

**Act 537 – Bear Creek Township  
Chronology of Events**

- 03-01-2008 Judge rules against BCT. Township ordered to move forward with developing a revised Act 537 Plan.
- 03-10-2008 Motion for Summary Judgment filed by DEP.
- 03-01-2008 Motion for Summary Judgment filed by BCT.
- 10-19-2006 Township appealed the Department's September 20<sup>th</sup> Order to the DEP Hearing Board.
- 09-20-2006 DEP issued an Administrative Order to the Bear Creek Township Board of Supervisors requiring the submission of the plan without inclusion of an on-lot alternative. The Order required the township to install a centralized sewage collection system to provide for sewage treatment needs in Llewellyn Corners, Forest Park, Trailwood, and Country Club Estates.
- 06-05-2006 Township sends a letter to DEP indicating that it is proceeding as promised.
- 06-01-2006 DEP sent a letter to the township concerning recent communications from the SEO. DEP indicated that it believed the township has failed to make meaningful progress towards the adoption of its Official Sewage Facilities Plan, and its doubt that the contemplated on-lot sewage management/repair program would be successful.
- 11-16-2005 DEP receives a Bear Creek Township Resolution indicating it would continue analysis to determine which malfunctioning systems could be corrected. A progress report was promised on or about December 15, 2005.
- 09-19-2005 DEP receives a letter from the township's SEO indicating that he had not completed review of the Forest Park area to confirm whether any malfunctioning systems could be corrected.
- 06-09-2005 DEP meets with township officials to discuss status of Official Sewage Facilities Plan. DEP indicates that the township has not completed Phase I of the project, and reiterated that a soil scientist was necessary to conduct the contemplated evaluation.
- 05-20-2005 DEP sends a letter to the township indicating that the draft plan is deficient. Since no fieldwork or soils analysis had been completed, DEP indicated that no conclusion could be drawn regarding the viability of the plan.
- 01-18-2005 DEP receives the township's Official Sewage Facilities Plan for comment.

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- 12-17-2004 DEP responds to the November 3<sup>rd</sup> letter by indicating that a soil scientist is necessary to evaluate the alternative of repairing and replacing malfunctioning systems. DEP also indicated that the desired sewer treatment alternative does not appear to be viable based on DEP's experience with similarly situated municipalities. A modified Task Activity Report is requested by DEP no later than January 20, 2005.
- 11-3-2004 Township solicitor sends a letter to DEP asking whether it is necessary to hire a soil scientist to evaluate the ability to repair documented malfunctioning on-lot systems.
- 10-29-2004 DEP provides proposed effluent limits in response to township's September 21, 2004 request.
- 09-28-2004 Township solicitor sends a letter to DEP indicating that the township will not hire a soil scientist despite DEP's request to do so during the December 10, 2003 meeting.
- 09-15-2004 DEP sends a letter to the township consultant indicating that their June 29, 2004 request for preliminary effluence limits at six different locations is unreasonable and the scope of the request should be narrowed.
- 09-09-2004 DEP sends a letter to the township indicating that it still has not received an amended, signed Task Activity Report. DEP requested a signed Task Activity Report be provided by the township within 15 days of receipt of the letter.
- 06-30-2004 Township's consultant requests a copy of draft wastewater treatment plant effluent discharge limits to be used in planning the Official Sewage Facilities Plan Update Revision.
- 03-22-2004 DEP receives a letter from the township indicating that the amended Task Activity Report will be signed by the township on April 5, 2004. Letter also indicated the work on the project would continue as outlined in the 12-10-2003 meeting.
- 03-05-2004 DEP sends letter to township indicating it had not received the amended Task Activity Report. DEP requested a signed Task Activity Report be provided by the township within 15 days of receipt of the letter.
- 01-02-2004 Township engineer submits a letter to DEP expressing intention to amend the Task Activity Report to include the use of the soil scientist.
- 12-10-2003 DEP met with the township to discuss first two phases of sewage analysis report. It was agreed that an independent soil scientist would be hired by the township to work on Phase I of the plan. It was agreed that Phase I was to begin May 31, 2004 and end by August 1, 2004. A final Act 537 Plan Update would be completed and submitted by February 1, 2005.

