IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA and COMMONWEALTH OF PENNSYLVANIA, Plaintiffs, v. BRISTOL TOWNSHIP, Defendant.	)	Civil Action No.

NOTICE OF LODGING OF PROPOSED CONSENT DECREE

The United States is lodging with the Court, pending public comment, a proposed Consent Decree, a copy of which is attached hereto as Exhibit 1. The proposed Consent Decree is between the United States, the Commonwealth of Pennsylvania, and Defendant Bristol Township.

The proposed Consent Decree relates to the operation of the publicly owned treatment works in Bristol Township, PA and obligates the Township to implement a series of immediate reforms, repairs and upgrades to more accurately assess the function of its collection system. With these tools, the consent decree requires the Township to perform a wide variety of short-, medium-, and long-term studies to assess what additional capital improvements will be required. Once these studies are reviewed and approved by EPA and the Pennsylvania Department of Environmental Protection (PADEP), the consent decree requires that the capital improvements be completed in accordance with schedules that it establishes. The consent decree also obligates the Township to pay a civil penalty of $226,000 and establishes a sliding scale of stipulated

penalties in case Bristol does not come into compliance with the conditions of its permit.

The United States respectfully requests that the Court neither approve nor enter the proposed Consent Decree at this time. Rather, Notice of the Lodging of the proposed Consent Decree will be published in the Federal Register, following which the United States Department of Justice may receive public comments on the proposed Consent Decree. At the conclusion of the comment period, the United States will file with the Court any comments received, as well as responses to the comments, and will, if appropriate at that time, file a Motion to Enter the Consent Decree requesting the Court to approve and enter the Consent Decree.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of September 2010 that I served by first class mail the Civil Cover Sheet, Complaint (Waiver of Service of Summons to follow) and Notice of Lodging of Proposed Consent Decree, to the following:

Russ Sacco, Esquire
53 South Main Street
Yardley, PA 19067
215-321-0300 (phone)
215-321-9336 (fax)

PAUL W. KAUFMAN
Assistant United States Attorney

Exhibit 1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA and COMMONWEALTH OF PENNSYLVANIA,	)	
Plaintiffs,	)	Civil Action No.
v.	)	
BRISTOL TOWNSHIP,	)	
Defendant	)	

CONSENT DECREE

WHEREAS, Plaintiff, the United States of America ("United States"), by the authority of the Attorney General of the United States and through its undersigned counsel, acting at the request and on behalf of the Administrator of the United States Environmental Protection Agency ("EPA"), and co-Plaintiff, the Commonwealth of Pennsylvania Department of Environmental Protection ("Commonwealth," "PADEP," or "Department") acting at the request and on behalf of the Secretary of PADEP have filed the Complaint in this action seeking injunctive relief and civil penalties pursuant to Section 309 of the Clean Water Act, 33 U.S.C. § 1319 ("Clean Water Act" or "CWA"), naming as Defendant, Bristol Township (hereinafter referred to as "Defendant" or "Bristol" or "Township" or "Bristol Township") for Defendant's alleged violations of the federal Clean Water Act, 33 U.S.C. §§ 1251-1387, and the Pennsylvania Clean Streams Law, Act of June 22, 1937, P.S. 1987, *as amended,* 35 P.S. §§ 691.1-691.1001 ("the Clean Streams Law");

WHEREAS, the Defendant owns and operates a sanitary sewer collection system and wastewater treatment plant that serves the citizens of Bristol Township;

WHEREAS, pursuant to Section 402 of the Act, 33 U.S.C. § 1342, EPA has authorized the Commonwealth to administer the National Pollutant Discharge Elimination System ("NPDES") in Pennsylvania;

WHEREAS, the Department has issued an NPDES permit to Bristol Township authorizing the discharge of treated effluent from the Defendant's wastewater treatment plant;

WHEREAS, the United States alleges that Defendant has violated and continues to violate Sections 301 and 307 of the Clean Water Act, 33 U.S.C. §§ 1311 and 1317, by discharging pollutants exceeding various effluent limitations and conditions set forth in Defendant's NPDES permit as well as violating the requirements of the federally approved pretreatment program;

WHEREAS, the United States alleges that Defendant has violated Section 301 of the CWA, 33 U.S.C. § 1311, with the occurrence of unpermitted discharges from sanitary sewer overflows ("SSOs"), including unpermitted discharges on September 30, 2004 and December 30, 2006;

WHEREAS, the Department alleges that Defendant has violated and continues to violate Sections 201 and 202 of the Clean Streams Law, 35 P.S. §§ 691.201 and 691.202 by discharging pollutants exceeding various effluent limitations and conditions set forth in Defendant's NPDES permit;

WHEREAS, the Department is the agency with the duty and authority to administer and enforce the Clean Streams Law, and Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, as amended, 71 P.S. § 510.17 ("Administrative Code") and the rules and regulations promulgated thereunder;

WHEREAS, Bristol Township exists under the laws of the Commonwealth of Pennsylvania with its office located in Bristol Township, Bucks County. The mailing address of

that office is 2501 Bath Road, Bristol, PA 19007. The Township is considered a "municipality" as that term is defined in Section 1 of the Clean Streams Law;

WHEREAS, the Commonwealth alleges that Defendant has violated the Clean Streams Law, 35 P.S. 691.401, with the occurrence of unpermitted discharges from SSOs, including those that occurred on December 30, 2006 and July 20, 2007;

WHEREAS, the United States and Commonwealth allege that Defendant has violated its NPDES permit by failing to submit accurate discharge monitoring reports;

WHEREAS, the United States and Commonwealth allege that Defendant has violated its NPDES permit by failing to properly operate and maintain the Publicly Owned Treatment Works ("POTW");

WHEREAS, the Parties have negotiated in good faith and have reached a settlement of the issues raised in the Complaint;

WHEREAS, the Parties agree, and the Court finds, that settlement of the claims alleged in the Complaint without further litigation or trial of any issues is fair, reasonable and in the public interest and that the Lodging of this Consent Decree is the most appropriate way of resolving the claims alleged in the Complaint.

