



Delaware County Regional Water Quality Control Authority (DELCORA)
CSO Long Term Control Plan Update

PUBLIC PARTICIPATION PLAN *(Final)*

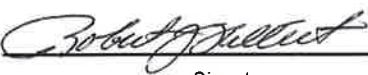


October 2015
(Updated April 2016)



GREELEY AND HANSEN

**Public Participation Plan****REPORT SIGNATURE COVER SHEET**

Signature of this cover signifies agreement with the content of the DELCORA Public Participation Plan.

DELCORA MANAGEMENT		
Executive Director	 Signature	<u>10/19/15</u> Date
DELCORA ENGINEERING		
Director of Engineering	 Signature	<u>10/19/15</u> Date
(type in other as needed / delete row if unused)	_____ Signature	_____ Date
DELCORA OPERATIONS AND MAINTENANCE		
Director of Operation and Maintenance	 Signature	<u>10/19/15</u> Date
(type in other as needed / delete row if unused)	_____ Signature	_____ Date
_____	_____ Signature	_____ Date
_____	_____ Signature	_____ Date



**Public Participation Plan****REVISION CONTROL**

REV. NO.	DATE ISSUED	PREPARED BY	DESCRIPTION OF CHANGES
1	1/26/16	Greeley and Hansen	<ul style="list-style-type: none">• Updated Section 2.2. Revised DELCORA's e-mail address and phone number.• Revised Attachment B4 - Website Screenshot.
2	3/30/16	Greeley and Hansen	<p>Updated Public Participation Plan to address USEPA and PaDEP comments received on February 18, 2016.</p> <ul style="list-style-type: none">• Revised Executive Summary to address comments• Revised Section 1.3 to address comments• Revised Section 2.3, 2.4 and 2.6 to address comments• Revised Section 4.2 to address comments• Revised Attachment B1 – DELCORA Stakeholder's Presentation dated March 15, 2016.



Table of Contents

Executive Summary	1
Section 1 Introduction	1-1
1.1 Background of DELCORA's Facilities	1-1
1.2 Purpose of Public Participation Plan	1-2
1.3 Public Participation Plan Overview	1-2
Section 2 Public Meetings and Engagement Tools.....	2-1
2.1 Objective	2-1
2.2 Inputs During Public Participation Process	2-1
2.3 Facilities Description and Location	2-1
2.4 Responsiveness Summary	2-2
2.5 Public Engagement Tools	2-2
2.6 Public Meeting Descriptions	2-3
2.7 Meeting Schedule	2-7
2.8 Meeting Advertisement	2-8
Section 3 Stakeholder Members	3-1
3.1 Purpose	3-1
3.2 Selection of Members	3-1
3.3 Meeting Site, Format and Time	3-2
Section 4 Public Information Plan	4-1
4.1 Notices and Advertisements	4-1
4.2 Public Education and Involvement	4-1
 List of Tables	
Table 2-1: Public Meeting Schedule	2-8
 List of Figures	
Figure 1-1: DELCORA Conveyance System.....	1-3
Figure 1-2: DELCORA Service Area.....	1-4
 List of Attachments	
Attachment A: Implementation Schedule	
Attachment B: Public Education Tools and Public Outreach Materials	
Attachment B1: DELCORA Stakeholders' Presentation dated August 18, 2015	
Attachment B2: Public Education Brochures (7 Brochures)	
Attachment B3: Sample Press Release	
Attachment B4: DELCORA's CSO LTCPU Website (Sample Screen Shot)	
Attachment C: Pennsylvania Sunshine Act	
Attachment D: PA Right-to-Know Law Act 3 of 2008	



Executive Summary

BACKGROUND

The Delaware County Regional Water Quality Control Authority (DELCORA) is a municipal authority originally organized under the Pennsylvania Municipal Authorities Act of 1945 (P.L. 382), as amended and supplemented, pursuant to action taken by the Delaware County Council on October 20, 1971. Under County of Delaware Ordinance 2002-1, the term of existence of DELCORA was extended to January 15, 2052.

DELCORA is in the process of developing a Long Term Control Plan (LTCP) for the Combined Sewer System (CSS) as part of a Consent Decree entered with the United States Environmental Protection Agency (USEPA) and the Pennsylvania Department of Environmental Protection (PADEP). As part of this comprehensive effort, a Public Participation Program is being implemented to inform, seek input from, and educate the public (i.e., private citizens, businesses, special interest groups, local government, State government, and the Federal government) in the decision-making process for selecting and developing the appropriate LTCP CSO controls for the CSS.

PURPOSE

The purpose of this report is to document DELCORA's Public Participation Plan (PPP) for the LTCPU. The PPP shall describe how DELCORA will inform and solicit input to its updated LTCP from stakeholders, including the public, customer communities and the regulatory agencies.

The goals of the PPP during the development of the CSO LTCPU include addressing requirements of the United States Environmental Protection Agency (USEPA) Combined Sewer Overflow (CSO) Control Policy (dated April 19, 1994) by *“employing a process that actively involves the affected public in the decision-making to select the long-term CSO controls. The affected public includes rate payers, industrial users of the sewer system, persons who reside downstream from the CSOs, persons who use and enjoy these downstream waters, and any other interested persons.”* Additionally, in accordance with Section V.A.17 (page 19) of the Consent Decree between the United States of America, the Commonwealth of Pennsylvania, Department of Environmental Protection, and DELCORA, which was lodged on August 17, 2015, the PPP *shall describe in detail how DELCORA will inform and solicit input to its updated LTCP from stakeholders, including the public, customer communities and the regulatory agencies. The plan shall specifically describe how the LTCP update process will: (i) address the impact of DELCORA's CSOs and LTCP on environmental justice populations, (ii) seek input from communities that may have historically borne a disproportionate share of the negative environmental consequences resulting from DELCORA's CSOs, and (iii) ensure that the LTCP and selected CSO Control Measures will not impose a disproportionate share of negative*

environmental consequences on such communities in the future. The plan shall also include a schedule for DELCORA's implementation of the plan.

To be consistent with the requirements of the EPA CSO Control Policy and the Consent Decree, this PPP has been prepared to specifically describe how the LTCP update process will:

- i. Address the impact of DELCORA's CSOs and LTCP on environmental justice communities.*
- ii. Seek input from communities that may have historically borne a disproportionate share of the negative environmental consequences resulting from DELCORA's CSOs.*
- iii. Ensure that the LTCP and selected CSO Control Measures will not impose a disproportionate share of negative environmental consequences on such communities in the future.*
- iv. Include a schedule for DELCORA's implementation of the plan.*

PUBLIC AND STAKEHOLDER MEETINGS

The USEPA "Combined Sewer Overflows Guidance for Long-Term Control Plan," dated August 1995, indicates that public participation and Agency interactions should occur at the following steps of the LTCP development process:

1. System Characterization
2. Development and Evaluation of Alternatives for CSO Controls
3. Selection and Implementation of the Long-Term Plan

This PPP has been developed to actively involve the affected public in each of the above steps via Public Participation Meetings and other methods as further described herein. In addition to these minimum requirements, one additional Public Participation Meeting will be considered prior to the required meetings (listed above) to inform the public early in the planning process about the scope and goals of the program. In summary, the Public Participation Meetings to be held will be as follows:

Meeting No. 1: Scope and Purpose of the Study

Meeting No. 2: System Characterization

Meeting No. 3: Development and Evaluation of Alternatives for CSO Controls

Meeting No. 4: Selection and Implementation of the Long-Term Plan

In addition to the above stated Public Participation Meetings, DELCORA will also be holding stakeholder meetings with various agencies, authorities, and special interest groups throughout the course of the LTCP program.

Beyond the above referenced Public Participation Meetings and Stakeholder Meetings, a concerted effort will also be made to make the public aware of the CSO LTCPU development process and to actively involve and educate them about CSO issues and the selection of the CSO control elements through various media, including the following:

1. Update and Educational Material in Sewer Bills
2. CSO Website
3. CSO Newsletters in the form of mail inserts and/or emails
4. Handouts
5. Literature and Documentation will be made available by DELCORA at municipal buildings and public library

Section 1 Introduction

1.1 Background of DELCORA's Facilities

Delaware County Regional Water Quality Control Authority (DELCORA) is responsible for the safe collection, transmission, treatment and disposal of approximately 65 million gallons per day (MGD) of wastewater generated in southeastern Pennsylvania. DELCORA's facilities serve residential, commercial, institutional, and industrial customers in Delaware County. DELCORA owns and operates an extensive system of pump stations, force mains, and sewers that provide the core infrastructure for the transmission of wastewater to treatment facilities in Delaware County and the City of Philadelphia as shown diagrammatically in Figure 1-1. The total service area served by DELCORA is approximately 82,977 acres, as shown on Figure 1-2, which illustrates that DELCORA serves a significant and widespread portion of Delaware County. The combined sewer area simulated in the original model, also shown in Figure 1-2, is located within the Chester City. It comprises approximately 49% of the Chester City's serviced area. To support the service area, DELCORA owns and operates over 129 miles of separate and combined sewers. Included in the 129 miles of sewers are: 11.7 miles of an interceptor system; 3,209 manholes; and twenty-five (25) combined sewer outfall regulators controlling storm overflows.

Historically, DELCORA has characterized its service areas as "Eastern" and "Western." The Western service area discharges to the Western Regional Treatment Plant (WRTP). The Eastern service area discharges to the Philadelphia Water Department's Southwest Water Pollution Control Plant (PWD-SWPCP). In 2002, DELCORA completed the installation of a force main that connects the Eastern Service Area's Central Delaware Pump Station (CDPS) to the Chester Force Main. This connection allows DELCORA to send flow from the CDPS to the WRTP. Flows above 20 MGD are to be directed to the PWD-SWPCP. As such, dry weather flow and a portion of the wet weather flow from the Central Delaware County Authority in the Eastern Service Area are discharged to the WRTP.

Under National Pollutant Discharge Elimination System (NPDES) Permit No. PA0027103, issued and administered by the Pennsylvania Department of Environmental Protection (PADEP), DELCORA is authorized to discharge from the Western Regional Treatment Plant (Outfall 001), four storm water outfalls at the WRTP (028-031) and from 26 combined sewer overflow (CSO) outfalls (002-026, 032, 033) that ultimately discharge to the Delaware River, Chester Creek and/or Ridley Creek.

There are a total of 26 combined sewer overflow (CSO) outfalls listed with 25 discharge points (Outfalls 009 and 010 both discharge at Outfall 009) in DELCORA's existing NPDES Permit.

1.2 Purpose of Public Participation Plan

The purpose of this Public Participation Plan (PPP) is to present and document DELCORA's Public Participation Program for the LTCPU. The PPP outlines the methods that DELCORA will utilize to actively facilitate public involvement in the decision-making process to develop and select the long term CSO controls.

The goals of the PPP during the development of the CSO LTCPU include addressing requirements of the United States Environmental Protection Agency (USEPA) Combined Sewer Overflow (CSO) Control Policy (dated April 19, 1994) by *“employing a process that actively involves the affected public in the decision-making to select the long-term CSO controls. The affected public includes rate payers, industrial users of the sewer system, persons who reside downstream from the CSOs, persons who use and enjoy these downstream waters, and any other interested persons.”* Additionally, in accordance with Section V.A.17 (page 19) of the Consent Decree between the United States of America, the Commonwealth of Pennsylvania, Department of Environmental Protection, and DELCORA, which was lodged on August 17, 2015, the PPP *shall describe in detail how DELCORA will inform and solicit input to its updated LTCP from stakeholders, including the public, customer communities and the regulatory agencies. The plan shall specifically describe how the LTCP update process will: (i) address the impact of DELCORA's CSOs and LTCP on environmental justice populations, (ii) seek input from communities that may have historically borne a disproportionate share of the negative environmental consequences resulting from DELCORA's CSOs, and (iii) ensure that the LTCP and selected CSO Control Measures will not impose a disproportionate share of negative environmental consequences on such communities in the future. The plan shall also include a schedule for DELCORA's implementation of the plan.*

1.3 Public Participation Plan Overview

As part of the Long Term Control Plan Update (LTCPU), this Public Participation Plan (PPP) has been developed to involve key decision makers as described in Section 3.2 for developing and selecting appropriate LTCP objectives for the CSS communities.