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- 11-17-2003 Final Task Activity Report submitted to DEP by the township.
- 10-15-2003 DEP sends a letter to the township indicating that the August 28, 2003 submission is acceptable as an initial approach to evaluating alternatives, despite continued reservations over the long term use of on-lot systems.
- 08-28-2003 Township’s consultant sends a letter to DEP along with a Task Activity Report. Township intends to investigate and test 46 on-lot systems that were confirmed as malfunctioning.
- 08-08-2003 DEP sends a letter to the township summarizing the July 9<sup>th</sup> meeting. DEP expresses strong reservations concerning a long term plan to use on-lot systems.
- 07-09-2003 DEP meets with township representatives to go over the May 5th submission. Township agreed to submit a modified final Task Activity Report within 30 days of this meeting.
- 05-05-2003 DEP receives an initial Sewage Disposal Alternatives Evaluation submitted by the township. Study identifies various configurations of treatment at new and existing facilities and potential for implementation of an on-lot management program.
- 02-12-2003 DEP meets with township representatives to discuss the Sewage Needs Analysis. Township commits to completing a Task Activity Report that addresses alternatives to correct documented malfunctioning systems would be filed by April 15, 2003. DEP sends follow up letter confirming this expectation on 2-19-2003.
- 10-4-2002 Sewage Needs Analysis is forwarded to DEP. Confirmed malfunctioning systems in Forest Park, Trailwood, and Country Club Estates were 56%. Almost 80% of all homes in this study area had either confirmed malfunctioning systems or suspected malfunctioning systems.
- 04-02-2002 Township consultant sends letter to DEP indicating the Sewage Needs Survey has begun and is expected to be completed in six to eight weeks.
- 11-15-2001 Township consultant sends letter to DEP indicates the Sewage Needs Survey would begin in the Spring of 2002.
- 06-22-2001 DEP responds in a letter expressing concerns regarding the adequacy of an on-lot program.

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- 06-21-2001 DEP receives updated draft Task Activity Report from township indicating that the planning efforts were to further the preparation of an on-lot sewage facilities management plan.
- 02-21-2001 DEP meets with township concerning obligation to develop and implement an Official Sewage Facilities Plan. Township agrees to conduct a sewage disposal needs study for the entire township as soon as weather conditions allow. DEP follows up from this meeting with a letter confirming responsibilities and expectations.
- 01-10-2001 DEP responds to township draft report. DEP suggests a more detailed need survey to determine if a sewage management program alone would be sufficient to address the township's sewage system malfunctions.
- Nov 2000 DEP receives a draft Task Activity Report from the township concerning potential revision to the Official Sewage Facilities Plan. This contemplated addressing existing sewage needs by a sewage management program.
- 09-18-00 Bear Creek Township supervisors unanimously approves a motion to hire Reilly and Associates to do review and update the Act 537 Plan.
- 08-14-2000 DEP sends a letter to the township confirming the representations of the Township's Sewage Enforcement Officer that many of the existing malfunctioning septic systems cannot be repaired using on-lot technology.
- 06-29-2000 DEP sends a follow up letter to the Township summarizing what was agreed to on 06-23-2000.
- 06-23-2000 DEP met with the Township again. Township officials agreed to pursue professional assistance in preparing an update to the Official Sewage Facilities Plan. It was agreed that a complete draft would be completed by October 1, 2000.
- 05-09-2000 DEP issues a letter to the township Board of Supervisors indicating that the township continues to be in violation of the final September 1, 1987 Order requiring the township to submit an adopted Sewage Facilities Plan.
- 05-09-2000 DEP receives a complaint from a township resident that a culvert in the vicinity of her residence was contaminated with sewage.
- 04-20-2000 DEP representative observed numerous raw sewage discharges to drainage ditches throughout Forest Park.
- 11-12- 1991 DEP sends a letter to the township indicating there are several major deficiencies in the August 1991 Plan, including failure of adoption by a resolution of Bear Creek Township.