NOW THEREFORE, it is hereby ORDERED, ADJUDGED and DECREED as follows:

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I. JURISDICTION AND VENUE

1. This Court has jurisdiction over the subject matter of this action and over the Parties to this action pursuant to Section 309(b) of the Clean Water Act, 33 U.S.C. § 1319(b), and 28 U.S.C. § 1331. The Complaint states claims upon which relief may be granted against the Defendant for injunctive relief and civil penalties under Section 309 of the Clean Water Act, 33 U.S.C. § 1319, and Sections 601 and 605 of the Clean Streams Law, 35 P.S. §§ 691.601 & 691.605. Venue is proper in this District pursuant to Section 309(b) of the Clean Water Act, 33 U.S.C. § 1319(b), and 28 U.S.C. §§ 1391(b) and 1395(a). Defendant waives any and all objections or defenses that it might have to the Court's jurisdiction to enter and enforce this Consent Decree or to venue in this District.

II. BINDING EFFECT

2. The provisions of this Consent Decree shall apply to and be binding on the United States and the Commonwealth, and on Bristol Township, its agents, successors, and assigns.

3. Within thirty (30) days from the Date of Lodging of this Consent Decree until its termination, Defendant shall give written notice of and provide a copy of this Consent Decree to any person or entity to whom Defendant may transfer ownership or operation of any portion of Waste Water Treatment Plant ("WWTP") and/or Collection System. The Defendant shall notify EPA, the Department and the United States Department of Justice in writing of any successor in interest at least twenty-one (21) days prior to any such transfer. No transfer of ownership or operation of the POTW and/or Collection System shall relieve Defendant of its obligations to ensure that the terms of this Consent Decree are implemented.

4. Defendant shall be solely responsible for ensuring that performance of the work contemplated under this Consent Decree is undertaken in accordance with the deadlines and requirements contained in this Consent Decree, and any exhibits hereto. Any action taken by

any contractor or consultant retained to implement Defendant's duties under this Consent Decree shall be considered an action of Defendant for purposes of determining compliance with this Consent Decree. In an action to enforce this Consent Decree, Defendant shall not assert as a defense against the United States, EPA or the Department any act or failure to act by any of its officers, council members, managers, commissioners, employees, agents, contractors, successors and assigns; however, this Consent Decree shall not limit Defendant's right to take all appropriate action against any person or entity that causes or contributes to Defendant's failure to perform.

III. PURPOSE

5. The express purpose of the Parties entering into this Consent Decree is for Defendant to take all measures necessary to comply with the Clean Water Act and the regulations promulgated thereunder, and the Clean Streams Law and the regulations promulgated thereunder, to ensure compliance with Defendant's NPDES permit limitations and requirements, proper operation and maintenance of the WWTP and the collection system, and effective implementation of Defendant's Pretreatment Program.

IV. DEFINITIONS

6. Unless otherwise defined herein, the terms used in this Consent Decree will have the meaning given to those terms in the Clean Water Act, 33 U.S.C. §§ 1251-1387, and the regulations promulgated thereunder or, if not defined in the Clean Water Act or its regulations, then as defined in the Clean Streams Law, 35 P.S. §§ 691.1-691.1001, and the regulations promulgated thereunder. Any other words shall be given their ordinary meaning.

The following terms used in this Consent Decree, its appendices, and studies and plans submitted by Defendant and approved by EPA and the Department will be defined as follows:

(a) "Act 537" shall mean the Pennsylvania Sewage Facilities Act, 35 P.S. §§ 750.1, *et seq.*, and "537 Plan" shall mean a municipality's Official Plan Revision as defined in the Pennsylvania Sewage Facilities Act.

(b) "Annual Report" shall mean the report submitted by Defendant, including, but not limited to, the Chapter 94 report, defined below, on or before March 31 of each calendar year pursuant to Section VI, Paragraph 41 of this Consent Decree.

(c) "Bypass" shall mean the intentional diversion of wastewater either at or after the headworks of the plant.

(d) "Chapter 94 Report" shall mean the annual report required by Section 94.12 of the Pennsylvania Code, Title 25, Chapter 94, Municipal Wasteload Management.

(e) "CAP" shall mean a Corrective Action Plan as defined in the Pennsylvania Code, Title 25, Chapter 94, Municipal Wasteload Management and shall include any additional requirements imposed by this Consent Decree.

(f) "CMP" shall mean a Connection Management Plan, which is that portion of a CAP defined in Chapter 94, Section 94.21(a)(3), as "limitations on and a program for control of new connections to the overloaded sewerage facilities and a schedule showing the dates each step toward compliance with Section 94.21(a)(2) shall be completed."

(g) "Collection System Components" shall mean those components of the Sanitary System Collection System, described below, and specifically including all pipes, force mains, gravity lines, pump stations, sanitary sewer lines, lift stations, manholes and their respective related appurtenances, owned, operated or maintained by Bristol Township.

(h) "Construction Completion" of a construction project under Paragraph 26 or a rehabilitation or other corrective action project proposed under Paragraph 26 shall mean the point in time the new, modified, or rehabilitated facilities are functioning.

(i) "Date of Lodging" shall mean the date on which the Consent Decree is lodged with the United States District Court for the Eastern District of Pennsylvania.

(j) "Day" or "days" shall mean a calendar day or calendar days. When the day a report or other deliverable is due under this Consent Decree falls on a Saturday, Sunday or any Federal, Commonwealth of Pennsylvania or Defendant's legal holiday, Defendant shall have until the next calendar day that is not one of the aforementioned days for submittal of such report or other deliverable, with the exception of Rainfall and Flow Monitoring reports required by Paragraph 19.h.4 of this Consent Decree.

(k) "Department of Justice or DOJ" shall mean the United States Department of Justice and any successor departments or agencies of the United States government.

(l) "Discharge" shall mean a spill, release or diversion of sewage.

(m) "Force main" shall mean any pipe that receives and conveys wastewater from the discharge side of a pump. A force main is intended to convey wastewater under pressure.

(n) "Industrial User" shall mean a source of indirect discharge, including any Significant Industrial User.

(o) "Infiltration" shall mean water, other than Sewage, that enters a sewer system through structural or mechanical defects in the system.

