

BENNER TOWNSHIP SUPERVISORS

March 16, 2009

AGENDA

CALL TO ORDER

1. University Park Airport - Conditional Use Hearing - Continuance
2. Zoning Ordinance Continuance Hearing
 - a. Sign Section Comments from Cleveland Brothers
 - b. College Township Comments

PERSONS TO ADDRESS THE BOARD

MINUTES APPROVAL - March 2, 2009

BILLS: Accounts Payable General Fund: \$24,996.43

Accounts Receivable General Fund: \$11,909.86

Spring Creek Canyon Fund: \$22,216.40

ZONING OFFICER'S REPORT

OLD BUSINESS

1. Spring Creek Canyon Property
 - a. EPD Contract Amendment for Approval
2. Bellefonte Borough Fire Protection Agreement
3. Garbage Collection
4. Waiver Request Dr. Gerald Clair

NEW BUSINESS

1. Penn State Federal Credit Union Traffic Signal Plan for signatures
2. Memo of Understanding - Penn Eagle Lot 3R Preliminary
3. Phyllis Thomas Subdivision - Lot 2 (comments or no comments)
4. Walters Subdivision Plan - Form B - Non-building waiver

CORRESPONDENCE

1. Centre County Conservation District Correspondence
 - a. Centre County Airport Authority - Parking Lot Expansion
 - b. Bellefonte Airport - NPDES Permit
2. SBWJA - Minutes of February 23, 2009
3. PSATS Update
4. Centre County Planning Office Comments
 - a. S & A Homes/Doris Smith Lot Consolidation Plan
5. Class information - Guideposts for Decision Making Ethics and Land Use Law
6. DEP notification of the Benner Commerce Park Pump Station
7. Fox Ridge Subdivision NPDES Permit notification
8. Correspondence Re: public water to new Rockview prison
9. FEMA Notice of Spring Creek Levee accepted the PAL agreement

NOTES

ADJOURNMENT

**Cleveland
Brothers**



March 10, 2009

Ms. Renee Swancer
Zoning Officer
Benner Township Board of Supervisors
1224 Buffalo Run Road
Bellefonte, PA 16823

Subject: Benner Township Zoning Ordinance (Draft – 10/08)

Dear Ms. Swancer:

As we have recently discussed on the telephone, I have had the opportunity to review portions of the proposed changes to the Benner Township Zoning Ordinance (Draft – 10/08) that concerns signage and would like to offer the attached comments and questions.

Additionally, I understand that Benner Township will be holding a public hearing concerning this subject on Monday evening, March 16, 2009 and I am planning on attending that meeting and will also be able to discuss my questions and comments at that time.

I will be looking forward to seeing you again then.

Sincerely,

A handwritten signature in cursive script, appearing to read "James W. Martin", is written over a horizontal line.

James W. Martin, P.E.
Corporate Facilities Manger
4565 William Penn Highway
Murrysville, PA 15668
Phone: 724-325-9264 / Fax: 724-327-0777
Email: jmartin@clevelandbrothers.com

Cleveland Brothers Equipment Co., Inc.

5300 Paxton Street
Harrisburg, PA 17111
1-800-482-2378

4565 William Penn Highway
Murrysville, PA 15668
1-888-232-5948

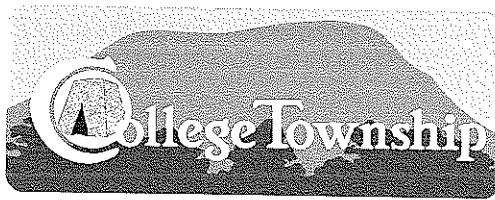
Altoona•Blawnox•Camp Hill•Chambers Hill•Clarksburg, WV•Clearfield•Cranberry Twp.•Delmont•Erie
Frickville•Indiana•Lancaster•Lantz Corners•Manada Hill•Mansfield•Milesburg•Mount Pleasant•Neville Island
New Stanton•Pittston•Shinnston, WV•Somerset•State College•Turbotville•Wilkes Barre

www.clevelandbrothers.com

Comments / Questions
on Benner Township Zoning Ordinance (Draft – 10/08)
Section 323 SIGNS

- 1.) Section 323.3.C (Flags) and Section 323.3.D (Flags) appear to be duplicative. Should one of these sections refer to the United States of America Flag and the other section to Corporate or Company Identification Flags?
- 2.) It is not clear to me how this signage language relates to or is applicable to a development such as the Benner Commerce Park where a number of unrelated, independent businesses will be located on separate, independent lots. A business park/development of this nature does not seem to fit the definition of a “Planned Center” as defined on page 37 of the Draft Zoning Ordinance. Does the Section titled “Sign Type – General & On-Premise Signs” in Section 323.4 – Permanent Sign Requirements (Table 1) apply to the businesses that would be in a development such as the Benner Commerce Park?
- 3.) In Section 323.4 – Permanent Sign Requirements (Table 1) in the box that reads “1 per principal use” under the heading “Maximum Permitted Number”, what is the definition of “principal use”? I was not able to find the definition or meaning of this within the Draft Ordinance.
- 4.) Is it the intention of Section 323.4 – Permanent Sign Requirements (Table 1) under the heading of “Maximum Permitted Number” in the “General & On-Premise Signs” Section to permit only one sign for each lot/building? If so, this may not be the best approach for the signage needs in a business park setting such as the Benner Commerce Park where large lots with generous setback requirements may deem a mix of multiple signs, such as monument and/or pole signs; building sign(s); and door/main entrance/canopy signs to be the most appropriate mix taking into account the safety and convenience of park visitors and customers, the needs of the park’s occupants, and the use and design of each building/facility within the park.
- 5.) It does not seem that Section 323 (Signs) addresses the architectural and land development features common to a business park/development such as the Benner Commerce Park, but rather seems to better address the features commonly found in a standard downtown “Street Front” location or a typical outdoor shopping mall. Perhaps consideration should be given to specific signage standards for business parks that take into account the special features of such parks such as lot size, setback requirements, zoning requirements, individual lot off-street parking, and the like.

- 6.) Section 230.3 (Uses Permitted By Conditional Use) Subsection 8 (Heavy Equipment Leasing, Rental, Sales, Service, Repair and Warehousing ...) is listed as a Conditional Use. In the previous zoning language that was developed and approved for the Light Industrial District (I-2) of Benner Commerce Park, this was listed as a Permitted Use (i.e. A Use Permitted By Right). I believe that this Section should be included in Section 230.2 (Uses Permitted By Right) in order for it to be consistent with the previously approved zoning language and the existing and planned development at the Benner Commerce Park. Accordingly, I believe that the language in Section 441.1 that currently reads "... Repair and/or Warehousing Facilities are Permitted By Conditional Use, subject ..." should read as "... Repair and/or Warehousing Facilities are Permitted By Right, subject ..." for the same reasons.



MUNICIPAL OFFICES

1481 EAST COLLEGE AVENUE, STATE COLLEGE, PA 16801 • TELEPHONE: 814-231-3021 • FAX: 814-231-3020

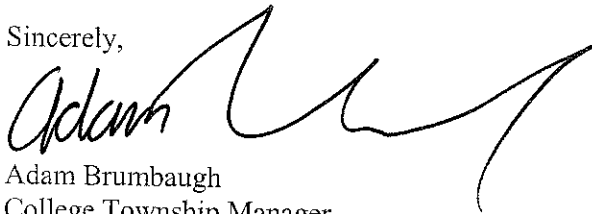
February 24, 2009

Benner Township Board of Supervisors
1224 Buffalo Run Road
Bellefonte PA, 16823

Dear Board of Supervisors,

College Township staff and Council have reviewed the proposed Benner Township Ordinance as submitted to the Township on January 5, 2009. At Council's February 19th meeting, Council voted unanimously to forward the comments of Mark Holdren of CRPA to Benner Township Board of Supervisors for your consideration. Those comments are attached.

Sincerely,



Adam Brumbaugh
College Township Manager



CENTRE REGIONAL PLANNING AGENCY

2643 Gateway Drive, Suite #4 • State College, PA 16801
Phone: (814) 231-3050 • Fax: (814) 231-3083 • www.crcog.net

TO: Benner Township Board of Supervisors

FROM: Mark Holdren, AICP *MRA*
Sr. Planner

DATE: February 10, 2009

RE: Benner Township Draft Zoning Ordinance

The Centre Regional Planning Agency (CRPA) received the above noted zoning ordinance on January 9th, 2009 and has reviewed them in accordance with the Municipalities Planning Code. The following comments are provided for your consideration:

1. The amount of retail that can be built on a given site in the Regional Commercial Zone should be capped. Over the past few years three economic impact studies have been done for different projects in the Centre Region and have shown there is limited need for more retail space and that any new retail space built will "poach" retailers from other, less marketable areas, many of which are in College Township.
2. Maximum lot coverage in the Regional Commercial zone should be reduced to provide greater incentive to utilize the architectural design regulations.
3. The "back half" of the Clair tract should be excluded from the Regional Commercial zone. The grade between the portion along Shiloh Road and the back half are quite different. This could lead to more fill being placed on the site to raise the back half as well as the filling in of the drainage way that bisects the Clair Tract.
4. There are no requirements for buildings less than 75,000 square feet to be multi-story in the Regional Commercial Zone. Staff is concerned that a development proposing several small buildings (less than 75,000 sqft) could be made up of all one-story buildings. Benner may want to consider lessening this square footage of this requirement to encourage more efficient use of the limited amount of land zoned "Regional Commercial".
5. College Township supports the limitations on subdivision and/or land development found in both the Conservation and Agriculture Zones (both adjacent to College). College Township as well as other municipalities in the Centre Region employ similar standards to help control rural sprawl.

/mrh

cc: Kent Baker, Township Engineer
John Franek, Township Zoning Officer
College Township Council
Renee Swancer, Benner Township Zoning Officer

**University Park Airport
Conditional Use Hearing
March 2, 2009**

The hearing was called to order at 7:30 p.m. by the Chairman John Elnitski with member James Swartzell present. Mr. Breon was absent. Also in attendance were Nate Campbell, Carrie Campbell, Edward Galus, Scott Juhnc, Andrew Bater, Eric Rittenhouse, Mike Hanna, Jon Eich, Genevieve Robine, Mike Joseph, Frank Tennis, Marc Goldberg, Liz O'Reilly, Brian Thompson, Shirley Smeal, Ian Taggant, Glenn Irwin, Bob Marsh, Al Drobica, Adam Brumbaugh, Mark Garlicki, Warren Miller, Joanne Shafer, Doug Weikel, Tim Schnoover and Renee Swancer.

It was noted that nothing new was being presented therefore, the hearing was once again continued until the next regular meeting to be held on March 16th.

The hearing was recessed the time being 7:33 p.m.

Sharon Royer, Sec.

**Benner Township Supervisors
March 2, 2009**

The regularly scheduled meeting of the Benner Township Board of Supervisors was called to order at 7:33 p.m. by the Chairman John Elnitski with member James Swartzell present. Mr. Breon was absent. Also in attendance were Nate Campbell, Carrie Campbell, Edward Galus, Scott Juhnc, Andrew Bater, Eric Rittenhouse, Mike Hanna, Jon Eich, Genevieve Robine, Mike Joseph, Frank Tennis, Marc Goldberg, Liz O'Reilly, Brian Thompson, Shirley Smeal, Ian Taggant, Glenn Irwin, Bob Marsh, Al Drobica, Adam Brumbaugh, Mark Garlicki, Warren Miller, Joanne Shafer, Doug Weikel, Tim Schnoover and Renee Swancer.