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- 08-13-1991 DEP receives a draft Sewage Facilities Plan from the Township dated August 1991. This “August 1991 Sewage Facilities Plan” was not adopted by the Township.
- 01-16-1991 Representatives of DEP met with officials of Bear Creek Township. Township representatives committed to expeditiously complying with the September 1987 Order. This meant formally submitting an Official Sewage Facilities Plan.
- 11-19-1990 The PA Environmental Hearing Board affirms the September 1, 1987 Order requiring the Township to submit a plan which addresses the total sewage needs documented in the Township in accordance with the requirements of the PA Sewage Facilities Act.
- Late 1987 Bear Creek Township appeals the September 1, 1987 Order to the PA Environmental Hearing Board .
- Ongoing Bear Creek Township has not complied with DER’s September 1, 1987 Order .
- 09-01-1987 DER orders Bear Creek Township to submit a plan which addresses the total sewage needs documented in the Township in accordance with the requirements of the PA Sewage Facilities Act. This plan must be filed by November 1, 1987.
- July 2, 1986 The township proposes to address sewage problems by requiring the systematic upgrading of on-lot septic systems, or for home which could not be upgraded, either condemnation or the construction of small cluster systems. DER notes that the letter (1) was not accompanied by either evidence that it had been adopted by the Township Supervisors or a statement from the Luzerne County Planning Commission, and (2) it did not contain dates for implementation of the proposal.
- Unknown The township was awarded a total of \$43,133 in grants from EPA to conduct the Smith Miller and Pasonick studies.
- Unknown The Pasonick Plan recommended construction of central sewers to serve the more densely populated areas where significant failure was identified (Trailwood, Forest Park, Country Club Estates, and Llewellyn Corners).
- 03-19-1985 Michael J. Pasonick, Jr., Inc. retained to prepare a sewage facility plan which would include walking to each residence within the Township looking for evidence of malfunctioning on-lot sewage systems. A total of 1,133 homes were studied and 290 (26%) had malfunctioning systems. Four areas with particularly high rates of failure were Trailwood (74%), Forest Park (58%), Country Club Estates (73%) and Llewellyn Corners (32%).

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- 11-21-1983 DER notified the Township that it was limiting the Township’s ability to issue sewage permits for on-lot disposal systems. The township and DER agreed that the physical inspection of homes was warranted to document the scope of the on-lot sewage problems.
- 11-17-1983 DER informed the Township that it would be required to update its official plan.
- 11-01-1983 The Township supervisors rejected the Smith Miller Plan.
- Sept 1983 Smith Miller issued a revised proposed facilities plan. This called for, among other things, transport of sewage from areas which were unsuitable for on-lot systems to cluster systems of septic tanks located on suitable soil.
- Nov 1982 Smith Miller issued a proposed facilities plan.
- 09-19-1980 The Township accepted a Step 1 Grant Award from the Environmental Protection Agency (“EPA”) to develop a sewage facilities plan which would act as a revision to the 1973 official plan.
- 02-21-1977 The Township engaged Smith, Miller and Associates to conduct an independent evaluation of the Chester Engineers report.
- Ongoing The Township never adopted any of the alternatives outlined in the Chester Engineers report.
- 04-28-1975 DER submits comments on the Chester Engineers Report. DER advised the township to adopt Alternative #6.
- Feb 1975 Chester Engineers submits the report to the Township outlining six alternatives. They recommend Alternative #6 which called for central sewers to serve Llewellyn Corners, Trailwood, Country Club Estates, Forest Park, Bear Creek Lake, the Highway Building and an Elementary School. The sewage would be conveyed to a treatment plant to be constructed on the east bank of Bear Creek.
- 12/18/1973 Township retains Chester Engineers to prepare a sewage feasibility report covering transportation and treatment of sewage in the Township.
- 12/10/1973 DER issued a Notice of Violation to Bear Creek Township concerning malfunctioning on-lot sewage systems in Country Club Estates, Trailwood, and Forest Park.

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- Ongoing      The Township did not implement its official plan by constructing central sewers in Llewellyn Corners, Forest Park, and Trailwood in 1974-1977, or at any time thereafter.
- Ongoing      The Township never submitted the studies required by DER’s 12-06-1973 letter.
- 12/06/1973    The PA Department of Environmental Resources (“DER”) gave qualified approval to the Plan. Bear Creek Township was required to submit – within 120 days - further studies as to the existing sewage problems or the suitability of soils in the developing areas of the township for individual on-lot sewage systems.
- 08-30-1973    Bear Creek Township adopts the Sewer Section of the Master Plan for Water Supply and Waste Water Management as prepared by Luzerne County Planning Commission. This is known as “the 1973 Master Plan”, and called for central sewers to be installed in the Llewellyn Corners, Forest Park and Trailwood areas of the Township. The construction of these sewers was to occur during the period from 1974-1977.