

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of:

Newtown Township : Submission of Act 537 Plan Update  
209 Bishop Hollow Road : Sewage Facilities Act  
Newtown Square, PA 19073 : Newtown Township  
: Delaware County

CONSENT ORDER AND AGREEMENT

This Consent Order and Agreement ("CO&A") is entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2010, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection (hereinafter "Department") and Newtown Township (hereinafter "Township").

The Department has found and determined the following:

A. The Department is the agency with the duty and authority to administer and enforce the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.1 et seq. ("Pennsylvania Sewage Facilities Act" or "Act 537") and Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, as amended, 71 P.S. § 510-17 ("Administrative Code"), and the rules and regulations promulgated thereunder.

B. The Township is a Second Class Township located within the County of Delaware that exists under the laws of the Commonwealth of Pennsylvania and maintains its offices at 209 Bishop Hollow Road, Newtown Square, Pennsylvania 19073. The Township is considered a "municipality" as that term is defined in Section 2 of the Pennsylvania Sewage Facilities Act, 35 P.S. § 750.2.

C. Section 5(a) of the Sewage Facilities Act, 35 P.S. § 750.5(a), requires each municipality to submit to the Department an official plan for sewage services for areas within its jurisdiction.

D. The regulation at 25 Pa. Code § 71.11 requires a municipality to develop and implement official sewage facilities plans which resolve existing sewage disposal problems and provide for the future sewage disposal needs of new land development and the municipality.

E. The regulation at 25 Pa. Code § 71.12 states that municipalities shall review and revise their official plans whenever the municipality or the Department determines that the plan is inadequate to meet the existing or future sewage disposal needs of the municipality or portion thereof.

F. The regulation at 25 Pa. Code § 71.13 provides that the Department will require a municipality to revise its official sewage facilities plan when it determines that the Plan does not meet the requirements of 25 Pa. Code §§ 71.61 through 71.65.

G. Section 5(d)(9) of the Sewage Facilities Act, 35 P.S. § 750.5(d)(9), requires that a municipality designate municipal responsibility for implementation of the Sewage Facilities Plan.

H. The regulation at 25 Pa. Code § 71.21(a)(5)(vi) requires that a municipality include in its completed Plan an evaluation of sewage facilities planning alternatives for the "ability to implement" the alternatives.

I. The regulation at 25 Pa. Code § 71.21(a)(7)(iii) requires that a municipality include in its completed Plan a summary of the Plan that identifies "[m]unicipal commitments necessary to implement the plan."

J. The regulation at 25 Pa. Code § 71.31(c) specifies that: "A municipality shall submit evidence that documents the publication of the proposed plan adoption action at least once in a newspaper of general circulation in the municipality. The notice shall contain... the plan's major recommendations, including a list of the sewage facilities alternatives considered. A 30-day public comment period shall be provided. A copy of written comments received and the municipal response to each comment, shall be submitted to the Department with the plan. "

K. The regulation at 25 Pa. Code § 71.31(f) provides that a municipality shall adopt the official sewage facilities plan by resolution with specific reference to the alternatives of choice and "a commitment to implement the plan within the time limits established in an implementation schedule".

L. The regulation at 25 Pa. Code § 71.32(d)(4) provides that in approving or disapproving a sewage facilities plan, the Department shall consider "[w]hether the official plan or official plan revision is able to be implemented."

M. On August 29, 2002, the Department approved the Township's "Act 537 Sewage Facilities Plan Newtown Township, Delaware County" prepared by Peter Krasas, Jr. & Associates, Inc., dated May 23, 2002, last revised August 13, 2002 ("2002 Plan").

N. The 2002 Plan also proposed the construction of a regional wastewater treatment plant and land application system ("Regional Wastewater System") to be located on the Old Masters Golf Club and Garrett Williamson properties, respectively, that would service the wastewater generated by existing and new development located in the SD-2 Sewer District. The SD-2 Sewer District included the northwestern portion of the Township in the vicinity of West Chester Pike and Boot Road, including the existing Echo Valley and Florida Park communities but excluding the SAP Property/Ellis Preserve.