To be consistent with the requirements of the EPA CSO Control Policy and the Consent Decree, this PPP has been prepared to specifically describe how the LTCP update process will:

- i. *Address the impact of DELCORA's CSOs and LTCP on environmental justice communities.*
- ii. *Seek input from communities that may have historically borne a disproportionate share of the negative environmental consequences resulting from DELCORA's CSOs.*

- iii. *Ensure that the LTCP and selected CSO Control Measures will not impose a disproportionate share of negative environmental consequences on such communities in the future.*
- iv. *Include a schedule for DELCORA's implementation of the plan.*

The USEPA "Combined Sewer Overflows Guidance for Long-Term Control Plan," dated August 1995, indicates that public participation and Agency interactions should occur at the following steps of the LTCP development process:

1. System Characterization
2. Development and Evaluation of Alternatives for CSO Controls
3. Selection and Implementation of the Long-Term Plan

This PPP has been developed to actively involve the affected public in each of the above steps via Public Participation Meetings and other methods as further described herein. In addition to these minimum requirements, one additional Public Participation Meeting will be considered prior to the required meetings (listed above) to inform the public early in the planning process about the scope and goals of the program. In summary, the Public Participation Meetings to be held will be as follows:

- Meeting No. 1: Scope and Purpose of the Study
- Meeting No. 2: System Characterization
- Meeting No. 3: Development and Evaluation of Alternatives for CSO Controls
- Meeting No. 4: Selection and Implementation of the Long-Term Plan

In addition to the above stated Public Participation Meetings, DELCORA will also be holding stakeholder meetings with various agencies, authorities, and special interest groups throughout the course of the LTCPU program.

Beyond the above referenced Public Participation Meetings and Stakeholder Meetings, a concerted effort will also be made to make the public aware of the CSO LTCPU development process and to actively involve and educate them about CSO issues and the selection of the CSO control elements through various media, include the following:

1. Update and Educational Material in Sewer Bills
2. CSO Website
3. CSO Newsletters
4. Handouts
5. Literature and Documentation

Public Participation Plan

Section 1

During the course of the LTCPU development and selection process, the public will have the opportunity to be informed, participate in discussions, and provide input through the above meetings.



Section 2 Public Meetings and Engagement Tools

2.1 Objective

The main objective of public meetings and the engagement tools that will be implemented are to foster public awareness and actively facilitate public involvement by taking into consideration public input during the decision making process and selection of the final long term CSO controls.

2.2 Inputs During Public Participation Process

During the public participation process, DELCORA and the Engineering and Program Management Consultant, Greeley and Hansen, will present Public Outreach Material and receive questions and comments.

DELCORA will maintain a website containing information about the Authority and the CSO system. Residents can also report problems or concerns with DELCORA through requests for information. Requests for information will be directed to DELCORA at 610-876-5523 and DELCORA can also be reached by email at ltcpinfo@delcora.org. Comments may also be received through DELCORA's CSO LTCPU website at www.delcora.org.

The comments received will be given consideration during the progress of the program and for the development and selection of the CSO controls.

2.3 Facilities Description and Location

The public meetings will be held at the following four locations. The exact time and location of the meetings will be advertised in advance of the meetings and as described in Section 2.6.

1. **Chester City Hall**
Address: 1 E. 4th Street Chester, PA 19013
2. **Ridley Township Municipal Building**
Address: 100 MacDade Boulevard Folsom, PA 19033
3. **Chester City Hall**
Address: 1 E. 4th Street Chester, PA 19013
4. **Aston Township Administration Building**
Address: 5021 Pennell Road, Aston, PA 19014

The public meeting locations will be held at different locations in order to maximize the likelihood of attendance for residents and stakeholders. The facilities will have ample meeting space. These locations serve a vital role in Delaware County as the central meeting place and serves as a gathering place for the local community, as well as the hosting of numerous public events, including public information meetings, and are all free to the public.

2.4 Responsiveness Summary

After each public meeting, a Responsiveness Summary will be prepared. Each Responsiveness Summary will include notifications and information that will be made available to the public at the following meeting. This will include a summary of the meeting presentation and attendance; statements, comments, and questions raised by the public, followed by DELCORA's responses.

When preparing the Responsiveness Summary, special attention will be given to address the public statements, comments, and questions, along with DELCORA's responses.

A final copy of the Responsiveness Summary will be provided and reviewed at the subsequent public meeting and a copy will also be placed on DELCORA's CSO LTCPU website. In addition to this the responsiveness summary will also be available at an offline repository location at municipal buildings and/or public library.

2.5 Public Engagement Tools

The public engagement program will be developed in collaboration with DELCORA and the Engineering and Program Management Consultant. This program will include multiple tools nested in primarily the two following strategies:

1. Direct Engagement Strategy

This strategy will be implemented at the Public Meetings, as well as the Stakeholder Meetings, and will address the complex issues of the LTCP program by providing an opportunity for public participation that is active, interactive, encouraging people to provide ideas and comments and continue to learn about DELCORA's CSO LTCPU program and its objectives. The rationale behind DELCORA's CSO LTCPU will be discussed with the public as part of the engagement program. This strategy will involve stakeholder interactions, use of public meeting talking points, and education based presentations in-line with the requirements of the development process of the LTCP.

2. Digital Engagement Strategy

This strategy will actively engage the public in providing feedback and comments through the use of digital technology. This will help provide ample information when

people want to know more about the program and its progress. The use of the DELCORA website with a CSO link and notification updates will broaden the range of people that can participate in this program. DELCORA's website will add new content on a regular basis and DELCORA will keep the website updates with the progress milestones of the LTCPU. People will be encouraged to participate by leaving comments or inputs. Informational materials could be posted on the website, as well. This could include advertisements for public meetings, information from communities and other stakeholders, the Responsiveness Summaries from the Public Meetings, project areas and photos, construction notices, as well as key project dates and milestones.

2.6 Public Meeting Descriptions

It is anticipated that there will be four public engagement meetings and each meeting will include elements of the strategies listed above. Meetings will be developed to sync with the needs of the development of the LTCPU. The key points that will be addressed through these public engagement strategies include the following in order to be consistent with the USEPA "Combined Sewer Overflows Guidance for Long-Term Control Plan," dated August 1995:

1. System Characterization
2. Development and Evaluation of Alternatives for CSO Controls
3. Selection and Implementation of the Long-Term Plan

The first public meeting will be used to brief the public on the history, scope and purpose of the study and to obtain their general views on the study. At this meeting a general presentation with information on DELCORA and its CSO LTCPU program will be given to the public. This meeting will provide an effective forum to obtain inputs from interested individuals and organizations. The power point presentation will be provided to the public for review a week in advance of the meeting. The presentation materials will be available for access to the public on DELCORA's CSO LTCPU website under the Combined Sewer System tab.

The second public meeting will focus on updating the public on the scope of activities that make-up system characterization, analysis of existing data and development of the monitoring and modeling programs, identification and status of implementation of the Nine Minimum Controls, and the process for evaluating alternative CSO controls. DELCORA and the Engineering and Program Management Consultant will focus on providing a power-point presentation with hand-outs with the following information to the public as it is developed during this phase, as relevant:

- Scope of monitoring and assessment programs for system characterization
- The watershed approach to CSO control planning
- Identification of watersheds in the CSO area
- Identification and quantification of non-CSO sources
- Existing sewer system conditions and problems (e.g., flooding, basement backups)

- Quantification of CSO flows and loads and impacts of CSOs on receiving waters
- Results of CSS and receiving water monitoring programs
- Development and calibration of the CSS and receiving water models
- Identification and implementation status of the NMC
- Process for evaluating alternatives

DELCORA will interact between various municipal and permitting authorities to reach agreement on the data, information and analysis that is needed to support the development of long-term CSO control plan and review of applicable water quality standards (WQS) as well as implementation procedures. This agreement on the data as well as the power-point presentation will be provided to the public for review a week in advance of the meeting.

The goals of the third public meeting will be to actively involve the public in the development of the alternative solutions that protect the receiving streams, as well as to consider the financial impacts to the community as a whole. During this third Public Meeting, DELCORA and the Engineering and Program Management Consultant will provide a power-point presentation with handouts. The opportunity for citizens to be actively involved in the development of alternatives that provide solutions to protect the local waterways will be provided. Any suggestions, comments and financial impacts to the community will be considered. The following key information will be presented to the public:

- Water quality goals for each receiving water segment
- CSO control goals for each receiving water segment as developed under the presumption and/or demonstration approach options
- Types of control alternatives available to meet CSO control goals
- CSO control alternatives identified to meet the control goals
- Process of evaluating and comparing various alternatives for CSO control

DELCORA will continue to fund and implement the CSO control measures that are currently being implemented under the 1999 LTCP to reduce the frequency, volume, and pollutant load of CSO discharges to local waterways. Additionally, early action CSO control projects will continue to be identified and implemented, where appropriate. Additional CSO control alternatives would be selected based on their water quality impacts, their ease of implementation, and their cost effectiveness. During the Public Participation process, various CSO control measures investigated through engineering analysis will be presented at the third public meeting by the Engineering and Program Management Consultant on behalf of DELCORA. The type and features of the CSO control measures to be considered for each element of the LTCPU would also be based on the nature of the problem, project constraints, and analysis of existing data. Some of the major CSO mitigation measures that would be considered are listed below:

- Capacity Recovery in the existing CSS
- CSO Regulator Improvement Program
- Sewer System Cleaning/Flushing to avoid backups

- Sewer/ CSO Regulator replacement
- Tide Gate Maintenance or replacement
- Reduction of FOG in the sewers
- Outfall Maintenance Program;
- Private Property I/I Elimination
- Outfall Combined Wastewater Diversion and Separation
- Outfall Consolidation, Relocation, or Elimination
- Additional Conveyance Systems
- Inlet Replacement Program
- Downspout Disconnect Program

Presentations will be provided to the public and other listed stakeholders (as discussed in Section 3) on the various advantages and disadvantages of these control measures for further inputs and comments.

The fourth public meeting will discuss and present progress on the development and selection of the alternatives for implementation of the Long-Term Plan. Once the alternatives have been evaluated in detail, but prior to selection of specific CSO controls, the public will be informed of each alternative and ranked based on preference in a draft report. The results of the evaluation will be summarized in an executive summary. The extent of implementation of each alternative evaluated will be based on public input. The schedule and financing method will also be described in the report prior to selection.

During the CSO control measures evaluation stage, alternative measures that can reduce the impact of CSO discharges will typically fall into one of the following four categories:

1. Source Control Technologies/Alternatives - eliminating or preventing pollution before it is created.
2. Collection System Control Reducing Technologies/Alternatives – reducing the discharge volume, concentration, or frequency.
3. Storage Technologies/Alternatives - capturing all or some of the discharge and then releasing for treatment.
4. Treatment Technologies/Alternatives - treating as much as possible.

