potential problem-solving alternatives; Cost estimates necessary to carry out those alternatives; and the selection of appropriate problem solving alternatives.

Municipalities are required to revise the "Official Plan" if a new land development project is proposed or if unanticipated conditions or circumstances arise that make the base plan inadequate.

**After Act 537 Plan approval the Municipality must then implement the recommendations of the approved plan. The recommended actions contained within the approved plan are carried out by subsequent enactment of various ordinances that authorize projects and / local municipal programs.**

### Act 537 Sewage Facilities Program Regulations

The DEP regulations that address the administration of the Act 537 planning process are found in the Title 25, Pennsylvania Code, Chapter 71. Rules for the on-lot disposal systems permitting process are found in Chapter 72 and technical standards addressing the design of on-lot disposal systems in Pennsylvania are found in Chapter 73. All three chapters are available online at <http://www.pacode.com>.

### Additional Information:

For more information, visit DEP's website at <http://www.dep.state.pa.us>, keyword: "DEP

Wastewater" or by contacting the Bureau of Water Supply and Wastewater Management, Division of Wastewater Management, 11<sup>th</sup> Floor, Rachel Carson State Office Building, PO Box 8774, Harrisburg, PA 17105-8774, (717) 787 – 8184 or by contacting your local DEP office.

**Misconception No. 1:** The Act 537 Plan will require the entire Township and all properties within the Township to eventually install and connect to expensive public sewerage systems. **NOT SO!** The plan recommends that public facilities be extended to the general area of Shimerville and Mill Road, Vera Cruz Road, Main Road East and West, Acorn Drive to the railroad and the Moyer I and II Subdivisions, (near the area of the intersection of Main Road East and Brunner Road) which includes the area known as the Village of Vera Cruz. This area consists of some of the older homes within the Township that were originally constructed on small lots, many without original internal plumbing or bathroom facilities within a general area of the Township that has a high water table and poor soil drainage (see attached Vera Cruz Project Area Map).

Public sewage facilities are being recommended at this time because this general area, through individual on-site evaluation has demonstrated a substantial failure rate along with the inability for the majority of the individual lot owners to properly and for the long term, repair their malfunctioning system within the boundary of their property.

The plan does allow for and recommend that public sewerage be extended toward the Golf Circle area of the Township as a developer installed extension of the Emmaus system and also that the area of South Seventh Street Extension and Pike Road immediately south of the Emmaus Borough limits be connected to public facilities (approximately 24-homes) through a minor planning module process.

The plan also recommends the Township establish a Septic Management Program for all properties that are not connected to a "public sewer system".

The overall goal of the Septic Management Program is to make sure that owners of on-lot septic systems regularly and routinely inspect and maintain their on-lot system and its components at a maximum interval of approximately three (3) years.

**Misconception No. 2:** The “Township” is proposing public sewer systems to allow for and to encourage “more development”!

The Board of Supervisors are responsible as elected officials, to provide for the long-term sewerage disposal needs for the community and to also, plan for the future needs of the Township. The current plan revisions and update was started in 1996 with primary attention focused on the perceived existing problem areas such as the Vera Cruz Area and other similar existing “small lot-high density areas”.

The Board of Supervisors have been pursuing a solution to the “existing problem areas” while being fully aware of the concept that public sewerage systems proliferate development.

The Township has, recently this year, adopted a Multi-Municipal Comprehensive Plan that in most locations reduces the overall development densities allowed by the previous plan (1985) and provides the framework, within the State Regulations, for maintaining the existing rural character of the Township. These goals will be implemented by updating the Township’s current Zoning Ordinances, which provide the basis of development. The Township Board of Supervisors are proposing public sewerage facilities to solve existing wastewater disposal problems, not for the purpose of encouraging additional development.