O. The Department's August 29, 2002 approval was conditioned upon Newtown Township undertaking additional Act 537 sewage facilities planning to implement the Regional Wastewater System.

P. On August 21, 2006, Newtown Township submitted the Study Area 5A Special Study ("Special Study") to the Department. The Special Study was to provide the sewage facilities planning necessary to implement the Regional Wastewater System, as required under the Department's August 29, 2002 approval. The Special Study included pertinent site data, such as soils and hydrogeologic studies, needed for a proposed land application system.

Q. The Township subsequently became aware of additional sewage disposal needs beyond those identified in the Special Study. The Township decided that the Regional Wastewater System proposed in the Special Study would not have adequate disposal area to accommodate all of the Township's known needs.

R. In May 2007, the Township proposed to update its 2002 Plan by eliminating the proposed Regional Wastewater System and, instead, proposing that the wastewater generated by the majority of the northern and western portions of the Township, including Echo Valley, Florida Park and new development on Ellis Preserve, would be conveyed and connected to the Central Delaware County Authority's ("CDCA") public sanitary sewer system. The 2006 Special Study was withdrawn.

S. In support of its request for what became the 2009 Plan, the Township adopted Resolution 2007-12, titled "Resolution for Adoption of Act 537 Plan Update," on July 9, 2007. Attached as Exhibit "A".

T. Resolution 2007-12 provides, in relevant part, that:

"NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the Township of Newtown hereby adopt and submit to the Department of Environmental Protection for its approval as a revision to the "Official Plan" of the municipality, the above referenced Facility Plan. The municipality hereby assures the Department of the complete and timely implementation of the said plan as required by law."

U. On February 6, 2009, the Department approved the Township's "Official Act 537 Sewerage Facilities Plan Update for Newtown Township for CDCA Membership" dated May 21, 2007, prepared by Kelly & Close Engineers, as supplemented with additional information that the Department received on January 8, 2008, February 21, 2008, April 10, 2008, July 18, 2008, August 11, 2008, September 3, 2008 and September 8, 2008 ("2009 Plan"). The Plan includes the drawing titled "Option Two Preferred Alternative," prepared by Kelly & Close Engineers, dated January 4, 2008. In addition, in approving the Plan the Department considered and incorporated by reference: (1) Article V of the December 21, 2007 Supplemental Agreement ("Supplemental Agreement") between Newtown Township ("Township") and the Central Delaware County Authority ("CDCA") providing for the construction of improvements by CDCA to CDCA's Crum Creek Interceptor; (2) CDCA's November, 2006 Capital Improvement Program & Comprehensive Trunkline Assessment ("CDCA Improvement Program and Trunkline Assessment"); and (3) CDCA's August 8, 2007 letter to the Department regarding the coordination of construction of the facilities in light of the interceptor capacity needs of member municipalities ("Coordination Letter"). Attached as Exhibit "B".

V. Paragraph 1 of the 2009 Plan approval requires the Township to become a member of the CDCA and convey up to a total of 976,000 gallons per day ("GPD") of annual average sewage flow through CDCA to the Delaware County Regional Authority ("DELCORA") wastewater treatment facility in Chester. Id.

W. Paragraph 2 of the 2009 Plan approval requires the Township to ensure that its municipal authority constructs certain sewage collection and conveyance facilities in accordance with the schedule specified in the Plan approval. Id.

X. Paragraph 2.a. of the 2009 Plan approval provides that the Phase I service area, depicted on the plan titled "Option Two Preferred Alternative," includes the Echo Valley Neighborhood, Episcopal Academy, the DuPont Ashford Development, and the northwest portion of the Township, and will be connected to public sewers as soon as possible but no later than February 28, 2012. Pump Station 1 will have a capacity of 224,000 GPD and will receive sewage flows from the Phase I service area. It will be constructed by March 31, 2010; the pump station will be located near the western property line of the Ashford Development, and will convey flows to an existing gravity sewer in Ellis Road, which is tributary to the Camelot Pump Station. The Camelot Pump Station will be expanded to a capacity of 670,000 GPD by March 31, 2010. Id.