PERSONS TO ADDRESS THE BOARD

Rockview State Correctional Facility Expansion Presentation: Marc Goldberg, Deputy Secretary for Administration Department of Corrections and Liz O'Reilly, Deputy Secretary for Public Works Department of General Services were present to provide the Board with an overview of the new

proposed correctional facility to be built on the Rockview Grounds. Mr. Goldberg noted that the project entails the construction of a new 2,000 inmate medium security institution on the state's property at SCI Rockview. The prison will be designed and built by a contractor selected by DGS via competitive bids. The new institution will serve as the central location for transporting state and county inmates around the state. The hub will be a modern secure facility. Department of Corrections transportation estimates that there are 10 to 15 transportation trips per week using secure DOC buses or smaller passenger vans.

Liz O'Reilly noted that a primary and an alternate building site have been identified. Core sampling and soil testing are in progress to determine which site will be used. Ms. O'Reilly noted that DGS has hired the firm of Gilbane Building Company to oversee the project. DGS and Gilbane will work with the primary contractor in the designing and building of the new facility. Ground breaking is expected to occur in this summer with occupancy planned for December 2011. DOC will begin staffing the new institution with management staff 9 to 12 months prior to activation so that the facility can be in operation when the construction activities are complete. DOC expects to hire approximately 600 employees to staff the new institution. Some senior staff positions will likely transfer from other Department of Corrections locations. Some of the typical types of positions that will be needed will include administrative staff, medical staff, education department, security staff, maintenance department and support staff. Ms. O'Reilly noted that it is the state's hope to have this new building LEAD Certified.

Mr. Elnitski noted that the Township does have some concerns that he would like to see a task force assembled to address these issues. Some issues of concern include added traffic impacts, emergency services for the facility, water and sewer services. Mr. Goldberg and Ms. O'Reilly noted that they would participate in this process but that it must begin immediately as construction will be beginning in just a few months.

MINUTES

The minutes of February 16, 2009, were presented to the Board for their review and comments. Mr. Swartzell moved to approve the minutes as presented. Mr. Elnitski seconded the motion.

Vote: Mr. Breon - absent

Mr. Swartzell - yes

Mr. Elnitski - yes

BILLS

The bills of March 2, 2009, were presented to the Board for their review and approval. Mr. Swartzell moved to approve the bills as presented. Mr. Elnitski seconded the motion.

Vote: Mr. Breon - absent

Mr. Swartzell - yes

Mr. Elnitski - yes

ZONING OFFICER'S REPORT

Mrs. Swancer noted that the Planning Commission has met with Mr. Roth to discuss the comments that were received at the January 19th public hearing on the new zoning ordinance. It was noted that Mr. Roth is preparing the first round of amendments to be adopted shortly after the ordinance is adopted.

ENGINEER'S REPORT

Mr. Weikel noted that he had nothing new to report.

OLD BUSINESS

Spring Creek Canyon Contract Amendment: Mr. Elnitski asked that this item be tabled until Mr. Breon's return.

Bellefonte Borough Fire Protection Agreement: Mr. Elnitski noted that he has met with the Borough and Spring Township and that amendments have been made to the proposed agreement. Mr. Elnitski moved to table action on this agreement. Mr. Swartzell seconded the motion.

Vote: Mr. Breon - absent

Mr. Swartzell - yes

Mr. Elnitski - yes

Garbage Collection: It was noted that it is possible to join with the Centre Region's contract but that the window of time is very small. This item will be tabled until later in the meeting after Ms. Shafer and Mr. Onufrak arrive.

Dr. Clair Waiver Request for Driveway: Discussion on the waiver request was held. Mr. Schoonover noted that Dr. Clair's request wasn't completely clear and more information would need to be provided. Is this roadway going to remain a private drive or become a public street? Questions were also

raised as to the total number of lots that would be served from this roadway. More information is to be obtained.

Garbage Collection: Ms. Shafer did an overview of the Garbage study that was done last year for the Townships of Spring, Benner and Walker. She noted that currently the Centre Region's garbage rates are about 30% less than what Benner Township residents are paying. She went over some of the advantages that would be noticed should the township join with others for collection. Ms. Shafer noted that the options that they have are: a) create a contract just for itself; b) joint contract with Spring, Benner and Walker; c) join with the Centre Region contract

It was noted that should the township decide to join with the Centre Region, they would require the township to adopt the same ordinance which requires the Township to do regular yard waste collection which the Township is not equipped to do. More discussion was held. It was noted that if the Township decided to join with Spring and Walker the ordinance and terms could be modified which would allow the smaller haulers to bid the contract.

The Board noted that they would discuss this issue further with the neighboring townships in the next several weeks and make a decision.

Dr. Clair Waiver Request: (*At this time Dr. Clair and Jeff Stover are now in attendance.) Discussion was held. Mr. Stover noted that at this time Dr. Clair is requesting a waiver of the 50' right of way requirement. The Board requested that Mr. Schoonover review the entire file on this matter and report his recommendation back to the Board. Mr. Stover agreed with this suggestion.

NEW BUSINESS

Kepler Pool: It was noted that Bellefonte Borough is requesting confirmation that the Township is willing to contribute \$1.00 per resident - the inmates towards the operation of the Kepler pool for the upcoming season. Mr. Elnitski moved to approve this budgeted expenditure. Mr. Swartzell seconded the motion.

Vote: Mr. Breon - absent Mr. Swartzell - yes Mr. Elnitski - yes

Buffalo Run Community Park: It was noted that the two sets of bleachers, pitchers mound, home plate for the other field at the Buffalo Run Community Park will cost approximately \$3,000. Mr. Swartzell moved to purchase these items. Mr. Elnitski seconded the motion.

Vote: Mr. Breon - absent Mr. Swartzell - yes Mr. Elnitski - yes

Zoning Ordinance: The Board discussed the amendments recommended by the Planning Commission. It was noted that currently there are no regulations regarding prisons. Mr. Schoonover recommended that now would be the time to include regulations on the prisons. If these amendments are included in the original ordinance now, it would be considered a substantial change and start the review clock all over again. Mr. Elnitski moved to advertise the new zoning ordinance for adoption on March 16, 2009, as recommended by the Planning Commission. Mr. Swartzell seconded the motion.

Vote: Mr. Breon - absent Mr. Swartzell - yes Mr. Elnitski - yes

CORRESPONDENCE

The Board acknowledged receipt of the following correspondence:

1. County Planning Correspondence
 - a. Self-Storage for You - time extension
 - b. Lot Addition/Replots Commonwealth of PA/CCIDC
 - c. Fox Ridge Subdivision - time extension
 - d. University Park Airport Improvement Project, Phase 7B plan null and void
2. Benner Township Water Authority Minutes of January 20, 2009
3. Spring-Benner-Walker Joint Authority Minutes of February 9, 2009
4. Notice that Benner Pike/Rolling Ridge Road Traffic Signal has been turned over to the Township
5. PSATS News Bulletin
6. Centre County Conservation District
 - a. Benner Township Sewer Extension
 - b. Lyn Lee Farms

NOTES

*Township has submitted a request for two dry fire hydrants at the cost of \$200/ea. - part of a grant program through Headwaters RC & D

ADJOURNMENT

The meeting was adjourned the time being 9:02 p.m.

Sharon Royer, Sec.

March 16, 2009

Accounts Payable

AW	EFTPS - payroll taxes	1,364.98
29275-280	Payroll	3,586.27
29281	Sam's Club - supplies	84.90
AW	EFTPS - payroll taxes	1,455.32
AW	PA Dept. of Revenue - payroll taxes	312.32
29282	Janet Houser - Commission	389.24
29283-288	Payroll	3,523.65
29289	James Swartzell - medical reimbursement	194.53
29290	Roaring Spring Bottling - water	24.08
29291	Ralph Houck - SEO services	500.00
29292	J.J. Powell Fuel - station gas	1,420.59
29293	Noerr's Garage - part	32.11
29294	Centre Daily Times - ZHB ad	144.94
29295	Kessinger Auto Supply - parts	34.06
29296	Cumberland Truck - parts	162.84
29297	Hellers Gas - propane	548.37
29298	Triangle Building Supplies - parts	3.49
29299	Allegheny Power - electric	546.13
29300	Bradco Supply Co. - sign posts	418.75
29301	Centre Communications - air time	50.50
29302	Trustees Insurance - short term liability	1,259.28
29303	Nittany Oil Company - heating oil	103.97
29304	BSN Sports - baseball field equipment (benches, etc.)	2,490.40
29305	PA One Call - services	13.60
29306	HRG, Inc. - engineering review	909.51
29307	Nittany Building Specialties - new door	3,239.00
29308	Veolia - garbage	61.48
29309	Tami Jabco - Cleaning	65.00
29310	Trustees Insurance - life insurance	1,339.20
29311	Tel-Power, Inc. - traffic signal repairs	439.76
29312	Robinson Portable Toilets - rentals	174.00
29313	Cleveland Brothers - parts	<u>62.16</u>
	TOTAL ACCOUNTS PAYABLE	\$24,996.43

ACCOUNTS RECEIVABLE

Recorders of Deeds - transfer taxes	737.45
District Court - fines	381.45
Russell Burman - rental form	5.00
Kary Blaschak - pavilion rental	15.00
Janet Houser - real estate taxes	9,384.97
Treasurer of Centre County - delinq. taxes	129.05
Treasurer of Centre County - delinq. taxes	1,076.94
Fulton Bank - engineering reimbursement	<u>180.00</u>
TOTAL ACCOUNTS RECEIVABLE	\$11,909.86

SPRING CREEK CANYON FUND

EPD - monthly invoice for study	8,412.01
EPD - monthly invoice for study	<u>13,804.39</u>
TOTAL ACCOUNTS PAYABLE CANYON FUND	\$22,216.40

EPD

ENVIRONMENTAL
PLANNING & DESIGN, LLC

Landscape Architects
Community Planners
Urban Designers

100 Ross Street
Pittsburgh, PA 15219
(412) 261-6000
(412) 261-5999 Fax

February 18, 2009

Mr. Dave Breon, Project Manager
Benner Township
1224 Buffalo Run Rd
Bellefonte, PA 16823
Re: Spring Creek Canyon Master Plan

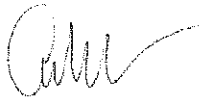
Dear Mr. Breon,

Attached please find an outline of additional schedule and budget items as related to Spring Creek Canyon project completion. The outlined items are based upon EPD's 1/28/09 and 2/9/09 correspondence to you, on-going February 2009 correspondence the Township received from the Pennsylvania Department of Conservation and Natural Resources (DCNR) representatives as well as February 2009 (2/5/09 and 2/10/09) Steering Committee, Technical Advisory Committee and Public Advisory Committee meeting discussions.

On the attached sheet, we have noted which items are covered by the original work scope and those items which are either additions and/or expansions of the original work scope. To complement the requested additional budget on the attached sheet, our Planning Team will also be re-allocating \$4,500 of the original budget between the Planning Team members to more collectively respond to the additional work task items. Please also note that we have made minor refinements to the schedule originally proposed on 2/9/09. These refinements reflect additional project representative comments received, inclusive of DCNR's requests to review and meet regarding interim draft document products. Finally, as per the direction of DCNR, EPD will deliver final work products to Benner Township and DCNR on 4/15/09.

We appreciate if you would present this requested authorization for additional work scope items to both the Township and DCNR for their evaluation and approval. As always, if you have any questions, please do not hesitate to call.