(p) "Inflow" shall mean water, other than Sewage or Infiltration, that enters a sewer system from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, French drains, foundation drains, streams, springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, storm water, surface runoff, street wash waters or drainage.

(q) "Information Management System" or "IMS" shall mean the system utilized, in accordance with Paragraph 12 of the Remedial Measures Section (Section V) of this Consent Decree, to track Sanitary Sewer Overflows, to identify known existing and potential sources of Sanitary Sewer Overflows and to maintain and manage the information necessary to operate and maintain Bristol's Collection System to eliminate existing Sanitary Sewer Overflows and avoid future Sanitary Sewer Overflows. The Information Management System shall consist of a

maintenance management system or systems, a Geographic Information System ("GIS") or the functional equivalent, and a Pretreatment Data Management System Plan.

(r) "Maintenance Management System" shall mean the computer system that Bristol shall develop and utilize in accordance with Paragraph 12 of the Remedial Measures Section of this Consent Decree (Section V) to collect information regarding the operation, maintenance and performance of the Collection System, including maintenance history, repair history, and the status of the maintenance work to be implemented and completed under the Consent Decree, and the publicly owned treatment works.

(s) "NPDES Permit" or "Permit" shall mean the currently effective NPDES permit No. PA-0026450 originally issued to Defendant on January 10, 2002, amended on May 17, 2004, effective June 1, 2004 and which was renewed and later became effective on November 1, 2007. The permit authorized the discharge of treated effluent and set forth requirements regarding the operation and maintenance of the Facility and Collection System as well as effective implementation of the pretreatment program.

(t) "Operation and Maintenance Plan" shall mean the plan that Bristol shall develop and submit in accordance with the requirements contained in Paragraph 16 of the Remedial Measures Section (Section V) of this Consent Decree to respond adequately to the occurrence of Sanitary Sewer Discharges in its Collection System to protect human health and welfare.

(u) "Parties" shall mean the United States of America, the Commonwealth of Pennsylvania and Defendant.

(v) "Pennsylvania Department of Environmental Protection" or "PADEP" or the "Department" shall mean the Pennsylvania Department of Environmental Protection and any successor departments or agencies of the Commonwealth of Pennsylvania.

(w) "Plant" or "Facility" shall mean the publicly owned treatment works (POTW) located at 1800 River Road, Croydon, PA 19021, owned and operated by Bristol Township. This Facility provides wastewater treatment service for a portion of Bristol Township.

(x) "Pollution" shall mean contamination of any waters such as will create or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, municipal, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life, including but not limited to such contamination by alteration of the physical, chemical or biological properties of such waters, or change in temperature, taste, color or odor thereof, or the discharge of any liquid, gaseous, radioactive, solid or other substances into such waters.

(y) "Pretreatment Data Management System" shall mean a computerized system developed in order to achieve and maintain full and complete compliance with the pretreatment requirements set forth in Defendant's approved pretreatment program, Defendant's NPDES permit, the CWA and the implementing regulations promulgated thereto.

(z) "Pretreatment Program" shall mean the currently approved and effective pretreatment program of Bristol Township developed in accordance with 40 C.F.R. Part 403.

(aa) "Preventive Maintenance" shall mean any inspection, condition, assessment, equipment and/or facility servicing, cleaning, upgrading, or other similar activity undertaken to help and/or maintain the components and/or the operation of the Collection System.

(bb) "Pump Station" shall mean facilities comprised of pumps which lift wastewater to a higher hydraulic elevation, including all related electrical, mechanical, and structural systems necessary to the operation of that pump station.

(cc) "Sanitary Sewer Discharge" or "SSD" shall mean any Discharge (as defined above) from Bristol's Collection System through a point source not specified in any NPDES permit to "Waters of the United States," and/or "Waters of the Commonwealth."

(dd) "Sanitary Sewer Overflows" or "SSOs" shall mean any Discharge from the Collection System, including, but not limited to, any SSDs.

(ee) "Sanitary Sewer Collection System" or "Collection System" shall mean the collection and transmission system (including all pipes, force mains, sanitary sewer lines, lift

stations, pump stations, manholes, and appurtenances thereto, owned by Defendant and designed to convey only sewage, and not storm water, from residences, commercial buildings, industrial plants and institutions for treatment at Defendant's wastewater treatment plants, including portions of the system added after the Date of Lodging of the Consent Decree.

(ff) "Sewage" shall mean 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 substances 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 Clean Water Act or the Clean Streams Law.

(gg) "Significant Industrial User" has the meaning as set forth in 40 C.F.R. § 403.4(t) and as used in Defendant's current approved pretreatment program. The regulatory definition of 403.4(t) shall control in the case of any conflict.

(hh) "Table of Deliverables", attached hereto as Appendix "F" is a list of deliverables, along with their due dates, under the Consent Decree.

(ii) "United States" shall mean the United States of America, acting on behalf of EPA.

(jj) "WQM Permit" shall mean a Water Quality Management Permit, aka Part II Permit, aka Clean Streams Law Permit for the construction and operation of the wastewater sewerage facilities. WQM permits are required for treatment plants, pumping stations, force mains, interceptors, and large collection systems.

(kk) "Waters of the Commonwealth" shall mean the "Waters of the Commonwealth" of Pennsylvania, as that term is defined in the Clean Streams Law.

(ll) "Waters of the United States" shall mean the "waters of the United States" as that term is defined in 40 C.F.R. section 122.22.

V. REMEDIAL MEASURES

A. GENERAL DUTIES

7. Duty to Comply with Permit At all times Defendant shall comply with all terms, conditions and requirements of the currently effective NPDES Permit, including the effluent limitations and with the Clean Water Act and the regulations promulgated thereunder. Discharges of pollutants from the Facility or Collection System are prohibited except as authorized by the NPDES permit. In addition, Bristol shall eliminate SSOs and SSDs from the Collection System through development and implementation of the measures set forth in Paragraphs 11 through 32, below.

8. Operation and Maintenance of the Facility Defendant shall at all times maintain in good working order and properly operate and maintain the Facility, Collection System, Pump Stations and laboratory (including appropriate lab controls and quality assurance procedures).