Y. Paragraph 2.b. of the 2009 Plan approval provides that the Phase 1A service area, depicted on the plan titled "Option Two Preferred Alternative," includes the Florida Park neighborhood, the Marville development, the Old Masters Golf Course, the Newtown Business Campus and the western portion of the Township, and will be connected to public sewers as soon as possible but no later than February 28, 2012. Pump Station 2 will have a capacity of 378,000 GPD annual average flow and will receive flows from the Phase 1A service area and from the West Chester Pike area of Edgmont Township. It will be constructed by March 31, 2010; Pump Station 2 will be located at West Chester Pike and Crum Creek. Pump Station 2 will convey flows to an existing gravity sewer in Stoney Brook Boulevard, which is tributary to the proposed Pump Station 3. In addition, the Springton Pointe Wastewater Treatment Facility will be converted into a pump station by March 31, 2010. This facility will be called Pump Station 3. Pump Station 3 will have a capacity of 413,000 GPD annual average flow. This pump station will receive flows from the area formerly tributary to the Springton Pointe Wastewater Treatment Facility and from Pump Station 2. Pump Station 3 will convey flows to an existing CDCA manhole located at the intersection of Route 252 and Media Line Road. Id.

Z. Paragraph 2.c. of the 2009 Plan approval provides that The Phase 2 service area, depicted on the plan titled "Option Two Preferred Alternative," includes the southwest corner of the Township and consists of 2 separate service areas. The area bound by Bishop Hollow Road, Gradyville Road and Stoney Brook Boulevard area will be served by public sewers as soon as practicable but no later than February 28, 2017. The remainder of the Phase 2 service area will be served by public sewers as soon as practicable but no later than February 28, 2019. Pump Station 4 will be constructed by March 31, 2010. Pump Station 4 will be located near the Township's borders with Upper Providence Township and Edgmont Township and will have a capacity of 243,000 GPD annual average flow. This pump station will receive flows from Llanbolen Lane, Bishop Hollow Road, Sleepy Hollow Drive, Springton Pointe Drive, Frog Hollow Drive and a portion of Gradyville Road. This pump station will also receive

flows from the Gradyville Road area of Edgmont Township. Pump Station 4 will convey flows to an existing CDCA manhole located at the intersection of Route 252 and Media Line Road. Id.

AA. Paragraph 3 of the 2009 Plan approval provides that CDCA has committed to construct improvements to CDCA's Crum Creek Interceptor. These improvements are required as a result of the additional flow originating in Edgmont, Newtown and Upper Providence Townships that will be conveyed through the interceptor. Id.

BB. In approving the 2009 Plan, the Department determined that the Township satisfied all applicable legal requirements, including the implementability requirements set forth in 35 P.S. § 750.5(d)(9), 25 Pa. Code §§ 71.11, 71.31(f), 71.32(d)(4), 71.25(a)(5)(vi), and 71.25(a)(7)(iii).

CC. The 2009 Plan updates the Township's Act 537 Plan that was approved by the Department on August 29, 2002 ("2002 Plan").

DD. Act 537 specifically sets up a revision and update process to accommodate new development and address local needs and planning. *See* Section 5(a) of the SFA, 35 P.S. § 750.5(a).

EE. On December 7, 2009, the Township Board of Supervisors, at a public meeting appropriately advertised, voted unanimously to direct its engineers to pursue a revision of its Act 537 Plan.

FF. On December 17, 2009, representatives of the Township met with Department representatives to discuss conceptually how the Township proposes to revise its 2009 Plan.

GG. The Township's conceptual revisions to the 2009 Plan would require public sewer for the western portion of the Township by providing a new conveyance route for sewage flow from that sewer service area that parallels State Route 252. Also, the revisions would add new pump stations in the Ashford and BPG developments. Provisions in the 2009 Plan that provide for sewage flow to cross West Chester Pike at Ellis Avenue, and proceed through residential development areas, would be abandoned. Also, the provisions in the 2009 Plan to enlarge the Camelot Pump Station would be eliminated.