Sincerely,



Andrew JG Schwartz AICP, RLA
Managing Principal

CC: Cindy Dunlap

Principals Jack R. Scholl Andrew JG Schwartz Susan M. Simmers
Associates Carolyn E. Yagle Jonathan D. Stilan
Emeritus John Ormsbee Simonds (1913-2005) Philip D. Simonds (1916-1995) Paul Dorr Wolfe (1930-2000)

INTERNAL REVIEW ONLY

Additional Schedule/Budget Outline for Project Completion per 2/09 DCNR Correspondence

February 5, 2009	Steering Committee Meeting	\$800
February 10, 2009	TAC Meeting	\$800
February 10, 2009	PAC Meeting	original scope
February 18, 2009	PAC/TAC Committee feedback due	---
Refine Master Plan and Management Plan per February Feedback		\$3,600
March 4, 2009	Distribution of Core Recommendations #1 (Benner Township/DCNR)	---
March 10, 2009	Core Recommendations #1 Review Session	\$700
March 13, 2009	Distribution of Core Recommendations #2 (SC/PAC/TAC)	---
March 20, 2009	Steering Committee Meeting	\$800
March 20, 2009	TAC Meeting	\$800
March 20, 2009	PAC Meeting	original scope
Prepare Refined Core Recommendations and Overall Draft Document based upon March Review Meetings		\$2,800
March 24, 2009	Distribution of Overall Draft Document for Public Review	---
March 31, 2009	Open House/Public Meeting	\$1,700
April 7, 2009	Public Comments Due to EPD	---
April 8, 2009	Public Comments Review Session (Benner Township/DCNR)	\$700
Finalize Document based upon Final Review Sessions & Public Meeting Feedback		\$1,500
April 15, 2009	Final Plan Delivered to Benner Township and DCNR	---
<u>Reimbursables</u>		\$3,000
<i>Additional Budget Total*</i>		\$17,200
<i>Suggested Breakdown for Additional Budget Total (\$17,200)</i>		
a.	Re-allocation of Benner Township Engineering Dollars to Planning Team (as identified in Original Base Work Scope Contract)	\$5,000
b.	Request for Authorization #2 to Benner Township and DCNR	\$12,200

* Additional Budget Total does not include previous Authorization #1 Request (\$3,000) as approved by DCNR and pending approval by Benner Township.

County of Centre



CONSERVATION DISTRICT

BOARD OF DIRECTORS
Donn Fetterolf, Chair
Cinda Corl, Vice-Chair
Steven G. Dershem, Commissioner
Tom Boldin
Robert Shannon
Martin Melville
James Walizer

Willowbank Office Building
414 Holmes Avenue, Suite 4
Bellefonte, Pennsylvania 16823-1488
Telephone (814) 355-6817
FAX (814) 355-8696
www.co.centre.pa.us/conservation

DISTRICT MANAGER
Robert E. Sweitzer

March 11, 2009

Mr. Charles Welch
Centre County Airport Authority
2493 Fox Hill Road
State College, PA 16803

SUBJECT: Acknowledgment of Receipt of Complete Application for Individual NPDES
Permit for Discharge of Storm Water From Construction Activities
University Park Airport Parking Lot Expansion
NPDES Permit No. PAI-0414-09-003
Benner Township, Centre County

Dear Mr. Welch:

Your application for an NPDES Individual Permit was received on March 4, 2009, by the Centre County Conservation District. The application was checked for completeness and all necessary items were found to be included. It has been assigned Permit Number **PAI-0414-09-003**. For individual permit applications, notification of this permit application will be published in the *Pennsylvania Bulletin*. A thirty-day comment period follows from the date the application is published.

The erosion and sediment pollution control plan will be reviewed and studied for adequacy of protection and compliance with the Department of Environmental Protection's (DEP) rules and regulations by district staff and/or by agency technical representatives cooperating with the district. The Conservation District Board of Directors and staff may discuss the results of the district review at their next meeting.

When the review of the erosion and sediment pollution control plan reveals deficiencies, you will be notified by a review letter. Revised plans will be required for review before application processing can continue. For individual NPDES Permit applications, upon approval of the erosion and sedimentation control plan, the conservation district will forward its recommendation for permit issuance to the Soil and Waterways Section, Northcentral Regional Office.

Be advised, no earthmoving activities may commence until above permit is issued/acknowledged.

County of Centre



CONSERVATION DISTRICT

BOARD OF DIRECTORS

Donn Fetterolf, Chair
Cinda Corl, Vice-Chair
Steven G. Dershem, Commissioner
Tom Boldin
Robert Shannon
Martin Melville
James Walizer

Willowbank Office Building
414 Holmes Avenue, Suite 4
Bellefonte, Pennsylvania 16823-1488
Telephone (814) 355-6817
FAX (814) 355-8696
www.co.centre.pa.us/conservation

DISTRICT MANAGER

Robert E. Sweitzer

February 18, 2009

Mr. John Elnitski
Bellefonte Airport
225 Snowbird Lane
Bellefonte, PA 16823

SUBJECT: Individual NPDES Permit Application Status Report
Bellefonte Airport 7-25 and Parallel Taxiway
NPDES Permit No. PAI-0414-09-001
Benner Township, Centre County

Dear Mr. Elnitski:

This letter is to provide you with notification that the Centre County Conservation District has completed its review of the above application for an Individual NPDES Permit for Discharges of Stormwater from Construction Activities. Two copies of the application along with supporting documentation which you have provided has been forwarded to the Department of Environmental Protection (DEP), Northcentral Regional Office, which is responsible for issuance of the permit.

DEP's Regional Waterway Management - Permitting & Technical Services Section will conduct a final technical review of the application. Permit issuance may be coordinated with other Department permits or approvals. Inquiries regarding the status of permit issuance should be directed to DEP staff at (570) 327-3574.

Sincerely,

Bruce E. Jankura, P.E.
Resource Conservation Coordinator

BEJ:jmt

cc: L. Robert Kimball & Assoc.
Benner Township
Permit File

SPRING-BENNER-WALKER JOINT AUTHORITY

REGULAR MEETING

February 23, 2009

ATTENDANCE:

AUTHORITY MEMBERS:	Spring	Joseph Galbraith Christie McMurtrie Ted Onufrak William Sprout
	Benner	William Hughes Michael Kelleher Dennis Ripka
	Walker	George Brown, Jr. Dennis McDowell

GUESTS: Neil & Ruth Ann Carlson

EXECUTIVE DIRECTOR: N. Warren Miller

CONSULTING ENGINEER: Mark Garlicki, P.E.

EMPLOYEES: Toby Dashner, Chad Decker, Kelly Gill, Willis Houser, Jr. and Samuel Royer

CALL TO ORDER:

The February 23, 2009, Regular Meeting of the Spring-Benner-Walker Joint Authority was called to order at 7:00 P.M. by George Brown, Jr., Chairman. Mr. Brown thanked everyone for attending and stated that the meeting would be recorded for transcription.

ROLL CALL:

William Sprout, Secretary, took Roll Call, recording eight members present. Mr. Onufrak entered the meeting at 7:02 p.m. Mr. Brown, Chairman, noted that with a quorum present, the Spring-Benner-Walker Joint Authority was permitted to conduct business under the laws of Pennsylvania.

PLEDGE OF ALLEGIANCE:

Mr. Brown, Chairman, led the Board members, Employees and Guests in the Pledge of Allegiance.

APPROVAL OF MEETING MINUTES:

Mr. Galbraith moved, seconded by Mr. McMurtrie to approve the Minutes of the February 9, 2009 Regular Meeting as presented. 8 ayes, 0 nays, 1 absent. The motion carried.

CORRESPONDENCE:

SEDA-COG – We received a letter from George Fury stating that SEDA-COG did not receive our executed ROW agreement for the Shuey property until the day after their meeting; therefore, they were unable to execute the document. Mr. Fury has provided two (2) originals, already executed by SEDA-COG, for signature at this meeting.

Centre County Conservation District – We received Earth Disturbance Inspection Report No. 6 from Bruce Jankura for the Benner Township Sewer Extension Project. Mr. Jankura will continue to monitor new vegetation to ensure good and acceptable coverage.

Ted Onufrak entered the meeting at 7:02 p.m.

PennDOT – We received a letter from Brian Thompson stating PennDOT has reviewed and accepted our request for a 50% cost share for the relocating/adjusting of the sewer facilities for SR26/SR64 in 2009. The estimated cost of the entire project is \$55,950.00. An agreement will be mailed to our Authority for execution.

FINANCIAL REPORTS:

Treasurer's Report: Mr. Onufrak reviewed the financial reports for the period ending 01/31/2009. **Mr. McDowell moved, seconded by Mr. Ripka to accept the Treasurer's Report as presented. 9 ayes, 0 nays. The motion carried.**

APPROVAL OF PAYMENTS:

Approval of Requisitions:

Construction Requisition 2008-15C – Mr. McMurtrie moved, seconded by Mr. Sprout to approve Construction Requisition 2008-15C payable to SBWJA in the amount of \$4,763.54. 9 ayes, 0 nays. The motion carried.

Revenue Fund Requisition 2008-15 – Mr. Kelleher moved, seconded by Mr. Sprout to approve Revenue Requisition 2008-15 payable to SBWJA in the amount of \$46,345.44. 8 ayes, 0 nays, 1 absent. The motion carried.

Approval of Centre Hall Mountain Project Lateral Grants (Centre County Pays):

Lateral Grant #1, Ameron Construction– Mr. McDowell moved, seconded by Mr. McMurtrie to approve Centre Hall Mountain Project, Lateral Grant #1 payable to Ameron Construction in the amount of \$1,500.00. 9 ayes, 0 nays. The motion carried.

Lateral Grant #2, Haranin Construction – Mr. Kelleher moved, seconded by Mr. Ripka to approve Centre Hall Mountain Project, Lateral Grant #2 payable to Haranin Construction in the amount of \$1,500.00. 9 ayes, 0 nays. The motion carried.

GUESTS:

Neil & Ruth Ann Carlson – Mr. and Mrs. Carlson of 109 Willow Bend Drive, Bellefonte are requesting a waiver of the Authority's regulation regarding sealing the floor drain in the lower level of their home that is currently connected to the sewer system. Our Authority completed an in-home inspection of the property at the time the home was connected to our sewer system and determined the existing floor drain is connected to the sanitary sewer.

Mr. Carlson would like to maintain the existing floor drain for future use if the water heater's pressure relief valve would fail. Mr. Miller explained that there are two reasons that our Authority does not allow a floor drain to be connected to the sanitary sewer. If the sewer lateral would ever back up into the home as a result of a blockage, the sewer would emerge through the floor drain onto the basement floor creating a biological hazard. The other reason being that our Authority does not allow infiltration and inflow (I&I) into the system because of the cost of having this flow treated. Mr. Onufrak explained to Mr. Carlson that our Authority does not own the Treatment Plant that our sewage flows into and we are only allotted so much sewer capacity at the Treatment Plant. If we would allow floor drains/sump pumps to introduce I&I into our system, our Authority would have less capacity for actual sewage and/or expansion.

Mr. Carlson informed the Board that his water softener currently discharges to the sewer through a separate drain and asked if our Authority would allow him to direct plumb the water heater pressure relief valve to the same drain. Mr. Hughes recommended the direct plumbing; however, suggested an air gap be maintained between the valve and the drain. The Board agreed that would be acceptable. Mr. Carlson requested our Authority provide him with a letter stating our acceptance and Mr. Miller indicated he would provide the letter.

EXECUTIVE DIRECTOR'S REPORT:

On Call Policy – Mr. Miller stated that he prepared and provided an On Call Policy as a follow up to the Executive Session held during the last meeting. Mr. Brown indicated this would be further discussed later during an Executive Session.