9. Reports and Deliverables All plans, reports or other deliverables required under the terms of this Consent Decree shall be submitted to both EPA and the Department for review and approval. All plans and schedules submitted to and approved by EPA and the Department pursuant to this subsection shall be incorporated into and become enforceable under this Consent Decree.

10. Relationship between Federal and State Deliverables Plaintiffs and Defendant agree that any plans, reports, and/or other deliverables required to be submitted under any Section of this Consent Decree may also be submitted or combined with any reports or plans required solely by the Department under the Department's Chapter 94 and/or Act 537 requirements. Notwithstanding the above, this Consent Decree shall not excuse Defendant from meeting any deadlines, schedules and requirements pursuant to Act 537 and Chapter 94 of the Pennsylvania Code.

B. **INTERIM COMPLIANCE – PLAN OF ACTION ("POA")**

11. Within one hundred and eighty (180) days of the Date of Lodging of this Consent Decree, Defendant shall submit to EPA and the Department all deliverables required under the POA as set forth in this section and in Section V.C. – V. G., below. Defendant shall implement the specific requirements of the POA according to the schedule developed therein. The EPA and the Department will have 120 days in which to review this submission and respond to it, which time period will be incorporated into the deliverables and the POA. In the event that the Department or the EPA fails to respond within 120 days and that failure is not due to the incompleteness of the Township's submission, the Township will be entitled to an extension of time for each affected obligation described in the deliverables and the POA equal to the amount by which the Department or the EPA exceeded 120 days. Upon approval by EPA and the Department of the POA, all requirements and schedules detailed therein and provided thereunder shall be enforceable under this Consent Decree. The following elements of the POA are required to be submitted to EPA and the Department:

12. Information Management System Plan

a. Defendant shall submit to the EPA and the Department a plan for development of an Information Management System. Defendant shall continue to populate the attributes of the IMS as data is collected through the SSES on a schedule detailed in said plan. Within one year of the date of lodging, Defendant shall generate 11 x 17 inch GIS maps of each sewer service area tributary to the Defendant's pump stations. The maps should illustrate the existing attributes in the Defendant's GIS system, and should illustrate all intermunicipal connections. In populating these attributes, Defendant may rely upon design data. However, within this one year period, Defendant will verify the accuracy ("ground truth") of at least 10% of the area depicted on the map through physical inspection of the items depicted therein and shall report to the EPA and the Department on the results of this verification process. The EPA and the Department may, in their sole discretion based on the results of this verification process,

insist that the Defendant physically verify the accuracy of all structures and elements depicted on the GIS system within eighteen (18) months of such decision being transmitted to Defendant in writing.

b. At a minimum, the plan submitted as part of the POA shall include a schedule providing for the population of the following attributes:

1. SSOs

2. SSDs

3. A Maintenance Management System ("MMS") designed to manage and track all Maintenance activities, including but not limited to scheduled preventive and predictive maintenance tasks, as well as emergency (reactive) maintenance tasks. The MMS shall track both assigned and completion dates of maintenance tasks.

4. All Collection System components, private and public, including any public components owned by other municipal entities or authorities.

5. Attribute data for Sewer Segments including:

a. Date of installation (if available);

b. Pipe length;

c. Age;

d. Inverts at manholes;

e. Slope;

f. Flow Direction;

g. Diameter (dimensions if not cylindrical);

h. Type (e.g. gravity or pressure);

i. Material (if available);

j. Nominal capacity (i.e. Manning) design;

k. Geographical location; and

l. Interconnections with other municipalities and authorities.

6. Display attribute data for structures including:

a. Structure type (e.g. siphon, manhole, junction box, force main, air relief valve);

b. Invert elevation;

c. Geographic location; and

d. Age.

Defendant shall certify that it has developed an IMS that is adequate to track SSOs and SSDs, to identify known existing and potential sources of SSOs and SSDs and to maintain and manage the information necessary to operate and maintain Defendant's Collection System to eliminate SSOs and SSDs and avoid future SSOs and SSDs. Upon implementation of the IMS, Defendant shall certify by letter to EPA and the Department that the IMS is fully functioning. Defendant shall report on its progress toward compliance in the Annual Report required pursuant to Paragraph 41of this Consent Decree.

13. Supervisory Control and Data Acquisition ("SCADA") system

a. Defendant shall develop and implement a plan for a SCADA system consisting of an electronic monitoring system for the monitoring and control of the Facility and Collection System. At a minimum, the SCADA system shall provide for monitoring influent or effluent flow metering data and alarms at all pump stations, influent and effluent flow metering at the Facility, and treatment unit processes at the Facility. The schedule shall provide for installation of the SCADA system in accordance with the following:

1. Within one year of the Date of Lodging, install SCADA (including Facility control panel and telemetry) at four pump stations chosen by the Defendant based upon the Defendant's engineers' assessment of performance and reliability of all of the pumping stations in Defendant's system.

2. Within two years of the Date of Lodging, install SCADA (including telemetry and interface with the Facility control panel) at four additional pump stations chosen by the Defendant based upon the Defendant's engineers' assessment of performance and reliability of all of the pumping stations in Defendant's system.

3. Install SCADA (telemetry and interface with Facility control panel) at the remaining pump stations in accordance with the Plan of Action (V.B.11.) and the Capital Improvement Plan (V.D.25.) schedules or within three years of the Date of Lodging, whichever occurs sooner.

4. Defendant's engineers determine the stations at which the SCADA will be installed based solely on the performance and reliability of the existing stations. Defendant's engineers shall not consider cost in making this determination.

5. Within eighteen months of the Date of Lodging, install SCADA (including telemetry and interface with Facility control panel) for monitoring sludge handling units at the Facility (sludge levels within the digesters, sludge blankets in the primary and secondary clarifiers and amount of waste sludge removed from the Facility for disposal).

6. Install SCADA (including telemetry and interface with Facility control panel) for all treatment unit processes at the Facility in accordance with the Plan of Action (V.B.11.) and the Capital Improvement Plan (V.D.25.) schedules or within ten (10) years of the Date of Lodging, whichever comes sooner.