After assembling a list of possible control alternatives, the necessary preliminary screening will be conducted in order to better evaluate which control alternatives have the highest potential to protect receiving water quality. The selected alternatives will be screened against evaluation

criteria that were selected based upon characteristics of CSO discharges that are measurable and can impact the receiving water. The preliminary screening criteria are as follows:

- Flow reduction
- BOD reduction
- DO improvement
- Settleable solids removal
- Bacteria reduction
- Floatables reduction
- Toxic materials reduction
- Implementation and operation factors

The final CSO control alternatives will be prioritized based on their potential to reduce the CSO discharge frequency and pollutant load to each water body, their cost effectiveness, and on the financial capability. The following impact points will be considered while implementing the final CSO control alternatives:

- CSO Impacts - Sensitive Areas
- CSO Impacts - Water Quality Objectives
- CSO Impacts - Pollutant Load by Water Body
- CSO Control Technology - Pollutant Load Reduction by Water Body
- CSO Control Technology - Cost Effectiveness

During this meeting, the alternative rankings will be presented and discussed thoroughly. The technical solutions will be presented in a simple format with information covering background of project, description of facility, level of control needed, any impacts, and mitigation measures to be taken, as well as the cost. Graphs will be used to present each alternative along with benefits, resource requirements and cost.

DELCORA will continue to interact with municipal and permitting authorities even in this phase with sharing of technical information. CSO control measure performance will be discussed with regulatory authorities to reach agreement. DELCORA will consult with permitting authorities to ensure consistency with the CSO Control Policy provisions regarding CSOs occurring in sensitive areas and show that all reasonable options in developing a list of final alternatives for evaluation have been studied while incorporating all identified concerns.

During all meetings, an agenda will be developed, distributed to the public and followed during the presentations. One person will be designated to take meeting notes and collect public comment sheets so all views are recorded. In addition, written comments from the public will be accepted until one month after the date of the public meetings described above. As previously discussed, after each public meeting, a Responsiveness Summary will be prepared. Each Responsiveness Summary will include notifications and information that will be made available to the public at the following meeting, as well as on DELCORA's CSO LTCPU website.

DELCORA will submit to the regulatory authorities any technical memorandums, interim reports, meeting minutes, and the Responsiveness Summary for comments. Once comments are received, DELCORA will respond to each agency.

Information will be presented to the public in the most understandable manner and in a format that is most appropriate for the public. Any technical information or complex charts will be avoided. Additionally a review of the responsiveness summary from the prior meetings will occur at the second, third and fourth public meetings.

The presentation materials will be available for access to the public at offline repositories as stated in the Executive Summary and DELCORA's CSO LTCPU website under Combined Sewer System tab at least a week in advance of all scheduled meetings. Public will be notified for these materials through the public notice for the meetings.

The public's input will be actively solicited by receiving questions and comments as it relates to the presentation. Public will be advised that there will be an opportunity to raise questions, provide comments and give ideas at the meeting as well. Public will be informed that they have 30 days to submit questions and comments. Last slide of every presentation will have contact information to submit questions and comments. A copy of each presentation will be provided as handout to the participants. At each public meeting public can submit comments and ideas will be solicited.

Public will be informed through a notice in the form of an advertisement prior to the scheduled meetings to raise comments and questions. The public will be encouraged to ask questions as the presentation proceeds and will be asked to provide any comments in writing, as well. Comments arising from all public meeting presentations can be submitted by one of the following methods within 30 days after the scheduled meeting:

- By Mail:
DELCORA
P.O. Box 999
Chester, PA 19016-0999
- By Phone: 610-876-5523
- By Email: ltcpinfo@delcora.org.
- By Website: www.delcora.org.

2.7 Meeting Schedule

Public meetings will be held over the course of the LTCPU development effort to describe how DELCORA will inform and actively solicit input to its updated LTCPU from stakeholders, including the public, customer communities, and the regulatory agencies. Public meetings will be held as described in Section 2.6. The proposed schedule for these meetings is as follows (subject to coordination with USEPA):

Table 2-1: Public Meeting Schedule

Meetings	Description	Scheduled
Meeting No. 1	Scope and Purpose of the Study	1 st Quarter of 2016
Meeting No. 2	System Characterization	3 rd Quarter of 2017
Meeting No. 3	Development and Evaluation of Alternatives for CSO Controls	4 th Quarter of 2017
Meeting No. 4	Selection and Implementation of the Long-Term Plan	3 rd Quarter of 2018

The detailed meeting schedule for the implementation of the PPP has been attached herein as Attachment A.

2.8 Meeting Advertisement

The public will be invited through advertisements on DELCORA's CSO LTCPU website in advance.

The public meeting notice will also be advertised in the following local newspapers or circulations:

1. Chester Spirit
2. Delaware County Daily Times
3. Philadelphia Inquirer
4. Press Newspaper

Per the requirements of Pennsylvania's Sunshine Act (provided herein as Attachment C), DELCORA will give public notice of its meetings not less than three (3) days in advance of the meeting and shall give public notice of its remaining meetings. DELCORA shall also give public notice of any special meeting or rescheduled meeting at least 24 hours in advance of the time of the convening of the meeting specified in the notice.

The definition of the "Public Notice" per Pennsylvania's Sunshine Act is as follows:

"(1) For a meeting:

- (i) Publication of notice of the place, date and time of a meeting in a newspaper of general circulation, as defined by 45 Pa.C.S. Â§ 101 (relating to definitions), which is published and circulated in the political subdivision where the meeting will be held, or in a newspaper of general circulation*

which has a bona fide paid circulation in the political subdivision equal to or greater than any newspaper published in the political subdivision.

- (ii) Posting a notice of the place, date and time of a meeting prominently at the principal office of the agency holding the meeting or at the public building in which the meeting is to be held.*
 - (iii) Giving notice to parties under section 709(c) (relating to public notice).*
- (2) For a recessed or reconvened meeting:*
- (i) Posting a notice of the place, date and time of the meeting prominently at the principal office of the agency holding the meeting or at the public building in which the meeting is to be held.*
 - (ii) Giving notice to parties under section 709(c)."*

Section 3 Stakeholder Members

3.1 Purpose

In addition to the Public Meetings and Engagement Tools as described in Section 2, a group comprising of stakeholder members will be formed for this PPP. The stakeholder meetings will be held on an as-needed basis throughout the course of the LTCP program. These meetings will provide an opportunity for active input and consultation on the LTCP development process. These meetings will also provide an effective forum for an in-depth exchange of information, ideas, and results as the LTCP process moving forward.

3.2 Selection of Members

To reflect a balance of perspectives, stakeholder members may consist of representatives from the public, customer communities, regulatory agencies, and special interest groups. The list of stakeholders considered by DELCORA is provided below. These members will provide inputs through stakeholder meetings. DELCORA will be scheduling independent meetings with each of these stakeholders. These meetings will be beyond the public meetings that are described in Section 2 of this PPP. Presentations will be made to these stakeholders throughout the CSO LTCPU program. A sample copy of this presentation has been provided herein as Attachment B1.

1. Darby Creek Joint Authority
2. Central Delaware County Authority
3. Muckinipates Authority
4. Delaware River Basin Commission
5. Radnor, Haverford, Marple Authority
6. Southern Delaware County Authority
7. Southwest Delaware County Municipal Authority
8. Middletown Township Sewer Authority
9. Chester Environmental Partnership
10. Department of Environmental Protection - Southeast Regional Office
11. Delaware County Planning Department
12. State Elected Officials
13. Local Municipal Officials
14. National Association for the Advancement of Colored People (NAACP)
15. Chester City Council
16. Pennsylvania Resource Council
17. Chester, Ridley & Crum Creek Watershed Association
18. Chester Water Authority (CWA)
19. Delaware County Public Relations Department

20. Delaware Riverkeeper
21. PA Sea Grant
22. Delaware County Council
23. Delaware County Chamber of Commerce
24. Industrial Contributors
25. Chester Business Association

The contact information for the stakeholders will be maintained accurately in a database throughout the project. The potential stakeholders will be identified by DELCORA and the Engineering and Program Management Consultant.

3.3 Meeting Site, Format and Time

Meetings will convene in a meeting room at a predetermined and mutually agreed upon location. The location of the meeting will be coordinated with the Stakeholder member(s). Some of these meetings will also be held at DELCORA's Western Regional Treatment Plant (WRTP). DELCORA will chair each meeting and provide an update on the progress and status of current issues. The following public participation team members from DELCORA may be present at the meetings:

1. Bob Willert – Executive Director
 - a. Email: willertr@delcora.org
 - b. Contact Number: 610-876-5523 ext. 110
2. Ed Bothwell – Director of Engineering
 - a. Email: bothwelle@delcora.org
 - b. Contact Number: 610-876-5523 ext. 216
3. Michael DiSantis – Director of Operations & Maintenance
 - a. Email: disantism@delcora.org
 - b. Contact Number: 610-876-5523 ext. 264
4. Robert Powell – Business Development & Strategic Planning Manager
 - a. Email: powellr@delcora.org
 - b. Contact Number: 610-876-5523 ext. 127
5. John Pileggi – Controller
 - a. Email: pileggij@delcora.org
 - b. Contact Number: 610-876-5523 ext. 118

The meeting will then be opened for discussion, questions, and comments. DELCORA will provide the stakeholder an opportunity to sign-up to receive updates on the project and information covering items like agenda and educational materials.

Following each meeting, a brief summary of the meeting will be prepared and distributed to all participants.

Section 4 Public Information Plan

4.1 Notices and Advertisements

To encourage public awareness of, and involvement in, the public meetings, notifications and background information will be made available to the public at least three (3) days prior to each meeting as required by Pennsylvania's Sunshine Act (provided herein as Attachment C). Access to public information will be provided as required by the Pennsylvania Right-to-Know Law Act 3 of 2008 (provided herein as Attachment D).

Sample copies of Public Education and Outreach Materials have been provided under Attachments B1, B2, B3 and B4. These material samples include Stakeholders' powerpoint presentation, public education brochures, newspaper press release and a sample screen shot of what the DELCORA's CSO LTCPU website may look like.

Announcements will be communicated to the public through the following media devices:

- Local Newspapers: Advance notices of public meetings will be published in at least four local newspapers in accordance with Pennsylvania's Sunshine Act (see Section 2.8).
- Internet Websites: Notices of the public meetings will also be placed on DELCORA's website with a CSO LTCPU Link (www.delcora.org).
- Notice by Mail: A list of citizens and representatives of businesses, interest groups, federal government, local government, regulatory agencies, neighboring jurisdictions, and inter-jurisdictional agencies will be developed and accumulated as the study progresses. Any person or group who provided a name and address will be added to the list. Persons on the mailing list will be sent special notices of upcoming public meetings, as well as the responsiveness summaries for each meeting.

4.2 Public Education and Involvement

A concerted effort will be made to make the public aware of the CSO LTCPU development process and to actively involve and educate them about CSO issues through the following media:

1. Updates and Educational Material in Sewer Bills – A public meeting notice will be prepared and this mailing insert will be included in sewer bills mailed out to DELCORA customers.

The topics discussed in the mailing insert will be as follows:

- Definition of combined sewers and how they function
 - Explanation of the LTCPU development effort
 - Invitation for the public to become involved and provide input
 - Illustration of how a combined sewer system functions
 - Reporting of any dry weather overflows
 - The role of littering in causing dry weather overflows
 - Illustrations of how a CSO regulator structure functions during dry and wet weather
2. CSO Website – DELCORA will create a special section of its Internet website devoted exclusively to CSO issues. This section of the website will be called “Combined Sewer System”. The website will include information on the nature of CSOs, maps showing the location of outfalls, descriptions of the LTCPU development process, CSO monitoring results, information on pollution prevention, ways in which the public can get involved, previous meeting responsiveness summaries, and an option to post comments or questions on the program. Notices for public meetings will also be posted on the website. The website will provide a means to sign up to receive any newsletters. A downloadable copy of the newsletter will be uploaded to the CSO website as well.
3. CSO Newsletters – Project updates will be sent out to the mailing list created through the first public meeting, as well as subsequent requests from the public and interested stakeholders. The mailing lists will be developed using the sign-in sheets and also all the billed customers. The sign-in sheet will include a means to opt for a preferred method for receiving or not newsletters. The preferred options would be a digital copy by email or a hardcopy by mail. The topics discussed in these newsletters will include the following:
- Explanation of combined sewers, CSO’s, and the LTCPU process
 - Schedule for public meetings
 - Netting system demonstration project
 - Monitoring program update and illustration
4. Handouts - For each public meeting and stakeholder meeting, handouts will be prepared regarding information presented. These handouts will be made available to everyone who attends. These handouts will be designed for the general audience and serve to provide an overview of the LTCP update. These documents will provide information on the history, background, and approach taken by DELCORA to control CSOs, and will include information on how members of the public and interested

stakeholders can actively provide input and/or comments. These documents will be uploaded to the CSO LTCPU section of the DELCORA website, as well.