Annual SEO Conference – Mr. Miller informed the Board that the annual Sewage Enforcement Officer's conference is scheduled for March 9th – March 10th in Grantville. As with previous years, Mr. Miller offered to drive back to attend the semi-monthly Authority meeting that evening, if necessary. Mr. Brown questioned how the SEO license benefits our Authority and wanted to know the cost of the conference including lodging. Mr. Miller indicated he estimated the cost of the conference at \$150.00 - \$175.00 and lodging was at the Holiday Inn in Grantville. He also stated that PA DEP is requiring the implementation of a Sewage Management Plan by 2010, as part of the Township's Act 537 Plan. The Sewage Management Plan must be maintained by a licensed SEO, which Mr. Miller has been licensed for approximately three (3) years now. The Board approved Mr. Miller's attendance for the 2009 SEO conference; however, Mr. Brown is requiring Mr. Miller to obtain Board approval for all future conferences/seminars. The Board informed Mr. Miller that he is not required to attend the March 9, 2009 Board meeting.

Benner Township Sewer Extension – Mr. Miller reported that over 50% of the homes within the Benner Township Sewer Extension have connected to the sewer system.

Sewer Lateral Camera – Mr. Miller informed the Board that a number of the LED lights on the head of the sewer lateral camera have burned out, which make it difficult to see with each use of the camera. Our Authority has replaced the camera head on two different occasions for approximately \$3,500 each correction. The original purchase price of the camera was \$7,500 approximately seven years ago, and Mr. Miller recommended purchasing a new camera instead of replacing the camera head again.

We have received two quotes, from two different manufacturers, that are very similar in price. A new camera would cost between \$9,100 - \$9,600 and a new locator head would cost an additional \$1,000. Mr. Miller stated that the existing locator head could be used with the new camera; however, he suggests our Authority sell the current sewer lateral camera along with the locator head. Mr. Ripka suggested we keep our existing camera as a back up. Mr. Miller indicated that could be done on a temporary basis until all sewer laterals from our three projects are connected; however, he recommends selling the unit prior to any additional problems occurring. The Board recommended Mr. Miller obtain an additional quote for the sewer lateral camera and present all three quotes for discussion at a future meeting.

Cleaning Services – Mr. Miller informed the Board that Tammy Jabco provided our Authority with a quote of \$100.00 per cleaning; however, Mrs. Jabco does not have liability insurance. Mr. Galbraith suggested the Authority place a Request for Proposal (RFP) for Cleaning Services in a local newspaper with the stipulation that the owner/company must present proof of liability insurance coverage. Mr. Galbraith also suggested preparing a job description to provide to each company submitting a RFP so they know their responsibilities.

ENGINEER'S REPORT: See the attached Engineer's Report as presented for discussion and made a part of these official Minutes.

OLD BUSINESS:

Carpet/Flooring Quotes – The Board previously discussed installing new carpet in the Office area and new flooring in the Board room. Mr. Miller indicated he called around for estimates and has only received two quotes. Mr. Hughes suggested installing squares of carpet in the office area because of the easy replacement if a section of carpet gets ruined. The Board suggested Mr. Miller obtain a total of three quotes before a decision is made.

EXECUTIVE SESSION: Mr. Brown recessed the Board for an Executive Session at 7:50 p.m. to discuss Personnel issues. The meeting reconvened at 8:05 p.m. The Board requested that Mr. Miller not attend this session.

NEW BUSINESS:

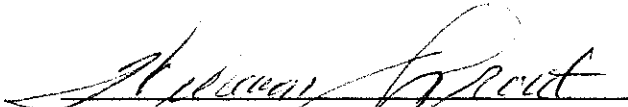
On Call Policy – Mr. Kelleher moved, seconded by Mr. Hughes to table any action for establishing an On Call Policy at this time and to maintain the same call out practices that are currently in place with the exception of now requiring Warren Miller to maintain a record log of all call outs, including time and location, and use of the call out vehicle (including mileage). 9 ayes, 0 nays. The motion carried.

SBWJA Training – Mr. Miller informed the Board that the annual PA Rural Water Association Conference (water & sewer) is scheduled for late March/early April. The annual Penn Tech Conference (sewer only) is scheduled for June. Mr. Miller indicated that it has been a past practice of this Authority to send half of the maintenance employees to the PA Rural Water Conference and the remaining maintenance employees will attend the Penn Tech Conference to obtain the necessary contact hours required to maintain their operator licensure. Mr. Miller has also rotated these conferences to obtain the required training hours. Mr. Kelleher moved, seconded by Mr. Hughes to approve the attendance of SBWJA employees to the PA Rural Water Association and Penn Tech conferences as recommended by Mr. Miller. 9 ayes, 0 nays. The motion carried.


ADJOURNMENT:

Mr. Onufrak moved, seconded by Mr. Ripka to adjourn the meeting at 8:07 p.m. 9 ayes, 0 nays. The motion carried.

Respectfully submitted,



William Sprout, Secretary



Kelly J. Gill, Recording Secretary

CC: Benner Township ☒
Spring Township ☐
Walker Township ☐

February 19, 2009

Mr. George M. Brown, Jr., Chairman
Spring-Benner-Walker Joint Authority
170 Irish Hollow Road
Bellefonte, PA 16823

Re: Engineer's Report

Dear Mr. Brown:

The following summarizes our recent activities on behalf of the Spring-Benner-Walker Joint Authority.

RETAINER (0435.021)

Walker Township Act 537 Plan – The Scope of Services for this Hublersburg Plan Revision is being developed; discussions have occurred with Warren Miller, Tom Bowes (Walker Township SEO) and DEP.

Spring Township Act 537 Plan – The Scope of Services is nearly developed and Warren and HRG plan to attend the next Spring Township Meeting on March 2, 2009 to discuss moving forward with this Plan.

BENNER TOWNSHIP SEWER EXTENSIONS (0435.164)

This project is complete and the Contract is closed. HRG is monitoring any post-construction issues.

CENTRE HALL MT. SEWER EXTENSION (0435.130)

This project is complete and the Contract is closed. HRG is monitoring any post-construction issues.

VALENTINE SEWER EXTENSION (0435.168)

Work to resume in the Spring.

H2O FUNDING APPLICATION (0435.428)

The H2O Grant Application was submitted for the February 13, 2009 submission deadline date. The grant request was for \$4,134,129.00. As soon as any information is learned on the Application, it will be relayed to the Authority.

ZION/MINGOVILLE CAPACITY STUDY (0435.146)

Work has resumed on this Study and the "draft" was reviewed on January 19, 2008 with the Director. HRG is finalizing the Study.

SHUEY PROPERTY (0435.0427)

The permits and approvals are in place. The next step will be to contract with a horizontal directional driller to complete the work.

REVIEW OF DEVELOPER DESIGNS

The Benner Commerce Park Plan Development changes are being made by the Developer's Engineer. HRG is also reviewing the Zion Manor Plan Development.

We look forward to discussing these items, and any others that arise during the meeting.

Sincerely,
Herbert, Rowland & Grubic, Inc.

Mark J. Garlicki

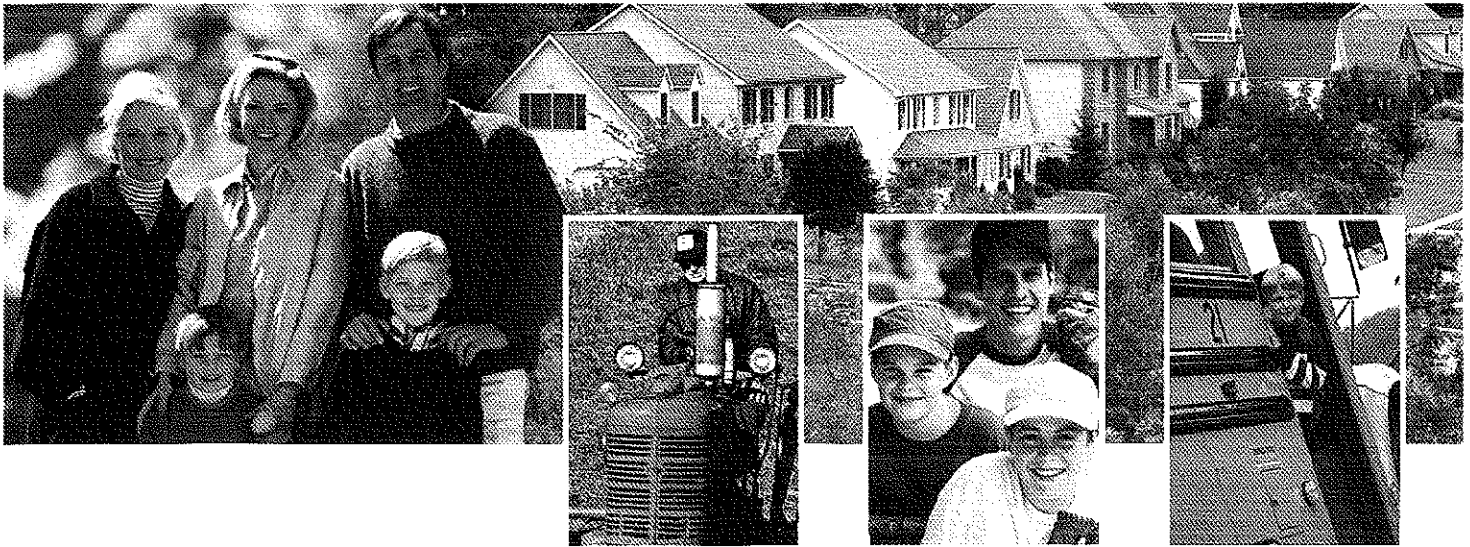
Mark Garlicki, PE
Project Manager

SBWJA February 23, 2009 Meeting
Engineer's Report – Two Pages

Kelly J. Hill
Recording Secretary – SBWJA

C: Robert A. Mix, Esq.
Tom Holleran

MJG/dlp
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TOWNSHIPS TODAY

A QUARTERLY NEWSLETTER
BROUGHT TO YOU BY
YOUR TOWNSHIP

State Eyes School Consolidations; Could Townships be Next?

Gov. Ed Rendell recently unveiled the state's 2009-2010 budget, and it brought dire news.

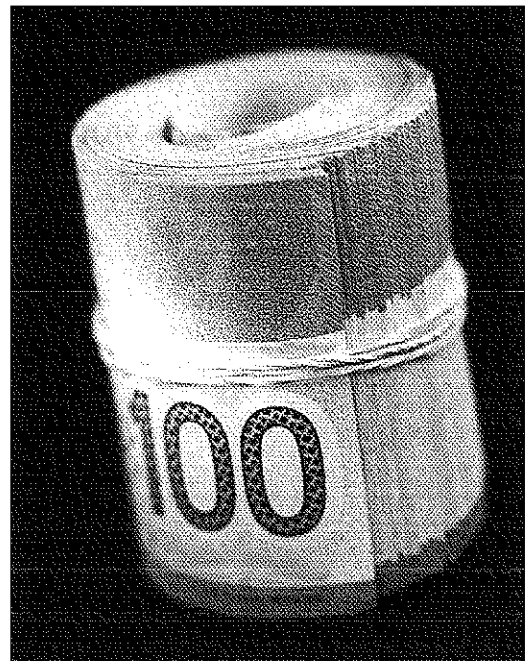
With Pennsylvania facing a \$2.3 billion deficit, the governor said he wants to slash almost 3,000 government jobs, possibly more, and reduce or eliminate funding for many other programs and services.