14. Reserved

15. Pump Station Maintenance Plan

a. For each Pump Station, Defendant shall develop and submit for review, in accordance with Section VIII, a Preventive Maintenance program appropriate to the type, size and permitted capacity of the Pump Station which includes the following elements:

1. For each Pump Station in its sewer system, Defendant shall provide for: adequate inventory of equipment, pumps and motors; appropriate, necessary and periodic servicing and calibration of Pump Station instrumentation; periodic inspection of the Pump Station; and periodic servicing of all Pump Station equipment.

2. All Preventive Maintenance and repair activities undertaken at any Pump Station shall be documented and tracked under the automated IMS system, when such system becomes operational. Prior to the IMS system completion, such activities shall be tracked manually.

3. Defendant shall maintain and periodically review and update Pump Station standard operating procedures ("SOPs") for each of its Pump Stations, appropriate in detail and format to the type, size and permitted capacity of the particular Pump Station. For purposes of this provision, if any physical or operational changes are made at a Pump Station, the periodic review and update of the SOP shall occur no later than ninety (90) days from completion of the physical change or initial implementation of the operational change in question.

4. Defendant shall prioritize the evaluation of those Pump Stations that have been identified by the Defendant as hydraulically overloaded in accordance with ¶ 24, infra, as well as those specifically identified by the Department as hydraulically overloaded in the Department's April 1, 2008 review of the Bristol Township 2006 Chapter 94 Report, attached hereto as **Appendix "A."** These pump stations include the Silver Lake, Palmer Avenue, Delaware Avenue, College Park, and Beaver Dam Road pump stations, and any other places found to be hydraulically overloaded.

16. Operation and Maintenance Plan

Within two years of the date of lodging of the Consent Decree, Defendant shall develop and submit to EPA and the Department for review, in accordance with Section VIII, a system-wide, comprehensive Operation and Maintenance ("O&M") Plan for the Facility and the

Collection System that will provide for the proper operation and maintenance of equipment while minimizing failures, malfunctions, and line blockages that could contribute to SSOs due to lack of adequate preventive care. The O&M Plan shall, at a minimum, provide for the achievement and maintenance of compliance with all applicable permits, laws, and regulations. The Plan shall include an identification of existing key processes and assessment of the vulnerability of each such process from human caused (both internal and external) threats, and from natural threats. A process shall be considered key if its failure or malfunction may endanger human or aquatic health. The Plan shall detail a method for monitoring each process, such as by inspection and/or SCADA monitoring, to inform personnel of a malfunction or failure within each such process. Preventive and emergency maintenance procedures shall be detailed for all identified key processes including the spare parts inventory required and vendor information for obtaining critical parts. As part of the identification of each key process, Defendant shall assess the vulnerability of said processes and the associated life-span of each item of electrical and mechanical equipment. Defendant shall develop SOPs for sampling procedures, record keeping, daily and weekly maintenance, sludge management and annual inspection and assessment of key processes and related equipment. Defendant shall develop a plan for employees to be trained in the new operation and maintenance plan as well as a schedule and plan for refresher training. Defendant shall also assess the need for provision of commonly required spare parts, and the lead time generally needed to obtain such parts. Additionally, Defendant shall create and maintain an adequate spare parts inventory for servicing key processes and/or have contracts in place for timely repairs by reputable contractors. Upon approval by EPA and the Department, Defendant will immediately implement this O&M Plan.

17. Interim High Flow Maintenance Plan Defendant shall submit to EPA and the Department, for review, in accordance with Section VIII, an interim wet weather operational strategy, or Interim High Flow Maintenance Plan, that includes both the Facility and the Collection System. Defendant shall implement this Interim High Flow Maintenance Plan in

accordance with the proposed schedule therein. This strategy shall provide for maximizing the flow to and through the Plant while minimizing the washout of solids throughout the treatment process. This strategy shall include process monitoring during periods of wet weather flow. The data compiled during this operation shall be used for an annual evaluation and modification of the wet weather strategy, which must be included in the Annual Report.

18. Interim Plant Improvement Plan Defendant shall submit an interim plant improvement plan, as further described below, to the EPA and the Department, for review and approval in accordance with Section VIII of this Decree. This plan shall be a revision to the capital improvements schedule in Defendant's report entitled "Evaluation of Existing Bristol Township Sanitary Sewer Facilities," approved by the Department in December 2006 and attached hereto as **Appendix "B."** Defendant shall provide a revised construction schedule of this work to be completed such that items previously scheduled for fiscal year 2008-2009 will be completed within twelve (12) months of the Date of Lodging of this Consent Decree, except that improvements to the I-95 Pump Station will be completed within 2 years. Upon approval by EPA and the Department, in accordance with Section VIII of this Decree, Defendant shall immediately implement this plan and construction schedule.

a. In addition, beginning with the Annual Report and continuing for every twelve (12) month period, Defendant shall provide a summary of the tasks that have been completed pursuant to **Appendix "B."**

19. Sewer System Evaluation Survey

a. SSES Work Plan. The EPA and Department acknowledge that Defendant has successfully conducted substantial inflow and infiltration ("I/I") work on the system and has expended significant sums to perform this work. Within one hundred and twenty (120) days of Consent Decree lodging, Defendant shall submit to EPA and the Department for review and approval, a Work Plan for continuing a Sewer System Evaluation Survey ("SSES") to: a) identify sewersheds where excessive I&I exists, such that these conditions are causing and/or

contributing to SSOs (including Public or Private Property Backups), overloading and/or Bypasses at the WWTP; b) identify and quantify sources within the sewersheds determined to have excessive I/I rates; c) identify and quantify the time period of occurrence and volume of SSOs; d) identify areas subject to Public/Private Property Backups; e) identify cross connections and unauthorized connections; and f) identify physical degradation of the Collection System, including general pipe condition and condition of force mains, that causes or contributes to SSOs (including Public/Private Property Backups).