5. Literature and Documentation – Responsiveness summaries for the public meetings will be prepared for each public meeting. These summaries will also include responses to any comments received from previous meetings. These documents will be made available at the next meeting and uploaded to the CSO LTCPU section of the DELCORA website. Literature and Documentation will also be made available by DELCORA at the following municipal building and public library locations:

DELCORA Administration Building

100 East Fifth Street
Chester, PA 19013

J. Lewis Crozer Library

620 Engle Street
Chester, PA 19013

Marcus Hook Municipal Building

1015 Green Street
Marcus Hook, PA 19061

Ridley Township Building

100 MacDade Blvd.
Folsom, PA 19033

Upland Borough Office

224 Castle Avenue
Brookhaven, PA 19015

Chester Township

1150 Engle Street
Chester, PA 19013

6. Presentations to Stakeholder Members – Presentations will be made to other selected DELCORA stakeholder members as listed below. A sample copy of this presentation has been provided herein as Attachment B1.
 - Darby Creek Joint Authority
 - Central Delaware County Authority
 - Muckinipates Authority
 - Delaware River Basin Commission

Public Participation Plan

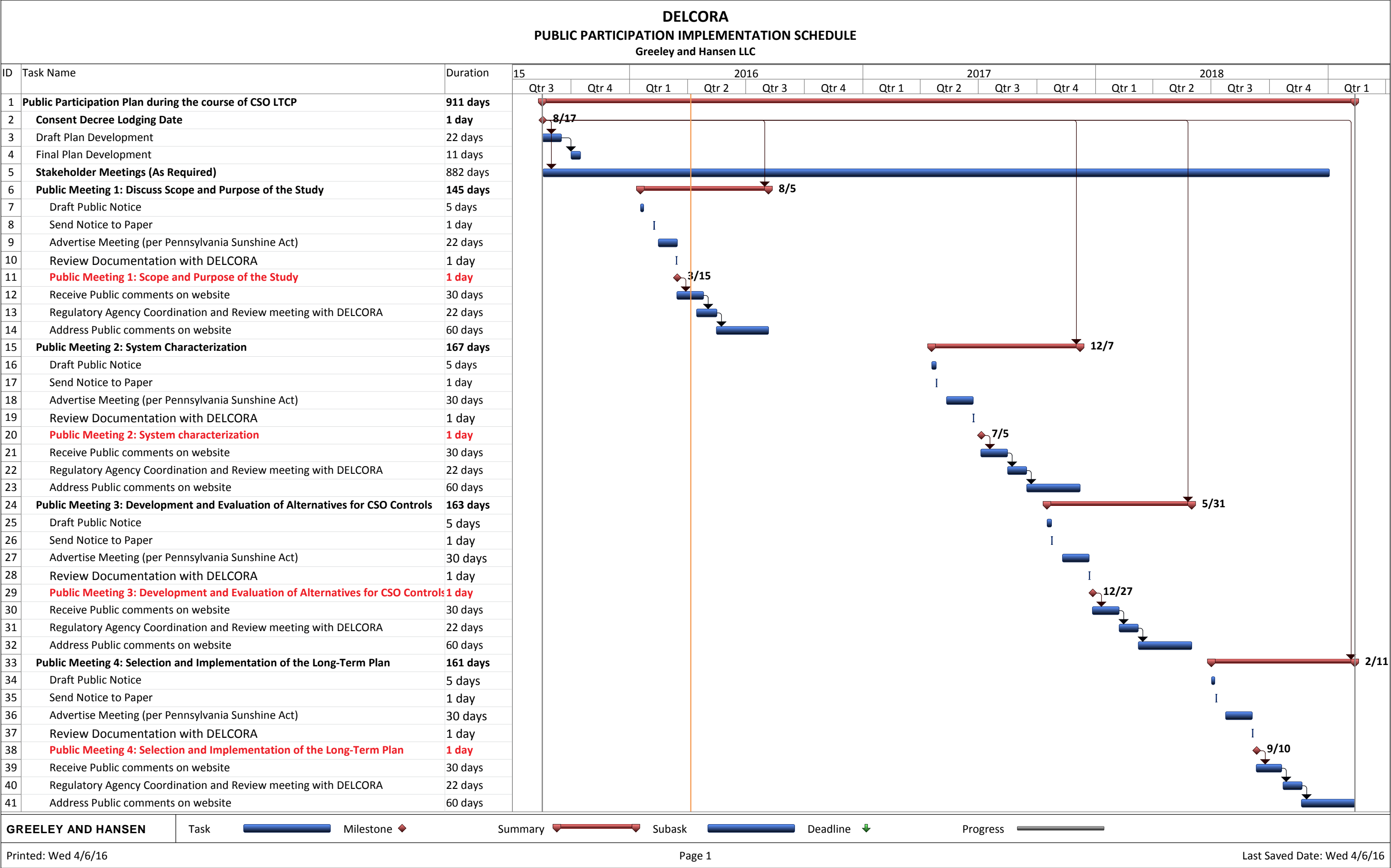
Executive Summary

- Radnor, Haverford, Marple Authority
- Southern Delaware County Authority
- Southwest Delaware County Municipal Authority
- Middletown Township Sewer Authority
- Chester Environmental Partnership
- Department of Environmental Protection - Southeast Regional Office
- Delaware County Planning Department
- State Elected Officials
- Local Municipal Officials
- National Association for the Advancement of Colored People (NAACP)
- Chester City Council
- Pennsylvania Resource Council
- Chester, Ridley & Crum Creek Watershed Authority
- Chester Water Authority (CWA)
- Delaware County Public Relations Department
- Delaware Riverkeeper
- PA Sea Grant
- Delaware County Council
- Delaware County Chamber of Commerce
- Industrial Contributors
- Chester Business Association

Presentation materials will cover introduction and progress on the LTCPU program. The purpose of these meetings are to actively solicit input from the stakeholder members at each phase of the program and present progress in the scheduled meetings.

ATTACHMENT A

IMPLEMENTATION SCHEDULE



ATTACHMENT B

**PUBLIC EDUCATION TOOLS AND PUBLIC
OUTREACH MATERIALS**

ATTACHMENT B1

**DELCORA STAKEHOLDERS' PRESENTATION DATED
March 15, 2016**

Combined Sewer Overflow - Long Term Control Plan Update

DELCORA
Public Participation Meeting No. 1
LTCPU Scope and Purpose
March 15, 2016

Chester City Hall Community Room
1 E. 4th Street, Chester, PA

Public Participation Plan Goals

- DELCORA's goals and objectives for the Public Participation Program are to :
 - ◆ Inform and solicit input to its updated LTCP from stakeholders, including the public, customer communities and the regulatory agencies
 - ◆ Educate the public
 - ◆ Address public concerns

General Information

- DELCORA is the Delaware County Regional Water Quality Authority, established in 1971, responsible for collecting, conveying and treating wastewater in the greater Philadelphia Area including 42 Municipalities in Delaware and Chester County.

DELCORA Mission

“Provide environmentally responsible and cost effective wastewater management services to the citizens, businesses, and industries of Southeastern Pennsylvania”

Definitions

- **LTCP:** The Long Term Control Plan is the document that lays out how DELCORA will maintain the outfalls and reduce the flow and/or treat the discharge from the outfalls to the water ways to meet the requirements of the Clean Water Act.
- **Sanitary Sewer:** The system that contains only waste from bathrooms, sinks, washers etc.
- **Storm Sewer:** Run off from streets.
- **Combined Sewer System:** Pipe that has both sanitary sewage and storm water in it.
- **Combined Sewer Overflow:** An overflow is the relief point in the combined sewer system that allows the extra flow when it rains to be discharged directly to streams and rivers.
- **EPA:** United States Environmental Protection Agency
- **DEP:** Pennsylvania Department of Environmental Protection

History of Combined Sewer System

- In the early 1900's the City of Chester's Combined Sewer System was constructed.
 - ◆ This was, at the time, a typical engineering practice in Urban areas.
- In 1971 DELCORA became the owner of the existing Sanitary and Combined Sewer System in the City of Chester.
- Discharges from CSOs are authorized through the National Pollutants Discharge Elimination System (NPDES) permit during Wet Weather Flow.

DELCORA Combined Sewer Area



History of EPA LTCPs

- LTCP Consent Decrees/Order for various wastewater systems not only throughout Pennsylvania, but the entire country.
 - ◆ Washington DC, New York City, Richmond,
- Current Pennsylvania communities already impacted by LTCP Consent Decree Costs & Fines:
 - ◆ Williamsport
 - ◆ Scranton
 - ◆ Harrisburg
 - ◆ Pittsburgh



Philadelphia LTCP

- DELCORA is currently contributing to the Philadelphia LTCP.
 - ◆ Philadelphia's LTCP has an overall price tag of over \$2 Billion over 25 years.
 - ◆ DELCORA's proportionate share of the Philadelphia LTCP is \$178 million over 15 years due to the term of our contract with Philadelphia.



DELCORA LTCP Background

- In 1999 in response to increased environmental regulations, DELCORA implemented an LTCP for the DELCORA Combined Sewer System in the City of Chester.
- The LTCP identified capital improvements and operation and maintenance practices to reduce overflows.
- From 1999-2009 DELCORA spent in excess of \$5 million on improvements and contributions to the City of Chester that resulted in decreased volume of overflows, reduced debris in overflows, provided remote monitoring of the system, and improved routine maintenance.
- In 2009, the DEP and EPA determined that DELCORA's LTCP was no longer in compliance with increased regulations of the Clean Water Act. In response, DELCORA began working with DEP and EPA to update the LTCP.

LTCP Background (Continued)

- In 2012, DELCORA submitted a revised LTCP to DEP and EPA.
- A key element in DELCORA's revised plan position was that the CSOs are only found in the City of Chester and the financial burden on the City of Chester residents must be considered.
- In 2014, DEP and EPA determined that DELCORA's revised LTCP required further evaluation and development so the Department of Justice was assigned to pursue a Consent Decree.

DELCORA Consent Decree

- The Consent Decree was agreed to by DELCORA on July 1, 2015 and signed into effect by the Dept. of Justice (DOJ) in November 2015. The Consent Decree is a legally binding agreement between DELCORA, EPA, and DEP in which DELCORA agrees to update the current LTCP.
- Generally, the Consent Decree consists of:
 - ◆ Compliance Measures
 - ◆ Milestones for plan update and implementation
 - ◆ Civil penalty
 - ◆ Stipulated penalties for non-compliance
- DELCORA has been given 42 months (3½ years) to develop a plan and 20 total years to implement the plan. When projects are complete and on-line, sewer fee charges will include costs for the updated LTCP.