**Misconception No. 3:** Approval of the Act 537 Plan approves or guarantees that there will be a sewer project. **NOT SO!** If or when the Act 537 Plan is approved by both the Township Board of Supervisors and the PA DEP, the Township must follow procedure to authorize a project or program by way of a public approval process that is specific to the project or program. The process would involve the development of very detailed and site specific plans, costs, cost recovery methods, financing, etc., which all would be included in the ordinance that would authorize a project to go to construction. This process alone would take from 1 to 1 ½ years to complete and would include additional public meetings. The Township is currently in a position of not having the plan approved and therefore not able to pursue additional avenues of funding or funding assistance. Upon approval of the Act 537 Plan the Township will be in a position to develop detailed final plans and programs, generate very accurate

cost and financing information, and pursue all potential funding opportunities.

## **THE PROPOSED SEWER PROJECT AREA.**

### **Why is the proposed Vera Cruz public sewerage project needed?**

On-site specific inspections of existing on-lot septic systems within the proposed project area reveal that there is a high percentage rate of on-lot systems that are currently malfunctioning. Most of these systems do not now or cannot, with available technology, in the future meet the minimum requirements for an on-lot system. Some of the existing on-lot limitations for the recommended project area include, lots that are too small and have insufficient area to repair or replace their existing on-lot system, lots that are located in areas where the soils exhibit poor drainage characteristics due to a high water table (the groundwater table level is very close to the surface), some lots contain significant areas that are identified as floodplain, or the lot, or adjacent lots water source (well) precludes the installation of a repair that meets the minimum 100 feet separation distance requirement. Essentially, there is a high percentage of existing lots or properties that cannot solve their wastewater disposal needs on their own lot.

The inability to solve the wastewater disposal needs on-lot is the primary factor driving the need for public facilities.

### **Why is the proposed “Vera Cruz” project expensive?**

Project expense is directly related to the need for a large number of pipes and associated facilities and an overall low density of homes over the entire project area. The existing physical conditions, hills, streams, wetlands, roads being state roads, and The Pennsylvania Historical and Museum Commission requirements all add to the complexity of the project, which increase the total cost.

### **Why doesn’t the Township pay for the recommended sewer project?**

The elected officials, (Board of Supervisors), have the authority to spend General Funds as they determine to be in the best interest of the Community or Municipality. Generally, the Board of

Supervisors spend funds on projects that provide direct benefit to every resident such as; Library Services, Parks, Emergency Services, and road work; even though these services may not be used by every resident they are the type of service that is available to everyone. Generally, user specific services, although may be partly subsidized by the Township's General Funds, for the most part are primarily funded through the implementation of user fees. Such user-based services are like; Building Permit fees, individual park facility rentals for private groups, public sewer services, public water services, etc. Similarly, such services may not be available for use by everyone and for the most part, provide a primary benefit or value to the user.

The Township has authorized and implemented several public sewer projects in the past and the residents, who were the users or beneficiaries of the project, have paid for said benefit or improvement. The Township has in the past paid for roadway related expenses or improvements as a method of subsidizing a sewer project with General Township Funds.

Individuals, that implement permitted on-lot septic system repairs to solve their wastewater disposal needs do so at their own expense and responsibility with the realization that they will not be subsidized by the other Township Residents.

**I or we, have already paid to install an expensive sewer project throughout our neighborhood. Will we get a rebate on what we already paid, if the new project connects to "our" pipes?**

No, there will be no direct rebate back to the property owners that paid for the sewer project. However, tapping fees on an Equivalent Dwelling Unit (EDU) basis will be collected from the new project, these tapping fees will be utilized to reduce the principal balance of the monies borrowed to construct the project. If enough new tapping fees were collected the on-going annual user charges would be reduced.

**If my property is in the recommended project area, must I connect if I have a functioning on-lot septic system?**

The financial analysis presented in the Act 537 Plan assumes that all properties within the Project Area will be required to connect. However,

connection requirements, costs, cost recovery methods, etc. will be finalized at a later date upon approval of the project authorization ordinance. The Board of Supervisors has the authority to set exemption limits if they determine the need to do so. The minimum exemption distance could be limited to wastewater generating facilities greater than 150 feet from the public facilities. The drawback is that for every EDU exempted \$16,850 in project revenue is lost, which would need to be recovered from those properties remaining in the project by increasing the tapping fees, or the on-going user charges.