b. The SSES shall involve the use of appropriate and accurate existing attribute data concerning the Collection System, and as necessary, the collection and use of additional physical attribute data for the Collection System; the use of verified existing rainfall and flow data, and as necessary, the collecting and use of additional flow data for the Collection System; the monitoring of WWTP flows and flows at key locations within the Collection System; the monitoring of groundwater and rainfall at appropriate locations throughout the Collection System; the physical investigation of the causes of I/I and SSOs, including Public/Private Property Backups; and the documentation of the condition of the portions of the Collection System causing or contributing to SSOs and specifically identifying portions of the Collection System causing or contributing to Building/Private Property Backups.

c. The SSES shall incorporate existing monitoring and characterization data only to the extent that it is of adequate quality and for locations appropriate for the purposes of the survey. The SSES Work Plan shall (a) identify all existing data to be utilized; (b) identify all additional data to be collected; (c) describe in detail how together the existing and proposed additional data will satisfy the objectives of the SSES; and (d) include a schedule for performing and completing a SSES that is as expeditious as possible within a maximum period of eighteen (18) months after submission of the SSES Work Plan.

d. The SSES Work Plan shall include a schedule for the expeditious installation of appropriate sewer flow, WWTP flow, groundwater level, and rainfall monitoring

equipment; completion of all monitoring activities by completing an expeditious review of all investigative activities; and for completing the analysis of the data collected and submitting an SSES Report to EPA and the Department no later than twenty four (24) months from Consent Decree lodging. Defendant shall implement the plan, in accordance with the schedule, upon submission of such plan and schedule to EPA and the Department.

e. To identify sources of excessive I/I, the SSES should be conducted by dividing the Collection System into appropriate sewersheds. Sufficient rainfall and flow data at key locations in each sewershed should be collected to allow the characterization of each sewershed's I/I contribution. In lieu of rainfall monitoring, Defendant may use valid rainfall data collected by other sources as long as such data was collected according to sound engineering practice and has been properly quality assured and quality controlled. Examples of such rainfall data sources are the National Oceanic and Atmospheric Administration ("NOAA"); United States Geological Survey ("USGS"); and local airport rain gauge data. All sewersheds should then be prioritized, based on I/I contribution and wet weather peaking factors, and subsequent investigations carried out in a sufficient portion of the Collection System to allow the preparation of a Collection System and WWTP Remedial Measures Plan (as described in Sub-Section V.F) that has the goal of eliminating all SSOs, including all Public/Private Property Backups

f. Investigative activities, such as CCTV inspection should focus on portions of the Collection System that cause or contribute to SSOs, including those portions subject to Public/Private Property Backups.

g. The SSES shall include (and the SSES Work Plan shall describe) at a minimum the following requirements:

1. Data Management: A description of the data management system that will organize, analyze, and report all existing data to be utilized and all of the data that Defendant will be collecting in accordance with this Paragraph;

2. Quality Control/Quality Assurance: A description of the quality assurance and quality control program Defendant will follow to ensure the accuracy and reliability of data collected or used in accordance with this Paragraph;

3. Data Review: A review of existing data concerning SSOs, sewage flows, WWTP and Collection System attributes (e.g., pipe diameters, pipe segment lengths, diversion structure characteristics, catchment characteristics, invert elevations, pipe interior roughness coefficients, etc.), and rainfall and groundwater levels; and an evaluation of the accuracy, completeness and adequacy of that data for purposes of supporting the characterization of the Collection System's condition and sources of extraneous wet weather flow. The data review will further identify all additional data needed to allow the SSES to satisfy the objectives stated herein;

4. Rainfall and Flow Monitoring: As part of the SSES, Defendant shall carry out all additional dry and wet weather rainfall flow monitoring as needed to satisfy the requirements of this Paragraph. Where the review of existing data under Paragraph 19.c above, is adequate to satisfy the requirements of this Consent Decree, Defendant may use such data to complete both this SSES and the Collection System Rehabilitation required by Section E, in lieu of the collection of new and additional data. Dry weather monitoring shall be carried out so as to allow the characterization of base flows and Infiltration rates. Wet weather monitoring shall be carried out following wet weather events of sufficient duration and intensity to cause significant I/I in the system to allow the collection of sufficient rainfall and flow monitoring data, to allow the prioritization of sewersheds described above, and to support the development of Collection System Rehabilitation required by Section E. The locations, types and rationale for placement or use of rain gauges, flow monitors, and any other equipment required by this Section and a discussion of how Doppler radar will be employed (if appropriate) shall be included in the SSES Work Plan.

5. Rainfall Gauges: To monitor the contribution from rainfall to a sewershed within Defendant's jurisdictional boundaries, Defendant shall use a network of rain gauge stations in accordance with industry standards and sound engineering practice. Defendant may use rainfall data collected by others as described in Paragraph 19.e.

6. Flow Monitoring: Flow data shall be collected using a system of permanent and/or temporary flow monitors placed at locations in the Collection System necessary to allow the characterization of flow from each sewershed service area. Defendant shall inspect, maintain, and calibrate (if necessary) all flow monitors at least once per week.

7. The rainfall and flow monitoring network shall be designed, installed, operated, and maintained to provide representative, accurate, and precise data of sufficient quality for at least ninety (90) percent of the scheduled operation time for each meter.

h. Defendant's flow and rainfall monitoring network shall be designed, installed, operated and maintained to provide representative data of sufficient quality for use in the development of Collection System Rehabilitation as required by Section E. Monitoring site selection, equipment selection and installation, calibration, maintenance, and data quality assurance checks shall all be carried out to optimize monitoring accuracy, and shall all conform with the equipment manufacturers' recommendations and current, good engineering practice. The flow monitoring and rainfall data shall be used to prioritize the sewersheds for further flow monitoring and physical investigation activities, as described below.

i. Defendant shall perform further investigative activities in sewersheds determined to have excessive I&I and any determined to cause or contribute to SSOs, Bypasses and/or overloading at the WWTP and/or Building/Private Property Backups. The investigative activities shall locate and allow estimation of the wet weather flows associated with individual sources of I&I, or shall identify physical degradation of the Collection System that causes or contributes to SSOs including Building/Private Property Backups. The investigative activities shall include, as appropriate:

1. Further flow monitoring to isolate sources of I&I. Such flow monitoring will be carried out as specified above in this Paragraph;