HH. The conceptual revisions to the 2009 Plan will affect the improvements previously approved for Phase I and a portion of Phase IA in the February 6, 2009 approval in that the Township will reexamine the sewage conveyance alternative selected to serve the Phase I service area and the flow allocations requested by the Marville and Old Masters developments in the Phase IA sewer service area. The Township will reevaluate the allocation of capacity to certain proposed developments. Specifically, the Township is considering upping the sewer capacity for the BPG property to 267,000 GPD; BPG is approved for 185,000 GPD under the 2009 Plan. Also, the Township is considering lowering the sewer capacity for the Marville/Old Masters property to 250,000 GPD; this property is approved for 275,000 GPD of sewer capacity under the 2009 Plan.

II. As part of the conceptual revisions to the 2009 Plan, the Township is contemplating a "flow swap" that will affect Episcopal Academy and the area bounded by Bishop Hollow Road,

Newtown Street Road and Reese Ave ("Reese Ave. Properties"); the contemplated revision would direct sewage flows from Episcopal Academy to the Radnor-Haverford-Marple ("RHM") conveyance system, instead of through CDCA as approved per the 2009 Plan. The sewage flows from the Reese Ave. Properties, on the other hand, would be directed to the CDCA conveyance system under the revision; the 2009 Plan requires the Reese Avenue Properties to direct their sewage flows to RHM. The Township is considering adding the existing Melmark facility to the public sewer service area. The revisions the Township is contemplating would also allow the bypass of the Camelot Pump Station and instead add a new pump station on the BPG property. Additionally, the Township is contemplating including Ordinance 2009-1 in the Plan.

JJ. The Township does not intend to fully implement its 2009 Plan including: (1) the inclusion of Episcopal Academy in the CDCA service area; (2) the expansion of the Camelot Pump Station; (3) the time frames for sewer connection; (4) many of the milestones listed in the implementation schedule; and (5) the capacities of the other pump stations listed in the Plan.

KK. The Township will maintain and continue to implement CDCA membership as provided in the 2009 Plan. *See* Exhibit "B".

LL. Where a municipality fails to implement its Official Act 537 Plan, the Department has the power: "[t]o order the implementation of official plans and revisions thereto." 35 P.S. § 750.10(3).

MM. The failure of a municipality to implement its Act 537 Plan is a violation of Section 5 of the Sewage Facilities Act, 35 P.S. § 750.5, and 25 Pa. Code §§ 71.11 and 71.31(f).

NN. The violations described in Paragraph MM subject the Township to civil penalty liability under Section 13.1 (a) of the Sewage Facilities Act, 35 P.S. § 750.13a(a).

After full and complete negotiation of all matters set forth in this CO&A and upon mutual exchange of covenants contained herein, the parties desiring to avoid litigation and intending to be legally bound, it is hereby **ORDERED** by the Department and **AGREED** to by the Township, as follows:

1. **Authority.** This CO&A is an Order of the Department authorized and issued pursuant to Section 10 of the Pennsylvania Sewage Facilities Act, 35 P.S. § 750.10 and Section 1917-A of the Administrative Code, supra.

2. **Findings.**

The Township agrees that the findings in Paragraphs A through NN are true and correct and, in any matter or proceeding involving the Township and the Department, the Township, shall not challenge the accuracy or validity of these findings.

3. **Corrective Action.** The Township agrees to complete and submit to the Department a revision to the 2009 Plan and other tasks specified as set forth in this Paragraph.

The work described above shall be accomplished in accordance with the following schedule:

<u>Milestone Event(s)</u>	<u>Milestone Date</u>
<p>1. The Township shall submit a complete Act 537 Plan Update, officially adopted by resolution of the Township, that satisfies all applicable laws and regulations, to the Department for review.</p> <p>The submitted Act 537 Plan Update shall specifically address, at a minimum, the following:</p> <ul style="list-style-type: none"> <li>a. The Plan Update will meet all applicable regulatory requirements including a demonstration by the Township that a proposed Plan Update was published for a 30-day public comment period and all written comments received during the public comment period were considered. The Plan Update will include responses to the comments.</li> <li>b. The Plan Update will reexamine the sewage conveyance alternative selected to serve the Phase 1 service area and the flow allocations requested by the Marville and Old Masters developments in the Phase 1A sewer service area of the 2009 Plan.</li> <li>c. The Plan Update will address the effect that the Township's recent deferred connection ordinance</li> </ul>	<p>Within 215 days of this executed CO&amp;A</p>