Hard times call for hard measures, Rendell said. And if given the green light, one of those measures would lead to the "full-scale" consolidation of the state's 500 school districts. Ideally, the governor said, Pennsylvania should have no more than 100.

"We just don't need that many school districts, and more importantly, in today's economy, we cannot afford them," he told the General Assembly. "For this reason, I am proposing ... that we establish funds for the creation of a legislative commission to study how best to right-size our local school districts."

On a slippery slope

The message from the governor appears to be that bigger is better. In other words, he is contending that a system of fewer school districts that cover larger chunks of Pennsylvania will be more efficient and keep a lid on property taxes. ➤



Gov. Ed Rendell wants lawmakers to consolidate Pennsylvania's 500 school districts into a neat little bundle of 100. The trouble is, if this bigger-government plan succeeds, the state will have the ammunition it needs to expand the scope of these mergers — and your township could be next.

In theory, this plan to centralize school operations sounds plausible. In reality, experts say, the commonwealth is about to tread on a slippery slope that should concern you as a township resident and taxpayer.

"Between the status quo and consolidation to 100 school districts lies a wide range of other options," says Lowman Henry, chairman and CEO of the Lincoln Institute of Public Opinion Research, based in Harrisburg. "And while a debate over school district consolidation is healthy, it is one that ought to occur at the local level among willing merger or potential merger partners rather than in the councils of an administration seeking shotgun marriages."

More important, though, if the plan to consolidate schools succeeds, the state will have the ammunition it needs to expand the scope of these mergers — and your township could be next.

Stop for a moment and imagine what that would be like.

The trouble with big government

Right now, you are represented by a group of township supervisors whom you and your neighbors elected to protect the community's health, safety, and welfare. These men and women know the township like the back of their hand. They live and very often work there, too. They are fellow taxpayers who have their finger on the moral and philosophical pulse of the township. Your supervisors understand what you, as a resident, want and don't want.

And if you have a problem or want to discuss an issue, you can phone them at home, stop them at the local diner, or speak up at one of their monthly meetings. "More and smaller units of government mean elected officials represent fewer people," Henry says.

And that's a good thing because it ensures the voice of the people is heard. However, that would not be the case if your township were forced to merge or consolidate with another municipality or a group of municipalities. Bigger government would abolish this local, grassroots representation — a key tenet on which this nation was founded — and sweep your community into a complex bureaucratic maze of administrators and automated phone systems.

On top of that, the promised benefits — namely, increased government efficiency and more affordable taxes — would never materialize, says Wendell Cox, a consolidation expert who has studied Pennsylvania's governing system. In fact, he says, the only thing that forced consolidation would do is spread the higher costs and inefficiencies

of the larger jurisdiction over a larger area.

"When you amalgamate," Cox says, "it's not the best that emerges; it's the worst."

Working together, saving tax dollars

Still, the state has a plan and is moving forward with it. And the bombshell announcement to consolidate the commonwealth's school districts is merely the latest incarnation of a strategy to increase the size of Pennsylvania's government.

For instance, the State Planning Board has been devising ways to make local government operations more "efficient." Its agenda includes encouraging the General Assembly to create a State Boundary Change Commission, a group that would be tasked with recommending the "reorganization" of local governments.

State lawmakers, too, have introduced legislation to consolidate municipal services and, possibly, municipalities.

These efforts, however, ignore the fact that townships and neighboring municipalities have been working together, formally and informally, for many years to reduce redundancies and save tax dollars. Some co-own equipment and jointly perform road projects. Others share police and fire services.

In fact, the preliminary results of a survey by the Pennsylvania State Association of Township Supervisors reveal that hundreds of townships regularly partner with their local government counterparts.

"To merge municipalities and school districts simply to lower their numbers doesn't make much sense, especially when Pennsylvanians are satisfied with the way things are being handled," PSATS President Kenneth L. Grimes says. "It's always been our view that the focus in this debate should be on quality, not quantity. And it's time we pay more attention to that."

Lowman Henry agrees: "Skeptics will say the problem is local officials [and their desire] to hold on to their jobs, but consider that school directors serve with no pay, and a majority of township supervisors work for less than \$2,000 a year.

"People who serve in these positions do so out of a sense of community service, not personal enrichment," he adds. "Such would not be the case if larger, more costly school districts or municipalities replaced the current system. Therefore, this is not about saving money or better educating our children; it is about taking away local control and vesting it in the hands of a few. Bigger is not always better, especially when it is applied to government."

"Skeptics will say the problem is local officials [and their desire] to hold on to their jobs, but consider that school directors serve with no pay, and a majority of township supervisors work for less than \$2,000 a year. People who serve in these positions do so out of a sense of community service, not personal enrichment."



PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS

February 27, 2009

Pennsylvania Supreme Court Issues Major Decisions on Uniform Construction Code, Oil and Gas Act

The Pennsylvania Supreme Court recently issued major decisions dealing with the administration of the Uniform Construction Code and with local government's authority with respect to oil and gas drilling activities.

In *Allegheny Inspection Services, Inc. v. North Union Township and Allied Building Inspections v. Millcreek Township, Fairview Township, and Harborcreek Township*, the court overturned the Commonwealth Court's decisions and determined that townships have the authority under the Uniform Construction Code to designate a single agency to perform inspections.

In *Huntley & Huntley, Inc. v. Borough Council of the Borough of Oakmont and Range Resources – Appalachia LLC vs. Salem Township, Commonwealth of Pennsylvania*, the Supreme Court issued decisions that sharply define local government's powers to regulate the location of oil and gas drilling activities.

Following are summaries of these important cases:

Allegheny Inspection Services, Inc. v. North Union Township and Allied Building Inspections v. Millcreek Township, Fairview Township, and Harborcreek Township

Townships may appoint a single agency for the purpose of exclusively conducting inspections required under the Pennsylvania Construction Code Act.

The Pennsylvania Supreme Court squarely addressed this issue in consolidated cases arising out of Fayette County and Erie County. The dispute centered upon the interplay of two provisions of the Act, applicable to municipalities which opt to administer and enforce the UCC.

Section 501 (b) states: "This Act may be administered and enforced by municipalities in any of the following ways: . . ."

- 1.) Designate an employee to serve as a municipal code official;
- 2.) Retain one or more construction code officials or third-party agencies to act on behalf of the municipality for administration and enforcement of this act;
- 3.) Enter into an agreement with another municipality for joint administration and enforcement;
- 4.) Contract with another municipality for administration and enforcement; or
- 5.) Any combination of the above.

4855 Woodland Drive ■ Enola, PA 17025-1291 ■ Internet: www.psats.org

PSATS ■ Pennsylvania Township News ■ Telephone: (717) 763-0930 ■ Fax: (717) 763-9732

Trustees Insurance Fund ■ Unemployment Compensation Group Trust ■ Telephone: (800) 382-1268 ■ Fax: (717) 730-0209

Section 501(d) provides that: “Nothing in this Act shall allow a municipality to prohibit a [qualified] construction code official . . . from performing inspections in the municipality.”

In its decision, the Commonwealth Court had reconciled the two provisions by holding that the terms “administer” and “enforce” in subsection (b) did not encompass inspections; and, that subsection (d) meant that municipalities must accept the reports of *any* licensed inspector.

On appeal to the Supreme Court, the aggrieved townships and PSATS, through its Township Legal Defense Partnership, argued for townships’ power to designate an exclusive inspection agency for administration and enforcement of the UCC.

The State Supreme Court reversed the Commonwealth Court’s holding and expressly held that municipalities may appoint a single third party inspection agency to administer and enforce the UCC. The Supreme Court based its holding on the plain meaning of the statutory language and on public policy considerations. The Supreme Court concluded that, “Safety would be undermined by a system that allows builders to handpick inspectors and then requires the entity charged with enforcement to accept the inspections without question.”

PSATS welcomes the Supreme Court’s decision and believes it both fulfills the legislature’s intent and prevents a situation that would have undermined the purposes of the Act and weakened townships’ ability to fully implement the code by controlling the inspection process.

The Supreme Court’s decision clarifies that:

1) Townships are in control – Permit holders, whether they are homeowners, property owners, design professionals, or contractors, do not have the authority to select an “inspector of their choice” to perform UCC inspections unless an opt-in township expressly allows them to choose one.

2) UCC regulations haven’t changed – Opt-in townships have the authority and responsibility to determine how the building code will be administered and who will enforce it. In other words, the options that are spelled out in the UCC remain unchanged.

3) Townships may reject inspection reports – Unless they choose otherwise, opt-in townships are not required to accept reports from UCC-certified inspectors who have not been approved to do work in the municipality.

4) UCC inspections are not governed by different criteria than other aspects of administration and enforcement – The court also made it clear that performing inspections goes hand in hand with the UCC’s administration and enforcement. Therefore, the Commonwealth Court erred when it determined that inspections are governed by different criteria. Whoever administers and enforces the code, the Supreme Court held, must have control over the inspection process to properly perform its duties under the law.

Huntley & Huntley, Inc. v. Borough Council of the Borough of Oakmont and Range Resources – Appalachia LLC vs. Salem Township, Commonwealth of Pennsylvania

In February, the Pennsylvania Supreme Court issued decisions in two cases that sharply define local government's powers with respect to oil and gas drilling activities.

Oil and gas drilling is largely governed by the Pennsylvania Oil and Gas Act, which expressly supersedes all local ordinances, except those ordinances adopted under authority of the Municipalities Planning Code and the Flood Plain Management Act. Further, those "preserved" areas of local regulation may not impose conditions or requirements on the same features of well operations that are regulated by the act, nor may they pursue the same purposes as those set forth in the act.

In *Huntley & Huntley, Inc. v. Borough Council of the Borough of Oakmont*, the borough's zoning ordinance allowed mineral extraction in a residential zone as a conditional use. Oil and gas interests challenged the ordinance, saying that certain setback requirements within the Oil and Gas Act demonstrated a state regulation of well location and preempted any local attempt to regulate well location. The Commonwealth Court had agreed with that argument and had invalidated this provision of the borough's ordinance.

On appeal to the Pennsylvania Supreme Court, PSATS argued for the validity of local zoning powers in this factual situation. The Supreme Court reversed the Commonwealth Court's decision and upheld the borough's ordinance. The Court noted a "how-versus-where" distinction, which is often applicable to activities over which the state has chosen to exercise primary control. That is, municipalities may regulate "where" such activities may be conducted, but not "how" they are conducted. The Court carefully reviewed the rules of preemption and concluded that the location of wells was not an operational feature regulated by the Oil and Gas Act, nor did the Oil and Gas Act's "safety" purposes supersede the local safety purposes authorized by the MPC and embodied in the zoning provisions.

In the Supreme Court's other decision, *Range Resources – Appalachia LLC vs. Salem Township, Commonwealth of Pennsylvania*, the ordinance in question went beyond customary zoning concerns and sought to regulate items which were arguably operational activities and within the exclusive control of the state statute. Significantly, the ordinance included a local permitting requirement and invested a degree of discretion in the township as to whether or not the permit should be issued. Further, the Supreme Court found that some of the ordinance's provisions directly targeted oil and gas drilling. Accordingly, the Supreme Court invalidated the ordinance because it addressed subject matter preempted by the Oil and Gas Act. The Supreme Court's closing paragraph is especially instructive:

"In sum, not only does the ordinance purport to police many of the same aspects of oil and gas extraction activities that are addressed by the Act, but the comprehensive and restrictive nature of its regulatory scheme represents an obstacle to the legislative purposes underlying the Act, thus implicating principles of conflict preemption. Furthermore, its stated purposes overlap substantially with the goals as set forth in the Oil and Gas Act, thus implicating the second statutory basis for express preemption of MPC-enabled local ordinances. In view of

the ordinance's focus solely on regulating oil and gas drilling operations, together with the broad preemptive scope of Section 602 of the Act with regard to such directed local regulations, we agree with the Common Pleas Court's conclusion that each of the oil and gas regulations challenged in Appellees' complain is preempted by the Oil and Gas Act and its associated administrative regulations."