2. Smoke testing;

3. Visual inspections of pipes and manholes;

4. Dye testing;

5. Night flow isolation;

6. CCTV inspection to identify sewers in need of repair, rehabilitation, or replacement; and

7. Building inspections.

j. These further investigative activities shall be sufficient to allow detailed characterizations of all significant sewer defects in sewersheds with excessive I/I, SSOs, including sewersheds with Public/Private Property Backups, and to support the development of the Collection System Rehabilitation and the identification of all remedial measures necessary to satisfy the objectives of the Collection System Rehabilitation Plan.

k. Defendant shall perform the SSES and any further investigative activities in accordance with the guidance provided in the appropriate sections of the *Handbook: Sewer System Infrastructure Analysis and Rehabilitation*, EPA/625/6-91/030, 1991 ("EPA Handbook") (unless that EPA Handbook is replaced or superseded by other Agency guidance or regulations, in which case the replacement or superseding guidance or regulations shall be used); the National Association of Sewer Service Companies "Manual of Practice"; and sound engineering practice. The aforementioned documents are intended to provide guidance on the methodologies and techniques to be used in identifying sources of I/I, however, that guidance shall be applied in a manner consistent with the purpose of eliminating SSOs, including all Public/Private Property Backups.

C. **ADDITIONAL INTERIM MEASURES**

20. Responses to the Occurrence of an SSD at a Pump Station If any SSD occurs at a Pump Station, Defendant shall notify the Department immediately, and Defendant shall conduct an analysis to determine the cause of the SSD. In addition, Defendant shall immediately take or cause to be taken steps necessary to prevent injury to property and to downstream users of the affected waters of the U.S. and the Commonwealth from pollution or a danger of pollution, and, in addition thereto, within fifteen (15) days from the incident shall remove from the ground and from the affected waters the residual substances contained thereon and therein. If the Defendant determines that the SSD was due to inadequate capacity or design deficiencies of the Pump Station, then within ninety (90) days of the SSD occurrence, Defendant shall submit an amended Pump Station Maintenance Plan pursuant to Paragraph 15 with a plan and schedule for the completion of appropriate corrective measures to EPA and the Department for their review and approval.

21. Staffing

a. Immediately upon the Date of Lodging of this Consent Decree, Defendant shall submit a staffing plan to Plaintiffs that shall provide for a certified operator to be continuously present at, or in contact with, the Facility at all times. The staffing plan will also address the specific duties of each certified operator and staff member, including which other certified operator or staff member(s) shall be responsible for performing duties if the regular certified operator or staff member is unavailable. Said plan shall further describe the communication processes between certified operators, treatment plant and municipal management, and contractors or engineers that are responsible for facility design, operation and maintenance to assure efficient and effective management of the facilities operations and maintenance. Within twelve (12) months from the Date of Lodging, the Defendant shall hire a sufficient number of staff, including certified operators, in a number adequate to perform all O&M activities on a daily basis in accordance with standard operating procedures.

b. Every Annual Report shall include an evaluation of the staffing plan, specifically, how successfully the existing staff has operated and maintained the Plant and Collection System, has implemented the requirements of the Consent Decree, and how the staff needs to be expanded or reorganized to properly operate the Plant and Collection System and to implement the future requirements of the Consent Decree.

22. Connection Management The Defendant shall continue to place limitations on and control new connections to the overloaded sewerage facilities according to a Connection Management Plan ("CMP"), which shall be submitted to the Department for its review and approval. The CMP shall be submitted within 90 days of the Consent Decree lodging. Any changes to the approved CMP may be requested in the Annual Reports to Plaintiffs or more frequently, if necessary. All changes to the CMP must be approved in writing by the Department.

D. LONG TERM EVALUATION AND CONSTRUCTION SCHEDULE

23. Pump Station Maintenance Plan Defendant shall prioritize the implementation of the corrective work evaluated in paragraph 15 (Pump Station Maintenance Plan) of this Consent Decree, for those Pump Stations that have been identified by the Defendant as hydraulically overloaded and including those specifically identified by the Department as hydraulically overloaded in the Department's April 1, 2008 review of the Bristol Township 2006 Chapter 94 Report, attached hereto as **Appendix "A"**. These pump stations include the Silver Lake, Palmer Avenue, Delaware Avenue, College Park, and Beaver Dam Road pump stations, and any other places found to be hydraulically overloaded.

24. Pump Station Annual Review Defendant shall re-evaluate its Pump Stations annually to assure that each Pump Station is of sufficient size and capacity to handle expected waste water flows. The results of the re-evaluations shall be reported to EPA and the Department in the Annual Report which is to be submitted under Section VI of this Consent

Decree. Modifications to the Pump Station Maintenance Plan shall be made, as necessary, at the request of EPA and the Department.

25. Facility and Alternatives Submission Within one hundred and eighty (180) days of approval of the POA, Defendant shall provide for review and approval a detailed evaluation of the need for capital expenditures, and further provide preliminary estimates of such capital expenditures in accordance with the elements below.

a. Existing Plant Process Evaluation Report Defendant shall perform an evaluation of existing plant processes and submit to EPA and the Department a report that describes the Defendant's evaluation of the treatment capacity of the existing facility and identify the enhancements required to be made to the existing facility in order to meet current and anticipated regulatory requirements. This evaluation shall include:

1. Process Control Testing and unit efficiency monitoring;

2. Characterization of the existing influent wastewater;

3. Waste load projections taking into account the impacts of the industrial pretreatment program and satellite communities and treatment capacity;

4. Process modeling of the existing liquid process treatment train; and

5. Evaluation of the existing process capabilities to meet existing and future load and nutrient limits.

b. Evaluation of Treatment Facilities Alternatives Defendant shall complete a review, including preliminary cost estimates, of alternative treatment systems that effectively meet existing and future needs and anticipated regulatory requirements. Defendant shall identify in this evaluation its selected alternative(s) among the alternatives discussed and describe the basis for such preferences. The alternatives to be evaluated shall include, but shall not be limited to, increasing sewage flows, decreasing sewage flows, and maintaining existing sewage flows from Bristol Township at the Bristol Borough WWTP, at the Lower Bucks Joint Municipal Authority WWTP, and into the Bucks County Water and Sewer Authority conveyance system

for treatment at the City of Philadelphia's WWTP. For any proposed changes in flow, Bristol Township must obtain approval from the permittees of all affected facilities.