**Will current customers of the Upper Milford Township public sewer system operated by LCA be required to pay additional fees or higher rates to supplement the "Vera Cruz" project?**

There are no plans to levy additional fees or to increase the existing user rates to subsidize the "Vera Cruz" project. Final costs, cost recovery methods and project authorization will be developed during the project authorization ordinance.

**Why didn't PennDOT pave Main Road East and West from Limeport Road to the Turnpike Bridge at the Citizen's Fire Company?**

The area not paved was intentionally left out of the current paving schedule and moved to the July 2007 to June 2008 paving program, at the request of the Township. PennDOT has indicated, that if the Township can have the pipes in place in the area of Main Roads East and West by July 2007, that PennDOT will pave the roadway at no additional expense to the project (a value of approximately \$120,000 or approximately \$425 per property within the project area). If the Township doesn't have the pipes in place by July 2007 it will be an added cost to the project and the roadway paving will need to be included in the project.

**Affordability and Financial Impacts:**

Many questions have been asked about the costs to individuals, the costs to current public sewer system customers, and the costs to the Township's residents who will not be getting public sewers to their residences. How will an owner be able to afford this project? What type of financial assistance or grants will be available? Must I connect now or can I wait until my existing

functioning system goes bad? The concern of individual owners of large properties with several environmental limitations that would preclude further development with projections of high assessments? What happens if interest rates continue to increase? What about the “sky rocketing” costs of construction and materials?

These questions are all very important and of great concern to everyone.

Although the Township and its consultants have developed preliminary estimates for the general “Vera Cruz” project area, the details must be further refined through extensive engineering design and additional field work in order to determine the final project limits, where the pipes will be physically located, how deep, size, etc. This work logically takes place after the Act 537 Plan is approved. The detailed design will evaluate low-pressure (all properties have an individual pump) systems, gravity flow with several large capacity pumping stations and a possible combination of low-pressure gravity and pumping stations. The detail design will allow the Township and its consultants to evaluate the most economical method of providing a long-term solution for wastewater disposal for this area of the Township.

At a point when the engineering details and options are available, costs will be refined and the Township and its consultants will be in a position to develop final cost projections which would allow the Township to authorize the project and specify the cost recovery methods.

It is also, at that time when the final cost assessments, connection and tapping fees and various schemes for financing will be developed and proposed to the residents impacted by the project. In so much, as we do not know if existing grant programs will be continued or if new grant program opportunities will be available or what interest rates may be at the time of construction, we do know that the majority of grant opportunities become available when the project goes to construction or when the owner qualifies himself/herself for grant funds at the time they must connect to the public facilities.

The final project level financial details will be developed after the Act 537 Plan is approved but prior to a project being constructed.

## **VERA CRUZ PROJECT INFORMATION – (A Summary of a Previous Mailing)**

**The “Vera Cruz” Project Area:** The proposed project will provide sewer service to 251 properties in the Village of Vera Cruz and adjacent areas including properties within the address ranges listed below:

5220-5329 Acorn Drive / All of Barney Avenue  
All of Bow Lane / 2641-2784 Brunner Road  
2462-2540 Chock Road / All of Jarvis Drive  
5161-5251 Limeport Road  
2795-3851 Main Road East  
3883-4093 Main Road West  
All of Marion Place / 4031-4391 Mill Road  
3471-3501 Quarry Drive  
4102-4287 Shimerville Road / All of Sickle Circle  
5123 - 5311 Sickle Road / All of Spruce Road  
4521-5501 Vera Cruz Road

(It should be noted that the final area is subject to be a few properties more or less determined by final detailed design.) A map of the project area is attached for your reference.

This preliminary project area was determined after careful consideration of many alternatives to meet the sewerage needs of this area, including a variety of routes for the sewer system, the use of a gravity system vs. pump stations, constructing a small, local wastewater treatment Plant vs. connecting into the regional system, or doing nothing at all. This proposed project includes providing sewer service to the Vera Cruz area of Leibert’s Creek Basin and connecting to Lehigh County Authority’s (LCA) existing facilities in the area of Route 29 for transmission into the regional sewer system and final treatment at the City of Allentown’s Wastewater Treatment Plant. The project will utilize a combination of gravity and pump stations or low-pressure system to transfer waste into the LCA system.