ECT

benefit you in many ways:
• review of the APA Code of Ethics
• impacts the local decision making process
• an overview of recent legislation that could impact your practice
• an update on Commonwealth regulations related to land use and the environment.

Central Section has strived to provide an opportunity for AICP members to acquire the required ethics and law prior to the 2009 deadline. This course will provide those required credits and more!

AGENDA

8:30 am - 9:00 am	Registration
9:00 am - 10:00 am	Ethics Session Steven Gimbel, Ph.D Gettysburg College
10:00 am - 10:15 am	Break
10:15 am - 11:15 am	Ethics Session Susan Elks, AICP Professional Development Officer for APA-PA and Community Planner for Chester County Planning Commission
11:15 am - 11:45 am	Recently introduced Legislation Dave Tive, Tive Lobbying
11:45 am - 12:45 pm	Lunch (provided)
12:45 pm - 2:15 pm	Land Use Law Charles M. Courtney, Esq. McNees, Wallace & Nurrick LLC
2:15 pm - 2:30 pm	Break
2:30 pm - 4:00 pm	Environmental Law Scott A. Gould, Esq. McNees, Wallace & Nurrick LLC

DIRECTIONS

C. Ted Lick Wildwood Conference Center
Harrisburg Area Community College
Harrisburg, PA

From Carlisle and West Shore: Take I-81 north to Cameron Street Exit 67; turn right at the first traffic light onto Wildwood Park Dr. See For all attending below.

From the North: Follow Route 22-322 east; Route 22 east becomes Cameron Street after crossing I-81; turn right at the first light onto Wildwood Park Dr. See For all attending below.

From Hershey: Take Route 422 or 322 west toward Harrisburg to I-83 north; continue until it merges with I-81 south; take Cameron Street Exit 67; turn right at first traffic light onto Wildwood Park Dr. See For all attending below.

From Lancaster: Take Route 283 north towards Harrisburg to I-83 north; continue until it merges with I-81 south; take Cameron Street exit 67; turn right at the first traffic light onto Wildwood Park Dr. See For all attending below.

From Lebanon: Take I-81 south to Harrisburg; take Cameron Street exit 67; turn right at the first traffic light onto Wildwood Park Dr. See For all attending below.

From York: Take I-83 north across the Susquehanna River to the east shore of Harrisburg; merge with I-81 south; take Cameron Street exit 67; turn right at the first traffic light onto Wildwood Park Dr. See For all attending below.

FOR ALL ATTENDING: After turning onto Wildwood Park Dr.; continue through the next traffic light to gate #4; turn right into parking lots. Walk over bridge to Conference Center.

REGISTRATION FORM

Guideposts for Decision Making:
Ethics and Land Use Law

Tuesday April 7, 2009

HACC - Wildwood Conference Center

Name _____

Address: _____

Phone: _____

E-Mail: _____

Registration Fee: Please make checks payable to: PA Chapter of APA - Central Section

PA Chapter Member \$35.00 _____

Non-Member \$45.00 _____

Please check here if you are in need of ADA accommodations _____

Please indicate if you have a special dietary need _____

THIS FORM MAY BE COPIED AS NEEDED.

PLEASE SEND REGISTRATION FORM AND FEE TO:

PA Chapter of APA - Central Section
c/o Pam Shellenberger
York County Planning Commission
28 East Market Street
York, PA 17401

Deadline: Friday, March 27, 2009

If you have any questions, please contact
Pam at (717)-771-9870 or email
pshellenberger@ycpc.org

March 2, 2009

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Benner Township, Board of Supervisors
1224 Buffalo Run Road,
Bellefonte, PA 16823

**RE: Notification for the Benner Commerce Park Pump Station as required by the
Pennsylvania Department of Environmental Protection**

Dear Supervisors:

In accordance with Municipal Notification, this letter serves notice that the Spring-Benner-Walker Joint Authority intends to apply to the Pennsylvania Department of Environmental Protection (DEP) for issuance of the following:

A Water Quality Management Permit for the construction and operation of the Benner Commerce Park Pump Station for service to Benner Commerce Park. We are required to submit this notice as part of the DEP Permitting Process. Benner Commerce Park is to be located in Benner Township, Centre County. The Centre County Industrial Development Corporation will incur the costs for design and installation of the Benner Commerce Park Pump Station.

Acts 67, 68 and 127 of 2000, which amended the Municipalities Planning Code to support sound land use practices and planning efforts, direct state agencies to consider comprehensive plans and zoning ordinances when reviewing applications for permitting of facilities or infrastructure, and specify that state agencies may rely upon comprehensive plans and zoning ordinances under certain conditions as described in Sections 619.2 and 1105 of the Municipalities Planning Code.

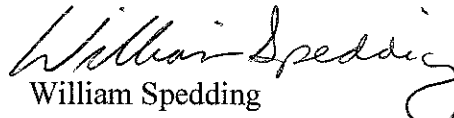
Enclosed is a General Information Form (GIF) we have completed for this project. DEP invites you to review the attached GIF and comment on the accuracy of answers provided with regard to land use aspects of this project; please be specific to DEP and focus on the relationship to zoning ordinances. If you wish to submit comments to DEP to become part of a land use review of this project, you must respond within 30 days to the DEP regional office referenced in this letter. If there are no land use comments received by the end of the comment period, DEP will assume that there are no substantive land use conflicts and proceed with the normal application review process. For more information about this land use review process, visit DEP's website at www.state.pa.us, Keyword: "DEP Land Use Reviews".

Comments should be mailed to:

Department of Environmental Protection
Water Quality Management
Soils and Waterways Section
208 West 3rd Street, Suite 101
Williamsport, PA 17701

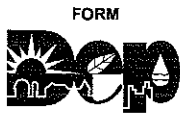
If you have any questions or concerns with this request, please contact me at 814-231-8285, ext. 342.

Sincerely,


William Spedding
Project Manager

Enclosure

Cc: CCIDC
Warren Miller, SBWJA
05182-102, Sanitary Sewer File



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
GENERAL INFORMATION FORM – AUTHORIZATION APPLICATION

Before completing this General Information Form (GIF), read the step-by-step instructions provided in this application package. This version of the General Information Form (GIF) must be completed and returned with any program-specific application being submitted to the Department.

<p style="text-align: center;">Related ID#s (If Known)</p> <p>Client ID# _____ APS ID# _____</p> <p>Site ID# _____ Auth ID# _____</p> <p>Facility ID# _____</p>	<p style="text-align: center;">DEP USE ONLY</p> <p>Date Received & General Notes</p>
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CLIENT INFORMATION

DEP Client ID#	Client Type / Code Authority/AUTH			
Organization Name or Registered Fictitious Name Spring-Benner-Walker Joint Authority		Employer ID# (EIN)	Dun & Bradstreet ID#	
Individual Last Name --	First Name	MI	Suffix	SSN
Additional Individual Last Name --	First Name	MI	Suffix	SSN
Mailing Address Line 1 170 Irish Hollow Road		Mailing Address Line 2		
Address Last Line – City Bellefonte	State PA	ZIP+4 16823	Country USA	
Client Contact Last Name Miller	First Name Warren	MI	Suffix	
Client Contact Title Executive Director		Phone (814) 355-4778	Ext	
Email Address wmiller@sbwja.com		FAX (814) 355-1599		

SITE INFORMATION

DEP Site ID#	Site Name Benner Commerce Park				
EPA ID#	Estimated Number of Employees to be Present at Site				
Description of Site The 215 acre site is composed of cropped agricultural fields and is partially wooded. An 85,000 square foot Industrial/Warehouse Distributing Facility is currently situated on 20 acres of the tract.					
County Name Centre	Municipality Benner	City <input type="checkbox"/>	Boro <input type="checkbox"/>	Twp <input checked="" type="checkbox"/>	State
County Name --	Municipality --	City <input type="checkbox"/>	Boro <input type="checkbox"/>	Twp <input type="checkbox"/>	State
Site Location Line 1 SR 0150 (Benner Pike)		Site Location Line 2			
Site Location Last Line – City Bellefonte	State PA	ZIP+4 16823			
Detailed Written Directions to Site South side of SR 0150 (Benner Pike), approx. 1,500' southeast of the interchange between I-99 and the Benner Pike.					
Site Contact Last Name Sepp	First Name John	MI C	Suffix PE		
Site Contact Title Principal		Site Contact Firm PennTerra Engineering, Inc.			
Mailing Address Line 1 3075 Enterprise Drive		Mailing Address Line 2			
Mailing Address Last Line – City State College	State PA	ZIP+4 16801			

Phone (814) 231-8285	Ext 314	FAX (814) 237-2308	Email Address jsepp@pennterra.com
NAICS Codes (Two- & Three-Digit Codes – List All That Apply) 221			6-Digit Code (Optional)
Client to Site Relationship OPR			

FACILITY INFORMATION

Modification of Existing Facility

- | | | |
|----------------------------------------------------------------------------------------|---------------------------------|-------------------------------------------|
| 1. Will this project modify an existing facility, system, or activity? | Yes
<input type="checkbox"/> | No
<input checked="" type="checkbox"/> |
| 2. Will this project involve an addition to an existing facility, system, or activity? | Yes
<input type="checkbox"/> | No
<input checked="" type="checkbox"/> |
- If "Yes", check all relevant facility types and provide DEP facility identification numbers below.*

Facility Type	DEP Fac ID#	Facility Type	DEP Fac ID#
<input type="checkbox"/> Air Emission Plant		<input type="checkbox"/> Industrial Minerals Mining Operation	
<input type="checkbox"/> Beneficial Use (water)		<input type="checkbox"/> Laboratory Location	
<input type="checkbox"/> Blasting Operation		<input type="checkbox"/> Land Recycling Cleanup Location	
<input type="checkbox"/> Captive Hazardous Waste Operation		<input type="checkbox"/> MineDrainageTrmt/LandRecyProjLocation	
<input type="checkbox"/> Coal Ash Beneficial Use Operation		<input type="checkbox"/> Municipal Waste Operation	
<input type="checkbox"/> Coal Mining Operation		<input type="checkbox"/> Oil & Gas Encroachment Location	
<input type="checkbox"/> Coal Pillar Location		<input type="checkbox"/> Oil & Gas Location	
<input type="checkbox"/> Commercial Hazardous Waste Operation		<input type="checkbox"/> Oil & Gas Water Poll Control Facility	
<input type="checkbox"/> Dam Location		<input type="checkbox"/> Public Water Supply System	
<input type="checkbox"/> Deep Mine Safety Operation -Anthracite		<input type="checkbox"/> Radiation Facility	
<input type="checkbox"/> Deep Mine Safety Operation -Bituminous		<input type="checkbox"/> Residual Waste Operation	
<input type="checkbox"/> Deep Mine Safety Operation -Ind Minerals		<input type="checkbox"/> Storage Tank Location	
<input type="checkbox"/> Encroachment Location (water, wetland)		<input type="checkbox"/> Water Pollution Control Facility	
<input type="checkbox"/> Erosion & Sediment Control Facility		<input type="checkbox"/> Water Resource	
<input type="checkbox"/> Explosive Storage Location		<input type="checkbox"/> Other:	