LTCPU Summary – Where We Are

- Hired expert consultants with a good track record as well as experience specifically related to the LTCP.
 - ◆ Greeley & Hansen: Engineering Consultant for the LTCP
 - ◆ Municipal & Financial Services Group: Rate Model Consultant
 - ◆ Blank Rome: Law Firm
- 100% compliance to date with Consent Decree
 - ◆ Submitted to date :
 - Public Participation Plan
 - Hydrologic and Hydraulic Model Update and Calibration Plan
 - Typical Hydrologic Period Plan
 - Semi-Annual Report
 - Sensitive Areas and Pollutants of Concern Report
 - ◆ To be Submitted by May 17, 2016
 - Draft FCA and Alternative Evaluation Report



Financial Capability Assessment (FCA)

- The Consent Decree requires DELCORA to submit a DRAFT FCA by May 17, 2016 and FINAL FCA at the end of the project.
- Financial Capability Assessment's (FCA's) purpose is to determine the affordability of the LTCP.
- Develop fair, equitable, and legal cost share for conveyance, storage, and treatment of wet weather flows

Financial Capability Assessment (FCA)

Financial Capability Matrix

Permittee Financial Capability Indicators Score (Socioeconomic, Debt & Financial Indicators)	Residential Indicator (Cost Per Household as a % of MHI)		
	Low (1.0% and Below)	Mid-Range (Between 1.0% and 2.0%)	High (2.0% and Above)
Weak (1.5 and Below)	Medium Burden	High Burden	High Burden
Mid-Range (Between 1.5 and 2.5)	Low Burden	Medium Burden	High Burden
Strong (2.5 and Above)	Low Burden	Low Burden	Medium Burden

LTCPU Summary – Next Phase

- Sampling
- Flow Monitoring and Precipitation Monitoring Installation
- Data Analysis
- Model Development
- System Characterization
- Development and Evaluation of Alternatives for CSO Controls
- Selection and Implementation of the Long-Term Plan
- Continued Public and Stakeholder Involvement



Future Public Meetings

■ 2nd Meeting

Topic: System Characterization

When: 3rd Quarter 2017

Where: Ridley Township Municipal Building
100 MacDade Boulevard; Folsom, PA 19033

■ 3rd Meeting

Topic: Development and Evaluation of Alternatives for CSO Controls

When: 4th Quarter 2017

Where: Chester City Hall
1 E. 4th Street; Chester, PA 19103



Public Meetings (Continued)

■ 4th Meeting

Topic: Selection and Implementation of the Long-Term Plan
When: 3rd Quarter 2018
Where: Aston Township Administration Building
5021 Pennell Road; Aston, PA 19014



Literature and Documentation

- Literature and documentation will be made available by DELCORA at the following public locations and on the DELCORA website:

- ◆ **DELCORA Administration Building**

100 East Fifth Street; Chester, PA 19013

- ◆ **Lewis Crozer Library**

620 Engle Street; Chester, PA 19013

- ◆ **Marcus Hook Municipal Building**

1015 Green Street; Marcus Hook, PA 19061

- ◆ **Ridley Township Building**

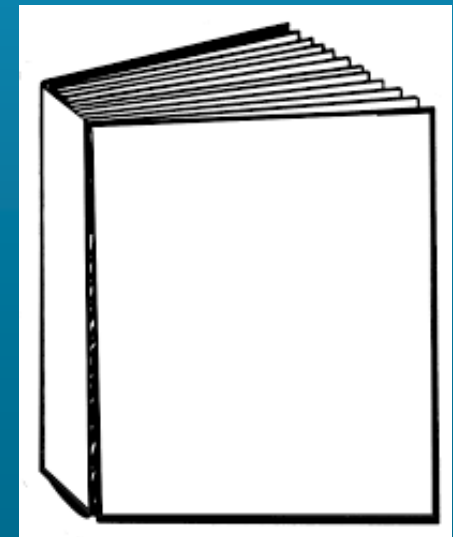
100 MacDade Blvd.; Folsom, PA 19033

- ◆ **Upland Borough Office**

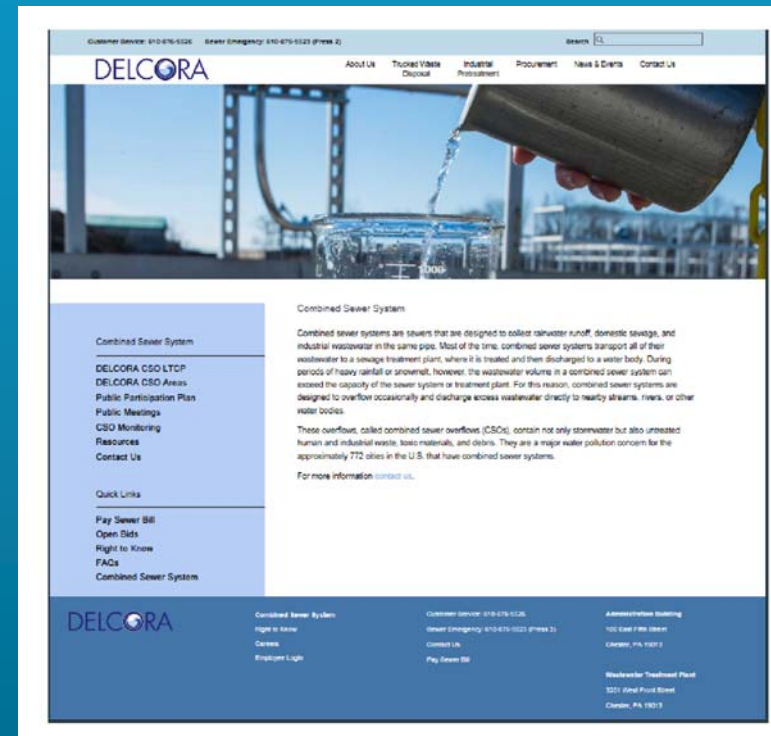
224 Castle Avenue; Brookhaven, PA 19015

- ◆ **Chester Township**

1150 Engle Street; Chester, PA 19013



DELCORA WEBSITE



www.delcora.org

CONTACT DELCORA

- Mail Address:

- ◆ DELCORA
P.O. Box 999
Chester, PA 19016-0999

- Email: ltcpinfo@delcora.org

- On the WEB: www.delcora.org

- General Phone Number: 610-876-5523

- Newsletter

- Sign-Up Sheet



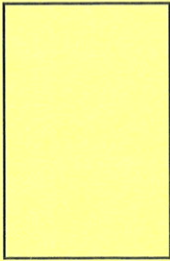
-Thank You-

Discussion - Q&A



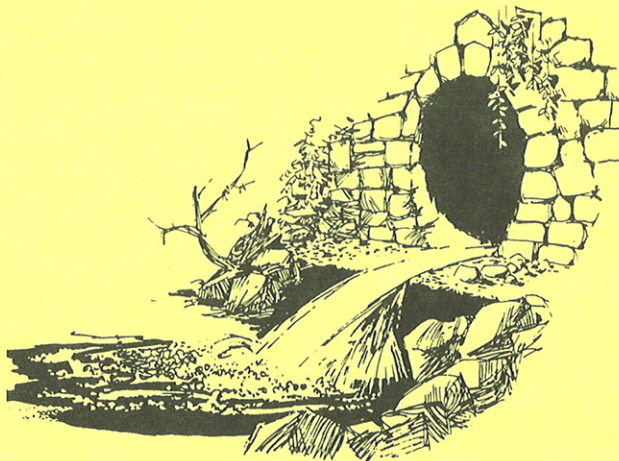
ATTACHMENT B2

PUBLIC EDUCATION BROCHURES (7 Brochures)



**DELCORA
CSO
LONG TERM
CONTROL PLAN
2011**

**PLAN
UPDATE**



Community Education Series

**What is a Combined
Sewer Overflow
(CSO)?**

Some communities collect both rainwater runoff and sanitary wastewater in the same sewer. These are called "Combined Sewers". Sometimes when it rains, sewers do not have enough capacity to carry all the rainwater and wastewater and the treatment plant is not large enough to treat the total combined flow. In these



situations, the combined wastewater overflows untreated into the nearest body of water, streams or rivers, creating a combined sewer overflow.

In the case of storm water from the street, whatever litter, also known as floatables, that is in the street washes into the CSO and either to the treatment plant or directly into our community's streams, rivers, and water bodies. Inlets help to keep trash and other floatables out of the sewer system.

PROGRAM ACTIVITIES

Under the current CSO Long Term Control Plant (LTCP), DELCORA provides \$75,000.00 per year to the City of Chester to replace storm-water inlets. The DELCORA program will act in concert with the City's efforts to replace the inlets with a PennDOT approved type M inlet. Inlets are the openings adjacent to the roadway curb that direct stormwater runoff to the sewer system. The type M inlet is installed in the roadway. It has steel grates that prevent trash from entering the sewer.

Inlets are replaced to reduce the amount of litter and other floatables that enter the sewer system. These pollutants clog the system, causing sewer backups, and increase treatment costs by adding non-biodegradable material to the waste stream. Replacement helps keep our streams and waterways cleaner.

DELCORA also replaces the regulators in the sewer system to maximize flow to the treatment plant. Regulators direct the wastewater to the treatment plants. To date DELCORA has replaced 15 of 25 regulators.

The US Environmental Protection Agency (EPA) ordered DELCORA to update its LTCP. The new plan was submitted February 1, 2011. EPA Approval is pending. New technologies were investigated and cost estimates were prepared. It is likely that sewer rates will increase as a result.





DELCORA'S LONG TERM CONTROL PLAN

- Identifies all Combined Sewer Overflow (CSO) Locations
- Prohibits all dry weather discharges
- Requires proper operation and maintenance of all CSO flow control regulators
- Requires an Inlet Replacement Program
- Maximizes flow treated at the Plant
- Schedules replacement of all CSO regulators over a 20 year period
- Outlines a detailed monitoring and up-keep schedule of all CSO regulators
- Develops implementation for a sewer cleaning program targeting segments with the greatest CSO impact
- Requires a Public Education program. A meeting was held November 17, 2011.

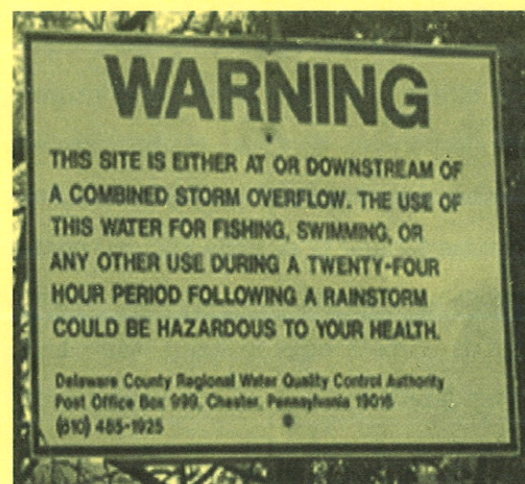
What are the benefits of the CSO Long Term Control Plan?

- ♦ A cleaner & healthier environment to live and work in.
- ♦ A planned program of level expenditures, helping to keep sewer rates stable. However, the USEPA's required update of the Plan may require more upgrades of the sewer system. It is likely that rates will increase.
- ♦ Citizen response, participation and input.
- ♦ A better citizen understanding of why the program is needed.
- ♦ Regular, monitored cleaning and repair of our sewer system.
- ♦ Improved stewardship of our water resources.

LEARN TO IDENTIFY CSO OUTFALLS

There are 28 CSO outfalls in the Chester area; thirteen drain to the Delaware River, ten to the Chester Creek and five to the Ridley Creek.

All outfalls are marked by a sign.



How you can help.

- Disconnect your downspouts from your sewer lateral.
- Don't litter! Keep trash out of sewer inlets.
- Keep grease, fats, and oils out of your drains.
- Use environment friendly cleaning agents and cleansers.
- Properly dispose of hazardous wastes.
- Dispose of prescription drugs and personal care products properly.
- Conserve your water usage.
- Learn more about CSO's.
- Remember—Clean water is everybody's business.

Want to learn more?