This project was determined to be the best alternative for the Township because it will address the high concentration of failing septic systems in the Project Area. Nearly 85 % of the homes in the project area were determined to have confirmed, suspected or potential malfunctioning septic systems, according to an analysis based on Pennsylvania’s Department of Environmental Protection (PA DEP) criteria. This proposed project would take advantage of the regional sewer system

and treatment plant already in place, thereby avoiding the high cost of constructing and operating a separate treatment plant in the Township.

In accordance with the Second Class Township Code, all properties that are adjoining or adjacent to the sanitary sewer, or whose principal building is within 150' (feet) of the sanitary sewer, will be required to connect.

**Project Costs and Impacts on Residents:**

The estimated total project cost is \$7,245,000. This is due to the length of pipe (more than six miles), the two pump stations required for this project, restoration of PennDOT roadways, as well as the required precautions that must be taken to preserve historically significant archaeological resources in the project area.

To help pay for this project, the Township will allocate \$924,000 from an EPA Grant received previously for sewer projects. LCA is also contributing \$310,000 to the project. Both Township and LCA Officials are applying for additional grants and loans to help pay for this project, and will continue to seek ways to reduce the cost to residents.

Property Assessment: Property values are expected to increase in this area because this project will solve a major environmental problem in the Township and provide for a much-needed public service. Therefore, the Property Assessment fee is based on the estimated increase in the assessed value of your property based on the availability of public sewer service. The fee will vary from \$40 to \$18,000. The average fee will be \$1,100. All properties within the project area, except those exempted by law will pay an assessment fee.

Equivalent Dwelling Unit Charges (Tapping Fees): An Equivalent Dwelling Unit (EDU) is a single residential unit such as a single-family home or one apartment. Businesses will be assigned multiple EDUs based on their usage. The EDU Charges (also called Tapping Fees) are based on the appropriate share per EDU of the cost to treat the wastewater at Allentown's Treatment Plant, the facility cost to transmit the wastewater through LCA's regional system, and the cost of the project itself. The total per-EDU Charge will be \$3,250. This means that a single-family home (1 EDU)

would pay \$3,250; a single-family home with attached rental unit (2 EDUs) would pay \$6,500; and a three-unit apartment building (3 EDUs) would pay \$9,750. All properties required to connect will pay these fees.

Private Plumbing Connection Costs: Property owners will be responsible for making the physical connection from their property to the public sewer system as well as other required plumbing modifications. These private plumbing costs are estimated between \$3,000 and \$5,000, with the typical property being approximately \$3,500.

In Summary: the one-time, upfront costs to individual property owners is calculated to be:

Property Assessment	\$1,100 (average)
EDU Charges (Tapping Fees)	\$3,250 (1 EDU)
Private Plumbing Costs	\$3,500 (typical)
<hr/>	
<b>Total Upfront Cost</b>	<b>\$7,850 (average)</b>

**Ongoing Sewer Rates:** The upfront costs outlined above will significantly offset the project costs. However, remaining project costs must be recovered through the sewer billing rates, which will be calculated on a per-EDU basis.

The sewer rates will be composed of two parts:

- Upper Milford Township Sewer Rate – currently \$451 per year
- Vera Cruz Project Surcharge – estimated at \$927 per year (for approximately 20-years)

This combined rate comes to a total of \$1,378 per EDU per year (or \$115 per month).

These estimated sewer rates will be reduced if additional funding becomes available through grants or other sources that the Township and LCA are currently pursuing.

**Project Schedule:** Following the Township's approval of the Act 537 Plan, PA DEP will review the Plan for approval. Once the Plan is approved, the Vera Cruz project must then be authorized by the Township's Board of Supervisors, and additional public meetings will be held to review a more detailed project analysis at that time. Should all of these steps be successful, then system construction is estimated to begin in early 2007.