Latitude/Longitude Point of Origin	Latitude Degrees	Minutes	Seconds	Longitude Degrees	Minutes	Seconds
	40	49	30	77	41	41
Horizontal Accuracy Measure	Feet --or-- Meters					
Horizontal Reference Datum Code	<input type="checkbox"/> North American Datum of 1927 <input checked="" type="checkbox"/> North American Datum of 1983 <input type="checkbox"/> World Geodetic System of 1984					
Horizontal Collection Method Code	GPS					
Reference Point Code	UNK					
Altitude	Feet 1276 --or-- Meters					
Altitude Datum Name	<input checked="" type="checkbox"/> The National Geodetic Vertical Datum of 1929 <input type="checkbox"/> The North American Vertical Datum of 1988 (NAVD88)					
Altitude (Vertical) Location Datum Collection Method Code	TOPO					
Geometric Type Code	POINT					
Data Collection Date	April 20, 2006					
Source Map Scale Number	1	Inch(es)	=	2000	Feet	
			--or--			
		Centimeter(s)	=		Meters	

PROJECT INFORMATION

Project Name Benner Commerce Park Pump Station			
Project Description Install a pump station for service to Benner Commerce Park			
Project Consultant Last Name Sepp	First Name John	MI C	Suffix PE
Project Consultant Title Project Manager		Consulting Firm PennTerra Engineering, Inc.	
Mailing Address Line 1 3075 Enterprise Drive		Mailing Address Line 2 Suite 100	
Address Last Line – City State College		State PA	ZIP+4 16801

Phone (814) 231-8285	Ext 314	FAX (814) 237-2308	Email Address jsepp@pennterra.com
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Time Schedules June 2009	Project Milestone (Optional) Begin construction of Phase 1
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1. **Is this application for an authorization type on the list of authorizations affected by the land use policy?** ☒ Yes ☐ No

Note: If "Yes", you must complete the following Land Use Information section, unless exempted by Questions 2 or 3 below.

If "No", skip Questions 2 & 3 below as well as the following Land Use Information section.

For referenced list, see Appendix A attached to the GIF Instructions.

2. **For an Air program authorization only. All other authorizations continue with Question 3 below. Will the permit authorize the construction of facilities outside an existing permitted area?** ☐ Yes ☐ No

Note: If "Yes", you must complete the following Land Use Information section unless exempted by Question 3 below.

If "No", skip Question 3 below as well as the following Land Use Information section.

3. **Have you attached or submitted municipal and county 'Early Opt Out' approval letters for the project?** ☐ Yes ☒ No

Note: If "Yes" to Question 3, skip the following Land Use Information section. This should only be checked "Yes" if applicant is choosing the early opt-out option. Required approval letters described in the GIF Checklist and Instructions should be attached.

If "No" to Question 3, continue with the following Land Use Information section.

LAND USE INFORMATION

Note: Applicants are encouraged to submit copies of local land use approvals or other evidence of compliance with local comprehensive plans and zoning ordinances.

- | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|----------------------------------------|
| 1. Is there a municipal comprehensive plan(s)? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. Is there a county comprehensive plan(s)? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Is there a multi-municipal or multi-county comprehensive plan? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Is the proposed project consistent with these plans? If no plan(s) exists, answer "Yes". | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 5. Is there a municipal zoning ordinance(s)? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 6. Is there a joint municipal zoning ordinance(s)? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 7. Will the proposed project require a zoning approval (e.g., special exception, conditional approval, re-zoning, variance)? If zoning approval has already been received, attach documentation. | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 8. Are any zoning ordinances that are applicable to this project currently the subject of any type of legal proceeding? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 9. Will the project be located on a site that has been or is being remediated under DEP's Land Recycling Program? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 10. Will the project result in reclamation of abandoned mine lands through re-mining or as part of DEP's Reclaim PA Program? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 11. Will the project be located in an agricultural security area or an area protected under an agricultural conservation easement? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 12. Will the project be located in a Keystone Opportunity Zone or Enterprise Development Area? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 13. Will the project be located in a Designated Growth Area as defined by the Municipalities Planning Code? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

COORDINATION INFORMATION

Note: The PA Historical and Museum Commission must be notified of proposed projects in accordance with DEP Technical Guidance Document 012-0700-001 and the accompanying Cultural Resource Notice Form.

If the activity will be a mining project (i.e., mining of coal or industrial minerals, coal refuse disposal and/or the operation of a coal or industrial minerals preparation/processing facility), respond to questions 1.0 through 2.5 below.

If the activity will not be a mining project, skip questions 1.0 through 2.5 and begin with question 3.0.

1.0	Is this a coal mining project? If "Yes", respond to 1.1-1.6. If "No", skip to Question 2.0. (DEP Use/48y1)	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
1.1	Will this coal mining project involve coal preparation/ processing activities in which the total amount of coal prepared/processed will be equal to or greater than 200 tons/day? (DEP Use/4x70)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
1.2	Will this coal mining project involve coal preparation/ processing activities in which the total amount of coal prepared/processed will be greater than 50,000 tons/year? (DEP Use/4x70)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
1.3	Will this coal mining project involve coal preparation/ processing activities in which thermal coal dryers or pneumatic coal cleaners will be used? (DEP Use/4x70)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
1.4	For this coal mining project, will sewage treatment facilities be constructed and treated waste water discharged to surface waters? (DEP Use/4x62)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
1.5	Will this coal mining project involve the construction of a permanent impoundment meeting one or more of the following criteria: (1) a contributory drainage area exceeding 100 acres; (2) a depth of water measured by the upstream toe of the dam at maximum storage elevation exceeding 15 feet; (3) an impounding capacity at maximum storage elevation exceeding 50 acre-feet? (DEP Use/3140)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
1.6	Will this coal mining project involve underground coal mining to be conducted within 500 feet of an oil or gas well? (DEP Use/4z41)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
2.0	Is this a non-coal (industrial minerals) mining project? If "Yes", respond to 2.1-2.6. If "No", skip to Question 3.0. (DEP Use/48y1)	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
2.1	Will this non-coal (industrial minerals) mining project involve the crushing and screening of non-coal minerals other than sand and gravel? (DEP Use/4x70)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
2.2	Will this non-coal (industrial minerals) mining project involve the crushing and/or screening of sand and gravel with the exception of wet sand and gravel operations (screening only) and dry sand and gravel operations with a capacity of less than 150 tons/hour of unconsolidated materials? (DEP Use/4x70)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
2.3	Will this non-coal (industrial minerals) mining project involve the construction, operation and/or modification of a portable non-metallic (i.e., non-coal) minerals processing plant under the authority of the General Permit for Portable Non-metallic Mineral Processing Plants (i.e., BAQ-PGPA/GP-3)? (DEP Use/4x70)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
2.4	For this non-coal (industrial minerals) mining project, will sewage treatment facilities be constructed and treated waste water discharged to surface waters? (DEP Use/4x62)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
2.5	Will this non-coal (industrial minerals) mining project involve the construction of a permanent impoundment meeting one or more of the following criteria: (1) a contributory drainage area exceeding 100 acres; (2) a depth of water measured by the upstream toe of the dam at maximum storage elevation exceeding 15 feet; (3) an impounding capacity at maximum storage elevation exceeding 50 acre-feet? (DEP Use/3140)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

3.0	Will your project, activity, or authorization have anything to do with a well related to oil or gas production, site development for such activity, or the waste from such a well? If "Yes", respond to 3.1-3.3. If "No", skip to Question 4.0. (DEP Use/4z41)	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
3.1	Does the oil- or gas-related project involve any of the following: placement of fill, excavation within or placement of a structure, located in, along, across or projecting into a watercourse, floodway or body of water (including wetlands)? (DEP Use/4z41)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
3.2	Will the oil- or gas-related project involve discharge of industrial wastewater or stormwater to a dry swale, surface water, ground water or an existing sanitary sewer system or storm water system? If "Yes", discuss in <i>Project Description</i> . (DEP Use/4z41)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
3.3	Will the oil- or gas-related project involve the construction and operation of industrial waste treatment facilities? (DEP Use/4z41)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
4.0	Will the project involve a construction activity that results in earth disturbance? If "Yes", specify the total disturbed acreage. (DEP Use/4x66)	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
4.0.1	Total Disturbed Acreage 146-acres				
5.0	Does the project involve any of the following: placement of fill, excavation within or placement of a structure, located in, along, across or projecting into a watercourse, floodway or body of water (including wetlands)? (DEP Use/4x66)	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
6.0	Will the project involve discharge of industrial wastewater or stormwater to a dry swale, surface water, ground water or an existing sanitary sewer system or separate storm water system? If "Yes", discuss in <i>Project Description</i> . (DEP Use/4x62)	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
7.0	Will the project involve the construction and operation of industrial waste treatment facilities? (DEP Use/4x62)	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
8.0	Will the project involve construction of sewage treatment facilities, sanitary sewers, or sewage pumping stations? If "Yes", indicate estimated proposed flow (gal/day). Also, discuss the sanitary sewer pipe sizes and the number of pumping stations/treatment facilities/name of downstream sewage facilities in the <i>Project Description</i> , where applicable. (DEP Use/4x62)	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
8.0.1	Estimated Proposed Flow (gal/day) 35,040				
9.0	Was sewage planning submitted and approved? If "Yes", attach the Act 537 approval letter unless the submitted application is actually requesting Act 537 approval (Approval required prior to 105/NPDES approval). (DEP Use/4x61)	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
9.0.1	Is Act 537 Approval Letter attached?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
10.0	Is this project for the beneficial use of biosolids for land application within Pennsylvania? If "Yes" indicate how much (i.e. gallons or dry tons per year). (DEP Use/4X62)	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
10.0.1	Gallons Per Year (residential septage)				
10.0.2	Dry Tons Per Year (biosolids)				
11.0	Does the project involve construction, modification or removal of a dam? If "Yes", identify the dam. (DEP Use/3140)	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
11.0.1	Dam Name				
12.0	Will the project interfere with the flow from, or otherwise impact, a dam? If "Yes", identify the dam. (DEP Use/3140)	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
12.0.1	Dam Name				
13.0	Will the project involve operations (excluding during the construction period) that produce air emissions (i.e., NOX, VOC, etc.)? If "Yes", identify each type of emission followed by the amount of that emission. (DEP Use/4x70)	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
13.0.1	Enter all types & amounts of emissions; separate each set with semicolons.				