**Milestone Event(s)**

**Milestone Date**

- (Ordinance 2009-1) will have on the public sewer service areas set forth in the 2009 Plan and any revisions or updates proposed thereto.
- d. The Plan Update shall include the on-lot sewage disposal system survey recently completed by the Township.
  - e. The Plan Update shall consider whether the Township has purchased adequate capacity from CDCA to satisfy its projected needs for both existing and proposed development in the Crum creek basin public sewer service area.
  - f. The Plan Update shall include an implementation schedule that revises the schedule set forth in the 2009 Plan to reflect the timing of all phases to implement the Plan Update. The revised implementation schedule shall be submitted as part of the revised Act 537 Plan Update.

<u>Milestone Event(s)</u>	<u>Milestone Date</u>
<p>2. The Department shall review the Act 537 Plan Update as described in Section 71.32 of the Department's Rules and Regulations and as otherwise required by applicable laws and regulations.</p> <p>The Department will notify the Township in writing of any deficiencies in the submitted plan and will give the Township the opportunity to resolve these deficiencies.</p>	<p>Within 120 days of receipt of a complete Act 537 Plan Update, unless the Department informs the Township prior to the end of the 120-day review period that it needs additional time, up to a maximum of 60 days, to complete its review</p>
<p>3. The Township shall submit the additional information required by the Department to address the identified deficiencies, commencing the requirements to complete Milestone No. 1 again.</p>	<p>If the Department determines that the Act 537 Plan Update is deficient, within the time limits established by the Department in its deficiency letter</p>
<p>4. The Township shall submit a complete revised Act 537 Plan Update, officially adopted by resolution of the Township, that satisfies all applicable laws and regulations, commencing the requirements to complete Milestone No. 1 again.</p>	<p>If the Department determines that the Act 537 Plan Update is disapproved within the time limits established by the Department</p>
<p>4. <b>Applicability.</b> This document applies only to the timing and submission of Plan Update revisions by the Township to the Department.</p>	
<p>5. <b>Processing of Planning Modules.</b> Any sewage facilities planning modules received by the Department will be reviewed and processed in accordance with applicable Department regulations and legal authority.</p>	
<p>6. <b>Stipulated Penalties.</b> The Township shall pay stipulated civil penalties in the following amounts and manner which the Department is authorized to pursue under Section 13.1(a) of the Sewage Facilities Act, 35 P.S. § 750.13.1(a):</p>	

a. In the event that the Township fails to comply in a timely manner with any term or provision of this CO&A, the Township shall be in violation of this CO&A and, in addition to other applicable remedies, shall pay a civil penalty for each violation as specified below.

b. The Township shall make a payment to the "Commonwealth of Pennsylvania" in the amount of **TWO HUNDRED-FIFTY DOLLARS (\$250)** per day for each day of noncompliance with any milestone schedule date specified in Paragraph 3 of this CO&A. Stipulated penalty payments for schedule violations shall be payable monthly on or before the fifteenth day of each succeeding month, and shall be forwarded as described in Paragraph 6.e. below.

c. Any payment under this Paragraph shall neither waive the duties of the Township to meet its obligations under this CO&A nor preclude the Department from commencing an action to compel compliance by the Township with the terms and conditions of this CO&A.

d. Stipulated civil penalties shall be due within 30 days after the Department gives notice to the Township that they are due and payable.

e. Any payment of penalties shall be made by the Township, by corporate checks or the like, made payable to the "Commonwealth of Pennsylvania" and sent to Ms. Dana Walker, Environmental Protection Compliance Specialist, Pennsylvania Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401.