**SPECIAL MEETING:**

**Date:**

September 29<sup>th</sup>, 2005

**Time:**

7:00 p.m.

**Place:**

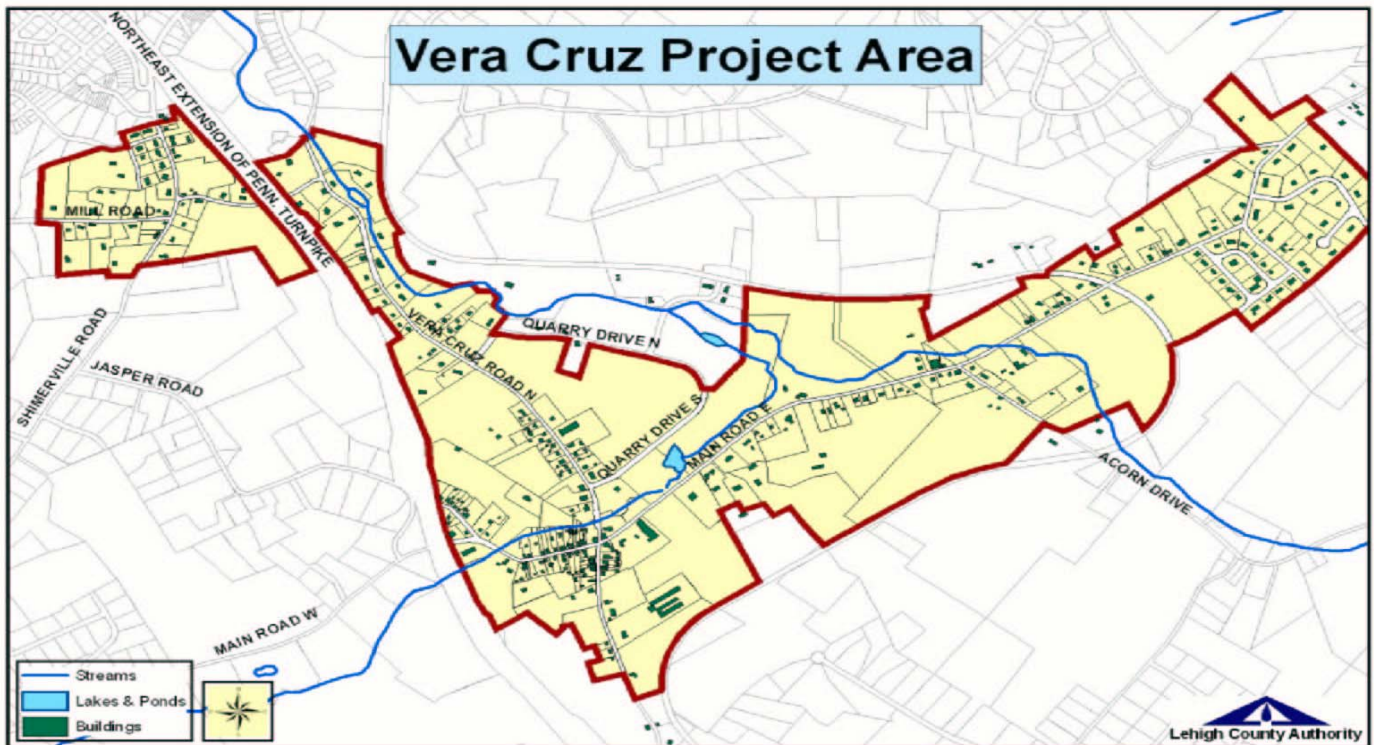
Eyer Middle School  
Auditorium  
5616 Buckeye Road  
Macungie, PA

**Presented By:**

Upper Milford Township  
Board of Supervisors

**IMPORTANT INFORMATION FOR UPPER MILFORD TOWNSHIP RESIDENTS.**

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The complete Act 537 Plan can be viewed on-line at <http://www.uppermilford.net> click on Act 537 Plan.