DELCORA welcomes and encourages your input. Additionally, tours of the treatment plant can be arranged for civic, school or church groups.

If you would like to review a complete copy of the 2011 proposed DELCORA CSO Long Term Control Plan 2011, please call or fill out the form below and mail to "Administration/CSO Information". We will gladly schedule a time during daily business hours when you can visit our Administrative offices and review the plan.

NAME_____

ADDRESS_____

TELEPHONE_____

♦ I'D LIKE TO READ THE DELCORA CSO LONG TERM CONTROL PLAN.

MAIL TO:
DELCORA
ADMINISTRATION/CSO INFO.
100 EAST FIFTH STREET
PO BOX 999
CHESTER, PA 19016-0999

Phone: 610-876-5523
Fax: 610-876-2728
Email: CSOinfo@delcora.org
www.delcora.org

Special thanks to the City of Lynchburg, Virginia, and Blair Communications for help with this brochure.

This brochure was prepared under Cooperative Agreement Assistance #CX824505 between the Water Environment Federation (WEF) and the U.S. Environmental Protection Agency. For more information about sewer backups, overflows, and downspout disconnection, contact your local sewer system authority, or

Water Environment Federation
601 Wythe Street
Alexandria, VA 22314-1994
Phone: 703/684-2400
Fax: 703/684-2492
Web site: <http://www.wef.org>

For additional copies of this brochure, contact WEF at 1-800-666-0206 or <http://www.wef.org>.



**Delaware County Regional Water Quality
Control Authority**
100 East Fifth Street
Chester, PA 19013
610-876-5523
www.delcora.org



Stock #HP1903



Printed on recycled paper. 7/02

How to Safeguard Your Home and the Environment by Disconnecting Downspouts

Stop Sewer Backups

Connected downspouts — what are they?



Many older homes, especially in cities, have gutters connected directly to the sanitary sewer. This means that rain from the roof runs directly into the sewer. Not all downspouts that look like this picture are connected to the sanitary sewer; some may empty into a storm drain. Call your local sewer system authority or public works department to find

out if your connected downspout empties into the sanitary sewer.

Why is this a problem?

The problem is too much water. Sanitary sewer systems can only handle a certain amount of water. During a rainstorm, water gets into the sewer from connected downspouts and other sources. When there is too much water for the system, the excess has to go somewhere, and that somewhere is often somebody's basement, a manhole, or a nearby creek or river. Municipalities have a legal requirement to stop water from overflowing out of sewers. Even if the water does not overflow, it's still a problem, because the wastewater treatment plant has to treat the extra water.



Why should you care?

Sewage backups and overflows are messy, costly, and a threat to health and the environment.

Cleaning house. When there is a sewer backup into a house, the homeowner may have to pay the cost



to clean up, repair damage, and replace ruined carpets and furniture. Basic homeowner's insurance often does not cover

this damage (unless the policy has an added clause or "rider").

Health. Raw sewage contains microorganisms that can cause diseases such as hepatitis, giardiasis, and gastroenteritis.

Long term environmental damage.

Raw sewage in streams and lakes can cause illnesses in fish, kill aquatic life, and make the water unusable for swimming, fishing, and as a drinking water source.



Higher costs mean higher utility rates. The utility ends up treating the extra water, and may even have to increase the size of the treatment plant. The utility may also have to pay fines when raw sewage is released to the environment. Increased utility costs are passed along to consumers as rate increases.

What can you do?

You should check to see whether disconnecting your home's downspouts can help solve the problem. Disconnection is usually a simple, relatively inexpensive process. The steps are shown on the inside of this brochure. Your local sewer system authority or public works department should be able to tell whether your downspouts are connected to the sanitary sewer and, if so, whether disconnection makes sense.

You can also let other people know why downspouts need to be disconnected and how sewer overflows cost the entire community.

How to Disconnect Your Downspout

Check Before You Start

The steps outlined below are general guidelines for disconnecting downspouts and do not apply in all situations. Contact your local sewer system authority or public works department to see what specific guidance is available and to obtain information on local conditions, materials, and regulations. You may want, or be required, to hire a professional contractor or plumber to do the work. In some areas, an inspection of the disconnection is also required. Be aware, too, that some municipalities discourage or prohibit downspout disconnection due to local zoning or concerns about runoff.

Use of the information provided in this brochure is voluntary. The organizations that prepared this brochure assume no responsibility for consequences arising from its use and specifically disclaim all liability for damages of any kind arising out of or resulting from the use of the information in this brochure.

1. Tools and materials you are likely to need:

safety glasses	bucket (for concrete)
work gloves	spare gutter pipe
hammer	splash block
chisel	gutter "elbows" or
hacksaw	other discharge devices
measuring tape	flexible/corrugated pipe
screw driver	concrete mix (or other permanent,
trowel or other	weatherproof sealant)
digging tools	plastic boot cap

2. Safety

Make sure that you have the safety equipment that you need, including work gloves and safety glasses. Many disconnections involve hammering and sawing which can be hazardous to your eyes. Aluminum gutters can be extremely sharp after being cut, so protect your hands with work gloves.

3. Call before digging

If you bury part of your discharge pipe, remember that even digging a shallow trench can sever a utility line. To be safe, call your local utilities (most jurisdictions have a "call before you dig" hot line) to make sure you avoid digging near service lines.

Disconnection Steps

STEP 1 — Remove downspout from boot

Unless your gutter downspout can be easily lifted out of the boot, you'll need to cut it just a few inches above the boot—making sure that you've left enough room for the downspout "elbow" or other end-of-pipe device.



© Blair Communications



© Blair Communications

STEP 2 — Remove the boot (Optional)

You can leave the boot in place, or remove the boot for a more finished look. To remove the boot, cut it with a hacksaw, or hammer and chisel. Be sure to wear safety glasses, and remove sharp edges that remain on the pipe after cutting.

STEP 3 — Seal the boot

The boot must be permanently sealed to keep water from entering the sewer line. There are different ways to seal the pipe so before proceeding, check to find out what approach is recommended for your area. Some jurisdictions suggest the following method:

The pipe can be sealed with concrete or other material that makes a permanent, weatherproof seal. Before starting, check the pipe to make sure that you will not block any other junction (such as your



© Blair Communications

washing machine draining into the same pipe). Then push balled-up newspaper tightly three or four inches down into the boot. Make sure that the fit is snug, otherwise the concrete could actually block the sewer. Carefully pour the concrete or other material that gives a permanent weatherproof seal into the pipe, and smooth the top surface.

Other areas do not recommend using newspaper and suggest the use of friction or sewer plugs, which are often available from licensed contractors.

STEP 4 — Redirect rainwater with end-of-pipe device(s)

The last step is to redirect the rainwater away from the house. The exact approach depends on individual conditions. It is important that the rainwater discharges a safe distance from your foundation (three or four feet is usually enough), that the runoff is not a nuisance to your neighbors, or causes other problems, like discharging across a sidewalk so that ice forms in the winter.

Sometimes all that is needed is an "elbow" pipe to the bottom of the gutter downspout and a plastic or concrete splashblock. Other situations (such as sloping ground) may require a different solution. There are a number of devices available designed to channel the rainwater away from your home (ask a hardware store to recommend the best one for your needs).

Check with your local sewer system authority or public works department for other redirection options in your area.



© Blair Communications

Disconnection is usually a simple, relatively inexpensive process.

Special Situations

Steep Slopes

If the gutter is next to a steep slope, be careful that the discharge from the new downspout will not wash away soil on the hillside. There are two ways to avoid this:

attach a pipe long enough to drain the rainwater to a safe area, or install an attachment that controls how fast water comes out of the gutter. Always make sure that you are not draining water onto a neighbor's property and that runoff from your downspouts does not cause erosion or flooding of your neighbor's yard. Do not discharge stormwater too close to your property line.



© Blair Communications

Extended Boot

Some older homes have boots that extend several feet above the ground. You can leave the boot in place and permanently seal the top of the pipe (step 3) or you can remove the tall boot. If you remove the boot, you will usually need to install a new section of gutter pipe and then an end-of-pipe device (step 4).



© Blair Communications

Inadequate Drainage

Some gutters may be located on very flat ground with no place for the water to drain. One solution is to pipe the water safely away from the house with a pipe attached to the downspout's "elbow." Another option is to use a device that will disperse the water enough so that it doesn't form a puddle. Make sure that it is draining away from your foundation.

- ✓ **Look for and check your sewer cleanout.** The cleanout usually is a small pipe, about 4 inches in diameter, outside your house or business that is used to access the service lateral for cleaning the sewer line. You can find it near the house, where the service lateral comes out, and/or near the street, where the service lateral connects to the main sewer line. Make sure the cap to the cleanout pipe is on and has not been damaged by a lawn mower or something else. Replace missing caps; otherwise, rain can get into the sewer line, causing it to overflow.
- ✓ **Avoid pouring grease down your sink.** When the grease cools in the sewer line, it can form clogs and blockages, which then can cause the sewer to overflow or back up into buildings. The grease also can contribute to restricted flow in your home plumbing and service laterals, resulting in costly repairs.
- ✓ **Avoid planting trees and shrubs above or near the service lateral** that runs from your building to the street. Roots can enter and clog sewers, causing them to back up and overflow.
- ✓ **Learn about your local sewer system.** Contact your local sewer authority or department of public works, and ask them to describe how the system works. Ask for the general location of the main sewer lines and treatment plant(s) and what type of monitoring is being conducted to detect SSOs.
- ✓ **Support local programs that aim to improve the way your sanitary sewer system is maintained and operated.** Proper operation and maintenance of the sanitary sewer system are key to preventing the damage caused by SSOs and prolong the life of the sewer system, saving taxpayer dollars.

This brochure is provided by Citizens Environmental Research Institute and funded by the U.S. Environmental Protection Agency, Cooperative Agreement Assistance I.D. No. CX824853-01. For more information about SSO's contact:

Citizens Environmental Research Institute
225 Main Street, Suite 2
Farmingdale, NY 11735
Web site: <http://www.ceriworld.org>
516-390-7150 Fax: 610-516-390-7160

DELCORA
100 East Fifth Street, P.O. Box 999
Chester, PA 19016-5523
Web site: <http://www.DELCORA.org>
610-876-5523 Fax: 610-876-2728



TOP SEVEN TERMS FOR BETTER UNDERSTANDING SSOs:

1. **INFILTRATION.** The water entering a sanitary sewer system through pipe joints, line breaks or cracks.

2. **INFLOW.** Rainwater from roofs, pavements, yards, manholes, and manhole covers that flows directly into a sanitary sewer.

3. **SERVICE LATERAL.** The sewer pipe that connects a house or other building to the main sewer line in the street.

4. **SEWER CLEANOUT.** A small pipe with a cap, located near the place in a house or other building where the service lateral enters. The cleanout is used to free blockages that may form in the service lateral.

5. **PATHOGENS.** Organisms in raw sewage that cause diseases, including cholera, dysentery, hepatitis, and gastroenteritis.

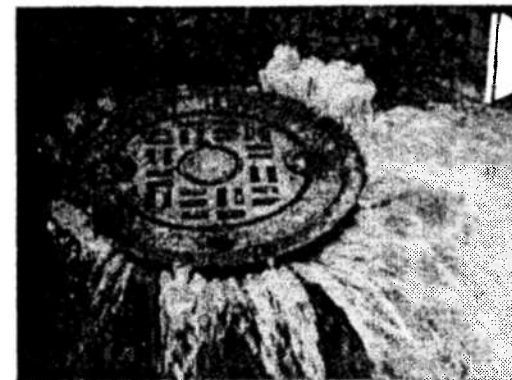
6. **MANHOLE & MANHOLE COVER.** A structure, usually found in a street, parking area, or sidewalk, that is used to provide access to the main underground sewer lines.