#### 7. Additional Remedies.

a. In the event the Township fails to comply with any provision of this CO&A, the Department may, in addition to the remedies prescribed herein, pursue any remedy available for a violation of an order of the Department, including an action to enforce this CO&A.

b. The remedies provided by this Paragraph and Paragraph 6 (Stipulated Penalties) are cumulative and the exercise of one does not preclude the exercise of any other. The failure of the Department to pursue any remedy shall not be deemed to be a waiver of that remedy. The payment of a stipulated penalty, however, shall preclude any further assessment of civil penalties for the violation for which the stipulated penalty is paid.

8. **Reservation of Rights.** The Department reserves the right to require additional measures to achieve compliance with applicable law. The Township reserves the right to challenge any action that the Department may take to require those measures.

9. **Liability of Operator.** The Township shall be liable for any violations of the CO&A for which it is responsible, including those caused by, contributed to, or allowed by its officers, agents, employees, or contractors.

10. **Transfer of Interests.** The duties and obligations under this CO&A shall not be modified, diminished, terminated, or otherwise altered by the transfer of any legal or equitable interest in the sewage facilities, land, or any part thereof.

**11. Correspondence with Department.** All correspondence with the Department concerning this CO&A shall be addressed to:

Regional Water Quality Manager  
Department of Environmental Protection  
Southeast Regional Office  
2 East Main Street  
Norristown, PA 19401  
Phone: 484-250-5970  
Fax: 484-250-5971

**with a copy sent to:**

Mr. William J. Gerlach, Jr.  
Assistant Counsel  
Department of Environmental Protection  
Office of Chief Counsel  
Southeast Regional Office  
2 East Main Street  
Norristown, PA 19401  
Phone: 484-250-5930  
Fax: 484-250-5931

**12. Correspondence with the Township.** All correspondence with the Township concerning this CO&A shall be addressed to:

Mr. James Sheldrake  
Township Manager  
Newtown Township  
209 Bishop Hollow Road  
Newtown Square, PA 19370

**with a copy sent to:**

Bruce A. Irvine, Esq.  
Bruce A. Irvine & Associates, P.C.  
117-119 North Olive Street  
Media, PA 19063  
Phone: 610-565-3100

Service of any notice or any legal process for any purpose under this CO&A, including its enforcement, may be made by mailing a copy by first class mail to the above address.

13. **Severability.** The paragraphs of this CO&A shall be severable and should any part hereof be declared invalid or unenforceable, the remainder shall continue in full force and effect between the parties.

14. **Entire Agreement.** This CO&A shall constitute the entire integrated agreement of the parties. No prior or contemporaneous communications or prior drafts shall be relevant or admissible for purposes of determining the meaning or intent of any provisions herein in any litigation or any other proceeding.

15. **Attorney Fees.** The parties agree to bear their respective attorney fees, expenses, and other costs in the prosecution or defense of this matter or any related matters, arising prior to execution of this CO&A.

16. **Modifications.** No changes, additions, modifications, or amendments of this CO&A shall be effective unless they are set out in writing and signed by the parties hereto.

17. **Titles.** A title used at the beginning of any paragraph of this CO&A may be used to aid in the construction of that paragraph, but shall not be treated as controlling.

18. **Decisions under Consent Order.** Any decision which the Department makes under the provisions of this CO&A, including a notice that stipulated civil penalties are due, is intended to be neither a final action under 25 Pa. Code § 1021.2, nor an adjudication under 2 Pa.C.S. § 101. Any objection which the Township may have to the decision will be preserved until the Department enforces this CO&A.

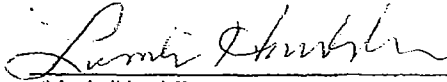
19. **Termination.** The obligation of Paragraph 6 shall terminate when the Department determines that the Township has complied with the requirements of Paragraphs 3 and 6 and the Department has approved the revised Act 537 Plan Update.

20. **Resolution.** Attached hereto as Exhibit "C" to the CO&A is a resolution of the Board of Supervisors of Newtown Township, authorizing its signatories below to enter into the CO&A on its behalf.