14.0	Is an on-site drinking water supply (well), other than individual house wells, proposed for your project? If "Yes", indicate total number of people served and/or the total number of connections served, if applicable. Also, check all proposed sub-facilities. (DEP Use/4x81)	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
14.0.1	Number of Persons Served				
14.0.2	Number of Employee/Guests				
14.0.3	Number of Connections				
14.0.4	Sub-Fac: Distribution System	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
14.0.5	Sub-Fac: Water Treatment Plant	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
14.0.6	Sub-Fac: Source	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
14.0.7	Sub-Fac: Pump Station	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
14.0.8	Sub-Fac: Entry Point	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
14.0.9	Sub-Fac: Transmission Main	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
14.0.10	Sub-Fac: Storage Facility	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
15.0	Will your project involve purchasing water in bulk, excluding during the construction period? If "Yes", name the provider. Also, indicate the daily number of employees or guests served. (DEP Use/4x81)	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
15.0.1	Provider's Name				
15.0.2	Number of Employees/Guests				
16.0	Is your project to be served by public water supply? If "Yes", indicate name of supplier and attach letter from supplier stating that it will serve the project. (DEP Use/4x81)	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
16.0.1	Supplier's Name Bellefonte Borough Authority				
16.0.2	Letter of Approval from Supplier is Attached	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
17.0	Will this project involve a new or increased drinking water withdrawal from a stream or other water body? If "Yes", provide name of stream. (DEP Use/4x81)	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
17.0.1	Stream Name				
18.0	Will the construction or operation of this project involve treatment, storage, reuse, or disposal of waste? If "Yes", indicate what type (i.e., hazardous, municipal (including infectious & chemotherapeutic), residual) and the amount to be treated, stored, re-used or disposed. (DEP/Use4x32)	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
18.0.1	Type & Amount				
19.0	Will your project involve the removal of coal, minerals, etc. as part of any earth disturbance activities? (DEP Use/48y1)	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
20.0	Does your project involve installation of a field constructed underground storage tank? If "Yes", list each Substance & its Capacity. Note: Applicant may need a Storage Tank Site Specific Installation Permit. (DEP Use/2570)	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
20.0.1	Enter all substances & capacity of each; separate each set with semicolons.				
21.0	Does your project involve installation of an aboveground storage tank greater than 21,000 gallons capacity at an existing facility? If "Yes", list each Substance & its Capacity. Note: Applicant may need a Storage Tank Site Specific Installation Permit. (DEP Use/2570)	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
21.0.1	Enter all substances & capacity of each; separate each set with semicolons.				
22.0	Does your project involve installation of a tank greater than 1,100 gallons which will contain a highly hazardous substance as defined in DEP's Regulated Substances List, 2570-BK-DEP2724? If "Yes", list each Substance & its Capacity. Note: Applicant may need a Storage Tank Site Specific Installation Permit. (DEP Use/2570)	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
22.0.1	Enter all substances & capacity of each; separate each set with semicolons.				

- 23.0 Does your project involve installation of a storage tank at a new facility with a total AST capacity greater than 21,000 gallons?** If "Yes", list each Substance & its Capacity. **Note:** Applicant may need a Storage Tank Site Specific Installation Permit. (DEP Use/2570) ☐ Yes ☒ No
- 23.0.1 Enter all substances & capacity of each; separate each set with semicolons.**

CERTIFICATION

I certify that I have the authority to submit this application on behalf of the applicant named herein and that the information provided in this application is true and correct to the best of my knowledge and information.

Type or Print Name

William Spedding

Signature

William Spedding

Title

Project Manager

Date

2/27/09



Main Office
4031 Allport Cutoff
Morrisdale, PA 16858
Ph: (814) 342-7090, Fax: (814) 342-7099

Branch Office
90 Beaver Drive, Box 4
Suite 202-A, DuBois, PA 15801
Ph: (814) 371-4660; Fax: (814) 371-4656

March 5, 2009

CERTIFIED MAIL
Return Receipt Requested

Benner Township
1224 Buffalo Run Road
Bellefonte, PA 16823

Attn: Township Supervisors

Re: Pennsylvania Act 14 Notification
Fox Ridge Subdivision
Benner Township, Centre County, PA
GEI# 001-001

Dear Township Supervisors:

The purpose of this notice is to inform you that Joel Albert will be filing an NPDES permit application with the Pennsylvania Department of Environmental Protection (DEP):

Project Name:	Fox Ridge Subdivision
Project Description:	NPDES Permit Application
Applicant Name:	Joel Albert
Applicant Contact:	Joel Albert 4031 Allport Cutoff Morrisdale, PA 16858 814-342-7090
Site Location:	The site is located at the intersection of Buffalo Run Road (SR 0550) and Fillmore Road (TR 0344) approximately 3.5 miles North of State College.
Municipality/County:	Benner Township, Centre County, Pennsylvania

Act 67, 68 and 127 of 2000, amended the Municipalities Planning Code (MPC) to direct state agencies to consider comprehensive plans and zoning ordinances when reviewing applications for permitting of facilities or infrastructure, and specified that state agencies may rely upon comprehensive plans and zoning ordinances under certain conditions as described in Section 619.2 and 1105 of the MPC.

We invite you to submit comments to DEP related to comprehensive plans and zoning ordinances under Acts 67 and 68. Please identify any land use concerns or issues associated with the proposed project if there are any. Along with your comments, you are also encouraged to send as much information as necessary to support your comments. This can include a copy of the sections of your comprehensive plan that relate to the project and a copy of any applicable zoning ordinances; you may also want to identify locally designated growth areas and Keystone Opportunity Zones, efforts to preserve open space and prime farmland and similar information.

If you wish to submit comments in accordance with Acts 67 and 68 concerning this project, please respond within 30 days from the date of this notice to the DEP Northcentral Regional Office 570-327-3636. For information about Growing Smarter and the land use review process, please visit www.dep.state.pa.us DEP Keyword: "Land Use Reviews" (formerly *directLINK*).

Sincerely,

A handwritten signature in black ink, appearing to read 'Tyler Piotrowski', with a long horizontal flourish extending to the right.

Tyler Piotrowski
Civil Engineering Technician



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P. O. BOX 598
CAMP HILL, PENNSYLVANIA 17001-0598

OFFICE OF THE
SECRETARY OF CORRECTIONS

February 19, 2009

FEB 25 2009

Honorable Mike Hanna
Pennsylvania House of Representatives
102 Turnpike Street
Milesburg, PA 16853

Dear Representative Hanna:

This is in response to your February 10, 2009 letter concerning Bellefonte Borough's desire to provide back-up water to the new prison at Rockview. In reviewing this matter, I learned that Rockview grounds encompasses four townships (Benner, College, Spring and Potter). While our preferred site is for the new prison to be in Benner Township, no final site has been selected. It is, therefore, possible that the prison in its entirety or in part could be located in townships other than Benner. Therefore, I think it best to wait until we have a final site for the prison to determine what township or townships we should be talking to about the option of back-up water for our new facility at Rockview.

If you wish to discuss this any further, please do not hesitate to contact me.

Sincerely,

Jeffrey A. Beard, Ph.D.
Secretary of Corrections

JAB/dls

c: Secretary Creedon
Executive Deputy Secretary Sprenkle
Deputy Secretary Goldberg
Superintendent Tennis
Director Coyne
File

February 10, 2009

Commonwealth of Pennsylvania
Department of General Services
Attention: Secretary James Creedon
515 North Office Building
Harrisburg, PA 17125-0001

Commonwealth of Pennsylvania
Department of Corrections
Attention: Secretary Jeffrey Beard
2520 Lisburn Road
PO Box 598
Camp Hill, PA 17001-0598

Dear Secretaries Creedon and Beard:

Enclosed is a copy of correspondence we received from the Bellefonte Borough regarding water for the new prison site. I would appreciate your assistance in responding to their concerns.

Very Truly Yours,

Mike Hanna

76th District
State Representative

MKH/tla

Enclosure

Historic Bellefonte
Home of five Pennsylvania
Governors
Population, 7,000
1769—Big Spring Discovered
1795—Bellefonte Laid Out
1800—Centre County Seat
1806—Borough Incorporated



"Beautiful Fountain"

Named by the French Statesman, Talleyrand, the Big Spring is Pennsylvania's third largest. More than 11 million gallons flow from it daily. Less than one-half is utilized by area residents.

Borough of Bellefonte

MUNICIPAL BUILDING — 236 W. LAMB ST.

Bellefonte, Pennsylvania 16823

January 28th, 2009

(814) 355-1501
Fax (814) 353-2315

JAN 29 2009

State Senator Jake Corman
236 Match Factory Place
Bellefonte, PA 16823

State Representative Kerry Benninghoff
209 South Allegheny Street, Suite B
Bellefonte, PA 16823

State Representative Michael K. Hanna
PO Box 1134
102 Turnpike Street
Milesburg, PA 16853

Ref: Water Service to New State Prison Facility, Benner Township

Dear Senator Corman and Representatives Benninghoff and Hanna:

On behalf of Bellefonte Borough and the Bellefonte Borough Authority, I want to express our interest in providing potable water service to the new prison facility in Benner Township. Since the late 1960s, the Bellefonte Water System began establishing a service area in Benner Township via its main water line to the Corning Glass plant in College Township. In the 1970s, the Bellefonte Water System received a Certificate of Public Convenience from the PA PUC to service additional customers in Benner Township. In the 1990s, the Borough and Authority entered into an agreement with Rockview to tap the main and provide water as a back up to the prison's water system.

In about 2002, DEP required Rockview to have a permanent back up potable water supply system in place. DEP would not permit the Bellefonte Water System to supply water to Rockview because we, at the time, were over an established water allocation permit level. The College Township Water Authority, through the assistance of State

*gave
original
to Mike
1/29/09*

funding, built a new pipe line into Benner Township and became the back up water provider.

On behalf of the Borough and the Authority, I want to make it clear that we did not relinquish service territory and that we have addressed our water allocation permit issues and are willing and able to serve the new prison facility in Benner Township. We have lost large industrial customers like Corning and Cerro. Having this facility on our system would help make up for those losses.

Please consider this letter as our intent to serve the new prison facility. Please direct the appropriate engineers to our office. Should you have any questions, please do not hesitate to contact me at 355-1501.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph W. Stewart", followed by a horizontal line.

Ralph W. Stewart, Manager
Bellefonte Borough

MAR 06 2009



FEMA

Richard Mulfinger
Director, Bureau of Engineering and Property Services
Pennsylvania Fish & Boat Commission
450 Robinson Lane
Bellefonte, Pennsylvania 16823

Dear Mr. Mulfinger:

This letter is to remind you of the upcoming **May 7, 2009** deadline for your community to submit a 12-month progress report regarding the Provisionally Accredited Levee (PAL) designation for the **Spring Creek Levee** that is shown on the preliminary Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for the **Township of Benner, Centre County, Pennsylvania**. The Department of Homeland Security, Federal Emergency Management Agency (FEMA) received and accepted your signed PAL agreement for this levee, dated **April 28, 2008**. As a result, the levee was designated as a PAL on the new Digital Flood Insurance Rate Map (DFIRM) for **Centre County, Pennsylvania** and Incorporated Areas during a 24-month PAL certification period that started on **May 7, 2008**.

Pursuant to PAL Program requirements, your community must submit a progress report 12 months after the start of the 24-month PAL period to document progress toward obtaining the data and documentation required to show that this levee meets the criteria of the Code of Federal Regulations, Title 44, Chapter 1, Section 65.10 (44 CFR 65.10). If you are unable to submit this 12-month PAL progress report by **May 7, 2009**, FEMA may initiate a map revision to re-designate certain areas on the landward side of the levee as Special Flood Hazard Area (SFHA). The SFHA is the area that is subject to flooding during the 1-percent-annual-chance flood.

A template for the 12-month PAL progress report is enclosed. For your convenience, an electronic version of this PAL progress report template is available at www.r3levees.org.

Please send your completed 12-month PAL progress report to me on or before **May 7, 2009**. If you have questions or need additional information regarding the flood mapping for your community, please contact me by telephone at (215) 931-5575, or by e-mail at nikki.roberts@dhs.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Nikki L. Roberts".

Nikki L. Roberts, P.E.
Civil Engineer

Enclosure:

Provisionally Accredited Levee Progress Report

cc: David Breon, Chairman of the Board of Supervisors, Benner Township

Rob Fugate, Chairman of the Planning Commission, Benner Township

Daniel Fitzpatrick, State NFIP Coordinator

Anthony Vidal, USACE – Baltimore District

Steve Eberbach, MOD Team Levee Coordinator