7. **COLLECTION SYSTEM.** The series of progressively larger pipes through which sewage is carried from homes and businesses to a treatment plant. The collection system includes service laterals and the main sewer lines.

SANITARY SEWER OVERFLOWS



*What are they?
Why are they a problem?
What can we do about them?*



A Citizens Guide

What is a Separate Sanitary Sewer and what is its purpose?

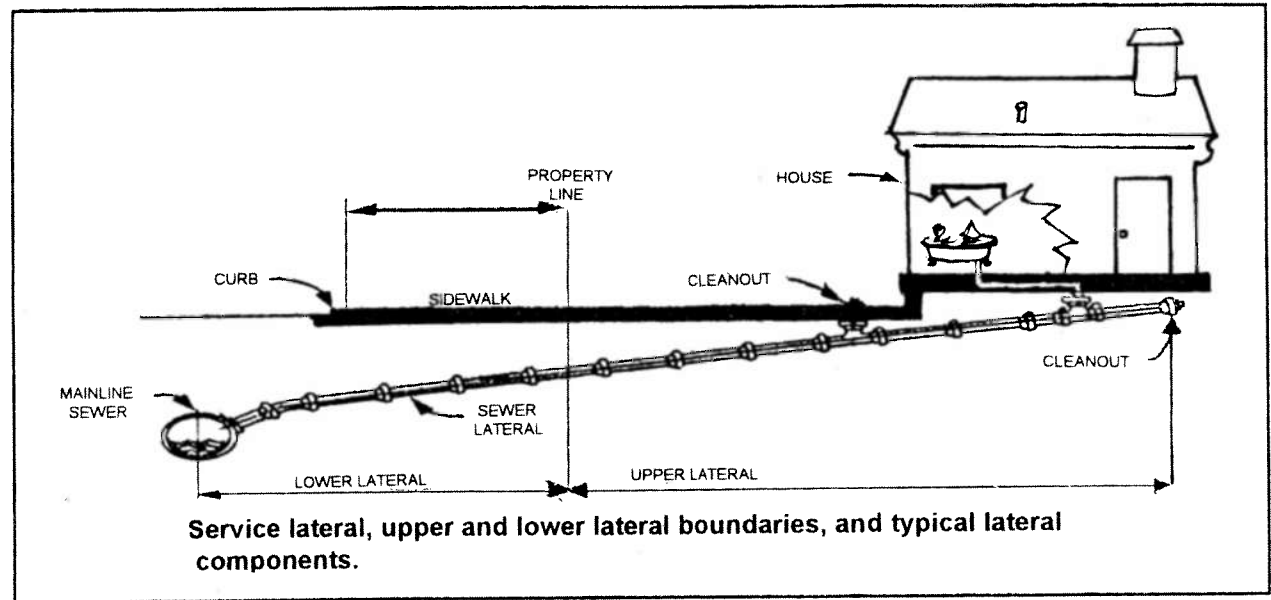
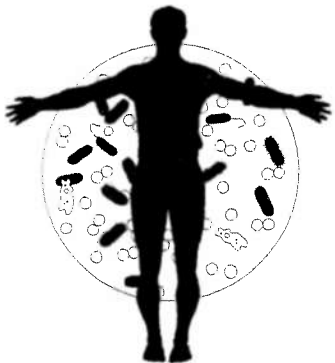
A *Separate Sanitary Sewer* collects and carries household and industrial sewage from individual buildings such as homes and commercial businesses through a series of progressively larger sewer pipes called the *collection system*. A *separate* sanitary sewer system is different from a *combined* system, which carries sewage and storm water runoff together. Separate sanitary sewer systems are not designed to carry rain water.

The primary purpose of a separate sanitary sewer is to protect public health and the environment. Raw sewage contains disease-causing organisms, which can make people sick if they become directly exposed. Raw sewage also can contain toxic chemicals and offensive odors. The sanitary sewer system carries the raw sewage away from homes and businesses to a treatment plant, where most of the harmful organisms are destroyed, odors are controlled, and the level of toxic chemicals is reduced.

Why are Sanitary Sewer Overflows a public health, environmental and economic problem?

Sanitary Sewer Overflows (SSOs) occur when raw or partially diluted sewage is discharged from a sewer collection system before it reaches the sewage treatment plant. SSOs threaten public health because they can cause people to be directly exposed to disease-causing germs called *pathogens*, such as *E. coli* and *Cryptosporidium*, which are present in sewage. SSOs also can have negative impacts on the natural environment, causing poor water quality in lakes, rivers and streams, and polluting groundwater, which may be used for drinking water purposes. SSOs can cause economic damage as well, hurting water-dependent businesses,

such as commercial fishing and tourism. SSOs that result in basement flooding not only are unhealthy, but also are extremely unpleasant and costly to clean up. Where these chronically occur, property values may be reduced.



How might you be contributing to the problem of SSOs?

Many property owners are not aware that the maintenance of the sewer line connection between a home or a business (i.e. "upper lateral" in figure) and the main sewer line in the street usually is their responsibility. When poorly constructed or improperly maintained, these connections, called *service laterals*, frequently cause raw sewage to back up in basements.

The connection of roof-gutter downspouts or sump-pump drains directly to the service lateral adds excess water to the main sewer lines, and can contribute to raw sewage being discharged into the streets (SSO) and other public areas. Homes and small businesses, such as restaurants, can contribute to SSOs by disposing grease into the sewer line. When grease cools, it can form blockages, which then cause the sewer to overflow.

What should you do when you identify an SSO?

Make sure that people are kept away from the area of the overflow, typically a *manhole* cover. This is especially important for children and pets who may play

near the overflow area (e.g. street, public park, or local stream). Report the sewer overflow immediately to the local health department, the sewer operator, and the state environmental agency. Precautions then can be taken by them to reduce the risk of public exposure to raw sewage by monitoring the impact of the overflow and ensuring proper cleanup.

What can you do to prevent and reduce SSOs?

You can prevent and reduce SSOs if you:

- ✓ **Make sure the basement sump pump does not connect to your sewage drain pipes or to a sink or floor drain in your basement.** Such connections are illegal. The water from these pumps can overload the sewer, causing it to overflow raw sewage into a stream, the street, or someone else's basement.
- ✓ **Inspect the gutters on your house or business to see if the downspout connects to a sewer line.** Such connections are illegal in many communities. **If the gutters are connected to the sewer line, have them disconnected—the runoff water from the roof can contribute to an SSO.**

What Restaurant and Building Owners Need to Know About Grease Traps or Interceptors

Restaurants, large buildings, such as apartment complexes; and other commercial establishments may have grease traps or interceptors that keep grease out of the sewer system. For a grease trap or interceptor to work correctly, it must be properly

- 1** Designed (sized and manufactured to handle the amount that is expected),
- 2** Installed (level, vented, etc.), and
- 3** Maintained (cleaned and serviced on a frequent basis).

Solids should never be put into grease traps or interceptors. Routine, often daily, maintenance of grease traps and interceptors is needed to ensure that they properly reduce or prevent blockages.

Be cautious of chemicals and additives (including soaps and detergents) that claim to dissolve grease. Some of these additives simply pass grease down pipes where it can clog the sewer lines in another area.

This brochure was prepared under Cooperative Agreement Assistance #CX824505-01-0 between the Water Environment Federation (WEF) and the U.S. Environmental Protection Agency. For more information, contact your local sewer system authority or the

Water Environment Federation

601 Wythe Street
Alexandria, VA 22314-1004
Phone: 703/684-2400
Fax: 703/684-2492
Web site: <http://www.wef.org>

For additional copies of this brochure, contact WEF at 1-800-666-0206, 1-703-684-2452 or <http://www.wef.org>



**Water Environment
Federation®**

Stock #HP 1902



Printed on recycled paper.

04/03

Copyright © 1999 Water Environment Federation

Fat-Free Sewers

**How to Prevent
Fats, Oils, and
Greases from
Damaging Your
Home and
the Environment**

Fats, Oils, and Greases aren't just bad for your arteries and your waistline; they're bad for sewers, too.

Sewer overflows and backups can cause health hazards, damage home interiors, and threaten the environment. An increasingly common cause of overflows is sewer pipes blocked by grease. Grease gets into the sewer from household drains as well as from poorly maintained grease traps in restaurants and other businesses.

Where does the grease come from?

Most of us know grease as the byproduct of cooking. Grease is found in such things as:

- Meat fats
- Food scraps
- Lard
- Baking goods
- Cooking oil
- Sauces
- Shortening
- Dairy products
- Butter and margarine

Too often, grease is washed into the plumbing system, usually through the kitchen sink. Grease sticks to the insides of sewer pipes (both on your property and in the streets). Over time, the grease can build up and block the entire pipe.

Home garbage disposals do not keep grease out of the plumbing system. These units only shred solid material into smaller pieces and do not prevent grease from going down the drain.

Commercial additives, including detergents, that claim to dissolve grease may pass grease down the line and cause problems in other areas.



© James L. Graham, Jr., P.E.

The results can be:

- Raw sewage overflowing in your home or your neighbor's home;
- An expensive and unpleasant cleanup that often must be paid for by **you, the homeowner;**
- Raw sewage overflowing into parks, yards, and streets;
- Potential contact with disease-causing organisms; and
- An increase in operation and maintenance costs for local sewer departments, which causes higher sewer bills for customers.



© NYCDEP

What we can do to help

The easiest way to solve the grease problem and help prevent overflows of raw sewage is to keep this material out of the sewer system in the first place.

There are several ways to do this.

- 1) Never pour grease down sink drains or into toilets.
- 2) Scrape grease and food scraps from trays, plates, pots, pans, utensils, and grills and cooking surfaces into a can or the trash for disposal (or recycling where available).
- 3) Do not put grease down garbage disposals. Put baskets/strainers in sink drains to catch food scraps and other solids, and empty the drain baskets/strainers into the trash for disposal.
- 4) Speak with your friends and neighbors about the problem of grease in the sewer system and how to keep it out. Call your local sewer system authority if you have any questions.

2009

Drug-Free Drains

**You can help protect our water
from pharmaceuticals and
personal care products!**

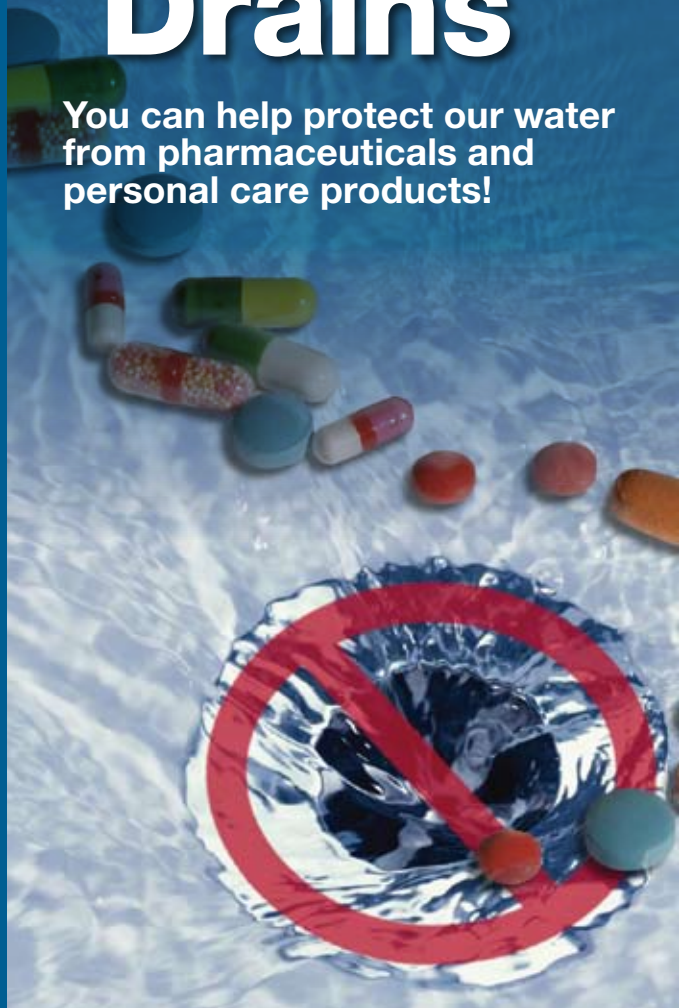


601 Wythe Street
Alexandria, Virginia
22314-1994 USA
Tel. 1-800-666-0206
Fax. 1-703-684-2492
www.wef.org

♻️ Printed on 100% recycled paper.