1. Evaluation of Treatment Alternatives Report Defendant shall submit a report which shall include an analysis of the cost of new construction versus the cost of modifying existing facilities for EPA and the Department's review and analysis. The report shall also include the following elements:

2. Sizing Evaluation of Existing Treatment Facilities Defendant shall evaluate the sizing of the existing liquid process and solids handling facilities. If Defendant finds these adequately sized, Defendant may propose a solution to optimize the facilities as described in subparagraph 2, below. Defendant shall also perform an evaluation of new treatment facilities as described in subparagraph 3, below.

3. Optimization of Existing Treatment Facilities

a. Liquid Process Facilities Defendant shall evaluate the existing liquid process facilities, describe how to optimize current facilities, and develop cost estimates addressing the rehabilitation of existing liquid treatment process units required to meet effluent limits. As part of that evaluation, Defendant shall perform a hydraulic evaluation to determine the hydraulic limitations of the existing facility.

b. Solids Handling Facilities Defendant shall evaluate all existing solids handling facilities to determine the treatment efficiency and capacity of solids handling equipment. This report will include evaluation of capacity limitations and cost estimates to increase capacity to meet future needs based on current waste load projections. This report shall also include a review and evaluation of Defendant's solids handling operational procedures and include

recommendations for optimizing the operations of the existing equipment.

26. Capital Improvements Plan Upon approval by EPA and the Department of the treatment alternative(s), Defendant shall develop and submit a capital improvements plan, as provided below in subparagraphs a.1. – 3., to Plaintiffs for review and approval in accordance with Section VI of this Decree. This plan shall include the capital cost and budgetary impact for implementation of the recommended alternative submitted by Defendant and approved by Plaintiffs as described in Paragraph 25.b. above.

a. The scope of the Capital Improvements Plan shall encompass the approved conclusions of the "Evaluation of Treatment Alternatives Report" described in Paragraph 25.b. above.

1. If an upgrade of the existing facility is the selected alternative, a full facility audit of the plant infrastructure will be completed including plant inventory of structural, electrical and mechanical components, and their life expectancy. This facility audit will be submitted within six (6) months of the approval of the selected treatment alternative.

2. If utilization of a combination of new and existing equipment is the approved alternative, an audit of the equipment and facilities to be reused shall be performed. This partial facility audit shall be submitted within six (6) months of the approval of the selected treatment alternative.

3. If a new facility is the approved alternative, the interim plant improvement plan required as part of the POA shall be amended to summarize any additional upgrades that may be required to improve performance of the existing facility until start-up of the new plant. The amended interim plant improvement plan shall be submitted in the next Semi-Annual Report.

27. Request for Proposals By no later than three (3) months from the Plaintiffs' approval of the Capital Improvement Plan, the Defendant shall seek proposals through its request

for proposal (RFP) process pursuant to the Charter and Municipal Ordinances and any other procedures required by regulation or law.

28. Permit Applications and Design Consistent with the implementation schedule in the approved POA and Capital Improvements Plan, but no later than January 1, 2012, the Defendant shall complete and submit to the Department the NPDES (Part I) and the Water Quality Management (Part II) Permit applications, as necessary, to implement the approved treatment alternative described in the Capital Improvements Plan. In the event that the Department or the EPA fails to respond to the POA or the Capital Improvements Plan within 120 days and that failure is not due to the incompleteness of the Township's submission, the Township will be entitled to an extension of the January 1 deadline equal to the number of days by which the Department or the EPA exceeded 120 days. The applications shall include among other items all the design, architectural and engineering plans and information necessary to secure permits, receive bids and construct the Treatment Alternative submitted by Defendant and approved by Plaintiffs. Defendant shall also obtain other approvals and/or permits as necessary including but not limited to: NPDES permits; permits for Construction and/or Earthmoving permits pursuant to 25 PA Code Chapter 102; and, if necessary, a permit for water obstruction/wetlands pursuant to 25 PA Code Chapter 105 and/or a permit issued under Section 404 of the Clean Water Act.

29. Construction Completion

a. If a new treatment plant is to be constructed, Defendant shall complete construction by no later than January 15, 2015.

b. For upgrade and/or expansion at the existing location, Defendant shall complete construction by no later than January 15, 2015.

30. Start-Up & Operation

a. The Defendant shall complete start-up and operation of the plant improvements within three (3) months of construction completion.

b. Defendant shall achieve final compliance with all NPDES permit requirements within six (6) months of start-up and operation.

c. Defendant shall notify the Department and EPA within thirty (30) days of completion construction.

E. COLLECTION SYSTEM REHABILITATION

31. Rehabilitation Plan By no later than January 15, 2012 and consistent with the results of the Sewer System Evaluation Survey, the Defendant shall develop and submit to Plaintiffs a Rehabilitation Plan to adequately address those specific priority areas of the sanitary sewer system that require repair, replacement, upgrade and/or other remediation. Defendant shall submit the "Rehabilitation Plan" to EPA and the PADEP for review and approval in accordance with Section VIII of this Decree. This Plan shall serve as the basis for Defendant's implementation of the sanitary sewer system collection system rehabilitation required by Paragraph 32 of this Decree.

32. Rehabilitation of Priority Areas of Collection System By no later than January 15, 2015 and in accordance with the approved Rehabilitation Plan described in Paragraph 31 of this Decree, the Defendant shall complete the recommendations set forth in that Plan for repair, replacement, upgrade and/or other remediation of the priority areas.

F. HIGH FLOW MAINTENANCE PLAN

33. High Flow Maintenance Plan By no later than eighteen (18) months from the Date of Lodging, the Defendant shall develop and submit and implement a "High Flow Maintenance Plan" and a schedule for implementation to EPA and PADEP. The High Flow Maintenance Plan shall set forth how to operate the treatment plant and the Collection System during wet weather events to maximize treatment and prevent sanitary sewer overflows (SSOs) or bypasses. This Plan shall build on and update the development of the Interim High Flow