

BOROUGH OF WESTMONT

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Sewer Customer Newsletter

The Commonwealth of Pennsylvania, Department of Environmental Protection, which enforces the Clean Streams Law and Sewage Facilities Act, has mandated that the Borough of Westmont eliminate all storm and surface water (Inflow and Infiltration) from its Sanitary Sewer System which has been causing Sanitary Sewage Overflows. The Borough of Westmont, in an attempt to mitigate fines and penalties, entered into a Consent Order and Agreement with the Department of Environment Protection on December 9, 2014.

- It is an unfunded mandate which required the Borough to adopt Rules and Regulations on or before June 30, 2021, requiring “pressure testing or televising of all private sewer laterals and the remediation, repair and/or replacement of all private sewer laterals which fail to pass televising or pressure testing.” CCTV inspections are now permitted.
- However, the Consent Order and Agreement also required the Borough to adopt and diligently enforce an Ordinance requiring “pressure testing or televising of all private sewer laterals upon the sale or transfer of any interest in real property within Borough by no later than March 9, 2015.” In fact, the Borough adopted the required Ordinance but deferred enforcement until May 1, 2015. Highland Sewer & Water Authority, Jackson/East Taylor Sewer Authority, Pegasus Sewer Authority, Upper Yoder Township Authority, Brownstown Borough, Dale Borough, East Conemaugh Borough, Franklin Borough and Westmont Borough require all private Building Drain and Building Sewer lines to be tested to the public system.
- In addition, the Consent Order and Agreement required the Borough to submit, on or before June 30, 2015, an abatement plan and schedule to eliminate Sanitary Sewer Overflows within the municipal system and to reduce its combined flows to the Johnstown Redevelopment Authority Sanitary Sewer System and Treatment Plant.
- The compliance deadline is June 30, 2021, for flow reduction to no more than 625 gallons per day, per Equivalent Dwelling Unit (or, in common terms, no more than 2 ½ times what metered family water consumption equals). Currently, the Borough is experiencing ten to twelve times in excess of permissible flows and is currently paying \$1,000 per month for every month a Sanitary Sewer Overflow occurs.
- After June 30, 2021, the fines shall increase to \$10,000 per month. Additional remedies include anything available for violation of the Consent Order and Agreement of the Department of Environmental Protection. Furthermore, between now and June 30, 2021, in the event the Borough fails to comply in a timely manner with the terms of

the Consent Order and Agreement, the Borough shall be in violation of the Consent Order and, in addition with the applicable remedies, shall pay an additional civil penalty of \$500 per day for each violation.

The Borough Council, based on the size and complexity of the system, has determined that it is in the best interests of the Borough to comply with the law in every respect and to avoid unnecessary payment of penalty and interest or subject the Borough to injunctive relief.

The Borough Council has explored every viable option to a reasonable degree of engineering standards and certainty, and is committed to complying with the terms of the Consent Order and Agreement for customer compliance. The Borough Council and Mayor understand that it is a hardship on every customer and homeowner, but compliance is the only option. Currently, the abatement plan calls for the Borough to rehabilitate 27 miles of sewer mains, including extending the public system to the property lines, the installation of 2,100 viewports and the repair or replacement of 787 manholes. Prior to the adoption of the Rules and Regulations, the customer was responsible for the lines to the sewer main. Phases I and II are estimated to cost \$16,000,000. Assuming that the Contractors' Bids come within budget, the debt retirement will be approximately \$850,000 per year for 20 years.

Your sewer rates have already been doubled and will be increased again to accommodate Phase II. Borough Council and the Mayor have also explored extending the public system to within five feet of the outside wall of the serviced property. That cost was estimated to be an additional \$14,000,000, for an additional \$800,000 per year for 20 years of debt retirement, or the equivalent of a 60% increase in your real estate tax levy. Borough Council and the Mayor have determined that it would be inherently unfair. The Borough would have to comply with Federal and State laws on prevailing wages, essentially costing the collective customer and taxpayer base double to triple what private contractors could accomplish by way of Building Drain and Building Sewer rehabilitation. Further, scores of serviced properties are already compliant, and the sewer rates and burden would negatively impact living affordably and property marketability within Westmont Borough. The award of grants is afforded to lower median income municipalities. Westmont Borough has the highest median income in the area. This approach does not work in large municipal systems which do not qualify for project grants. The estimated time of the Phase I and Phase II projects, from the time that bids are awarded, is 24 to 36 months.

November 4, 2015