**IN WITNESS WHEREOF**, the parties hereto have caused this CO&A to be executed by their duly authorized representatives. The undersigned representatives of the Township certify under penalty of law, as provided by 18 Pa. C.S. § 4904, that they are authorized to execute this CO&A on behalf of the Township; that the Township consents to the entry of this CO&A as a final ORDER of the Department; and that the Township hereby knowingly waives their right to appeal this CO&A and to challenge its content or validity, which rights may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, No. 1988-94, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a); and Chapters 5A and 7A; or any other provision of law.

**FOR NEWTOWN TOWNSHIP:**

**FOR THE COMMONWEALTH OF  
PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION:**

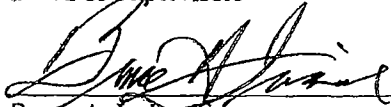


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Linda Houldin  
Chairman  
Board of Supervisors

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Jenifer Fields  
Regional Manager  
Water Management



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Bruce A. Irvine, Esq.  
Solicitor for Newtown Township

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William J. Gerlach, Jr., Esq.  
Assistant Counsel

TOWNSHIP OF NEWTOWN  
MUNICIPAL RESOLUTION 2010 -03

APPROVAL OF CONSENT ORDER AND AGREEMENT

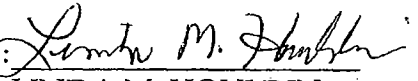
BE IT RESOLVED, by authority of the Board of Supervisors of the Township of Newtown, Delaware County, Pennsylvania, and is hereby resolved by authority of the same, that the Chairwoman of the said Municipality be authorized and directed to sign the attached Agreement on its behalf and the Secretary/Township Manager be authorized and directed to attest the same.

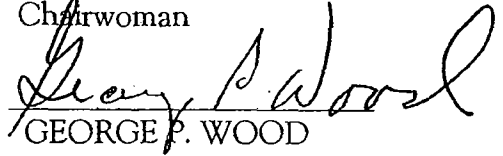
RESOLVED this 25<sup>th</sup> day of January, 2010.

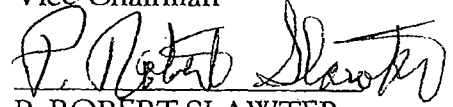
ATTEST:



  
JAMES M. SHELDRAKE  
Township Manager

NEWTOWN TOWNSHIP

BY:   
LINDA M. HOULDIN  
Chairwoman

  
GEORGE P. WOOD  
Vice-Chairman

  
P. ROBERT SLAWTER

  
JOSEPH V. CATANIA  
  
H. ROSS LAMBERT

TOWNSHIP OF NEWTOWN  
MUNICIPAL RESOLUTION 2010 -

APPROVAL OF CONSENT ORDER AND AGREEMENT

BE IT RESOLVED, by authority of the Board of Supervisors of the Township of Newtown, Delaware County, Pennsylvania, and is hereby resolved by authority of the same, that the Chairwoman of the said Municipality be authorized and directed to sign the attached Agreement on its behalf and the Secretary/Township Manager be authorized and directed to attest the same.

RESOLVED this 25<sup>th</sup> day of January, 2010.

ATTEST:

James M. Sheldrake (s)  
JAMES M. SHELDRAKE  
Township Manager

NEWTOWN TOWNSHIP

BY: Linda M. Houldin (s)  
LINDA M. HOULDIN  
Chairwoman

George P. Wood (s)  
GEORGE P. WOOD  
Vice-Chairman

P. Robert Slawter (s)  
P. ROBERT SLAWTER

Joseph V. Catania (s)  
JOSEPH V. CATANIA

H. Ross Lambert (s)  
H. ROSS LAMBERT

I, JAMES M. SHELDRAKE, Township Manager, of the Township of Newtown, Delaware County, Pennsylvania, do hereby certify that the foregoing is a true and correct copy of the Resolution adopted January 25, 2010 at a regular meeting of the Board of Supervisors held the 25<sup>th</sup> day of January, 2010.

DATE: Jan. 25, 2010

James M. Sheldrake  
JAMES M. SHELDRAKE  
Township Manager

SEAL