HS1802

6/2008



You can help protect our water from pharmaceuticals and personal care products!

Every day the average adult uses nine personal care products that contain 126 unique compounds that could end up in our water. In addition to traces of products like shampoo, toothpaste, sunscreen, and cosmetics, minute amounts of prescription and over-the-counter drugs also make their way into water. They should be limited or prevented from entering our environment.

Due to our increased use of these products and greater analytical sensitivity, very tiny amounts of compounds and drugs can be detected in conventional treatment plant outflow and end up in creeks, streams, and rivers. While there is no evidence these traces pose a risk to human health, scientists can sometimes find interference with aquatic organisms, and studies continue. Meanwhile, it's prudent to control what we put into water, and everyone's help is important.

In addition to following product recommendations for use and disposal and decreasing use when possible, you can help keep water clean by simply not flushing unused medication down the toilet! Controlling what goes down the drain is the easiest and most effective way to protect the environment, and you can start today!



Help keep our drains drug-free!

For more information on how to dispose of household products, please visit:

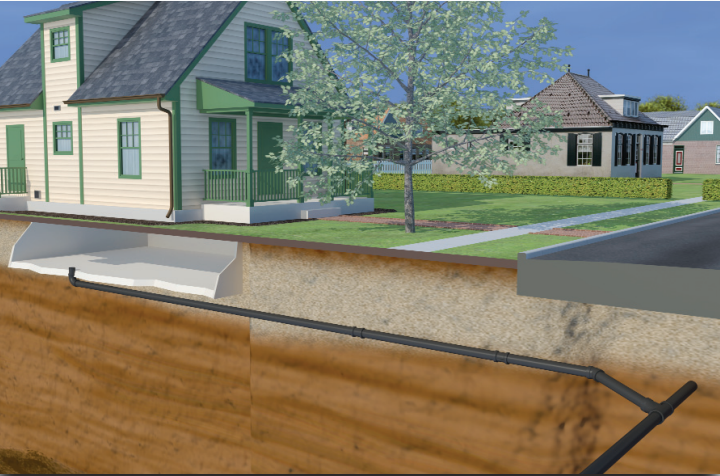
<http://www.wef.org/AboutWater/ForThePublic/FactSheets/FactSheetDocuments/HouseholdWaste.htm>

Visit the White House Office of National Drug Control Policy consumer guidance for the Proper Disposal of Prescription Drugs at

http://www.whitehousedrugpolicy.gov/drugfact/factsht/proper_disposal.html

EVERY YEAR DELAWARE COUNTY RESIDENTS PAY MILLIONS OF DOLLARS TO TREAT RAINWATER IN THE SANITARY SEWER SYSTEMS!

THAT'S TENS OF THOUSANDS OF DOLLARS WASTED EACH WEEK AND IT'S PAID FOR THROUGH YOUR SEWER FEES!



Your sewer lateral is the pipe from your house to the sewer main in your street. You own the sewer lateral under your yard.

Leaky sewer laterals, connected downspouts, and sump pumps allow rainwater to enter the sanitary sewer system.

Once that rainwater mixes with the sewage, it must be treated at the sewage treatment plant.

You are responsible for properly maintaining your sewer lateral to stop rainwater from entering the sanitary sewer system.

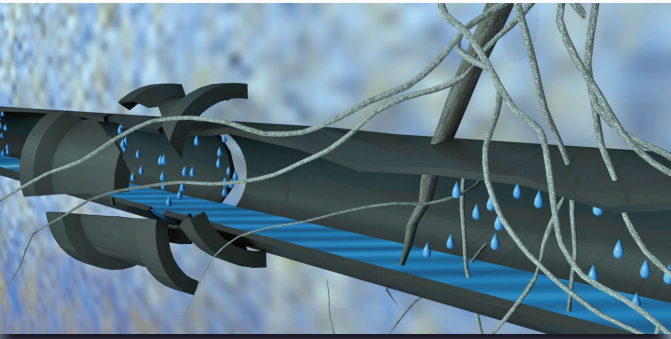
A well-maintained lateral protects public health and the environment and can help you save money.

SEWER LATERALS NEED TO BE INSPECTED PERIODICALLY. IF YOU HAVE NOT INSPECTED, REPAIRED, OR REPLACED YOUR LATERAL, IT COULD BE FAILING.

Failing laterals have old-age cracks, loose pipe joints, and tree roots, which let rainwater into the sewer system. Rainwater also enters the lateral through connected downspouts, basement sump pumps, foundation drains, and driveway drains.

WHEN RAINWATER IS ALLOWED INTO YOUR LATERAL, THE SEWER MAINS CAN OVERLOAD, LEADING TO A BACKUP OF RAW SEWAGE IN BASEMENTS.

Sewage is foul smelling, very difficult to clean up, and it can make your family very sick. It is a nightmare if sewage backs up into a house, damaging furniture, children's toys, irreplaceable family photos, or an entertainment/recreational area.



DELCORA
100 East Fifth Street
P.O. Box 999
Chester, PA 19016-0999

STOP THROWING MONEY DOWN THE DRAIN!



How to Safeguard your Home, Community, and Environment

SEWAGE TREATMENT PLANTS ARE DESIGNED TO TREAT THE WASTEWATER FROM THE HOMES, BUSINESSES, AND INDUSTRIES IN YOUR COMMUNITY. BUT WHEN CONNECTED DOWNSPOUTS, SUMP PUMPS, AND LEAKY LATERALS LET RAINWATER INTO THE SYSTEM, THE EXTRA WATER CAN OVERLOAD THE SEWAGE TREATMENT FACILITY.



If extra water overwhelms the treatment facility, raw sewage may overflow manholes into the streets.

Raw sewage may even be discharged from the treatment facility directly into streams and rivers in your community.

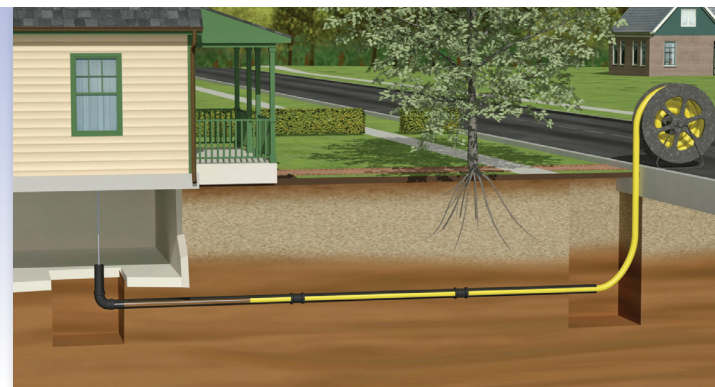
Raw sewage in public areas can make people very sick! And raw sewage in creeks and streams is an environmental disaster!

A QUALIFIED PLUMBER CAN FIND PROBLEMS IN YOUR SEWER LATERAL AND HELP FIND ANY IMPROPER CONNECTIONS USING ONE OF THE FOLLOWING TECHNIQUES:

- **Visual inspection** - A special camera is pushed through your lateral. The plumber can view the lateral's interior on a video screen and see any problems.
- **Dye testing** - A non-toxic dye is dripped into locations around your house, including downspouts and the soil above the lateral. Dye appearing in nearby manholes indicates problems.
- **Smoke testing** - A special, non-toxic smoke is pumped from the sewer main into your lateral and monitored to see where the smoke appears. Smoke escaping from the pipe up through the ground indicates a break in the pipe. Smoke escaping from the downspout indicates an improper connection.

IF A DOWNSPOUT OR SUMP PUMP IS CONNECTED TO YOUR LATERAL, YOU MUST HAVE IT DISCONNECTED.

IF YOUR LATERAL HAS CRACKS, LOOSE PIPE JOINTS, OR TREE ROOTS, YOU MUST HAVE IT REPAIRED OR REPLACED.



YOU CAN HAVE YOUR LATERAL REPAIRED IN SEVERAL WAYS:

- **Open cut excavation** is the traditional method of digging out your lateral for removal and replacement.
- **Slip lining** (pictured left) does not require extensive excavation. A winch pulls a flexible, liner pipe into place inside your existing pipe.



- **Pipe bursting** is like slip lining except a small, metal ram is pulled through your existing pipe. The ram breaks the pipe and pushes the pieces into the soil, pulling a new pipe into place behind it.

- **CIPP (cured-in-place pipe)** involves a felt tube, saturated with glue, being inflated inside your existing damaged pipe. Once the glue has set, the felt tube liner is left in place and the repair is complete.

AS LATERALS AGE WITHOUT BEING INSPECTED OR REPAIRED, THE COST GOES UP TO TREAT RAINWATER AND THE CHANCE INCREASES FOR A SEWAGE BACKUP IN YOUR BASEMENT.

Everyone knows how important it is to maintain your property and home. It is just as important to maintain your sewer lateral even though you cannot see it.

You must inspect your sewer lateral to ensure that you are not contributing to the problem.

The Delaware County Regional Water Quality Control Authority (DELCORA) exists to protect and improve the quality of life of our communities.



For more information, contact:

DELCORA
100 East Fifth Street
P.O. Box 999
Chester, PA 19016-0999

Or

Your Local Sewer Agency
You may find the address on your sewer bill or in the phonebook

OR WATCH A FREE VIDEO ON THE INTERNET: WWW.DELCORA.ORG

Function of Sump Pumps & Downspouts

Rainwater can enter the basement through many sources. The job of a sump pump is to divert the water from inside your basement to a location outside of the house. A sump pump is usually installed in a sump pit which stores the water. When this water reaches a certain level, it triggers the sump pump which pumps the water back outside, away from the house. A downspout's purpose is to direct water from the roof gutters away from the house.

The Problem of Inflow

Inflow is caused by improperly connected foundation (footing) drains, sump pumps, and downspouts. Instead of directing the clear rain water outside and away from the house, it directs the water into the sanitary sewer system. Inflow is a problem because it creates an extra water burden for the sanitary sewer system, and when this system is overloaded, sewage can back up into our streets, buildings, and your home. It also means that our utility bills are higher because we are collectively paying for the unnecessary treatment of clean water!

Rules and Regulations

Inflow is a problem for all of Delaware County's communities and sanitary sewer systems. All municipalities have adopted ordinances which make it illegal to have improper connections to the sanitary sewer. Fees and other enforcement measures can be used to achieve compliance. To avoid fines make sure your sump pumps and downspouts discharge properly.

Homeowners have an impact on preventing or causing the problem of inflow. Your community and neighbors are relying on you to take responsibility for making sure that your connections are not contributing to the problem.

For more information regarding what is being done about inflow in your community, contact your local municipality or sewer author-



**DELAWARE COUNTY REGIONAL
WATER QUALITY CONTROL
AUTHORITY
100 EAST FIFTH STREET
CHESTER, PA 19013
WWW.DELCORA.ORG
610-876-5523**

**PRINTED WITH THANKS TO THE:
FARIBAULT COUNTY
SOIL AND WATER CONSERVATION
DISTRICT
BLUE EARTH, MN 56013
www.faribaultcountyswcd.com**

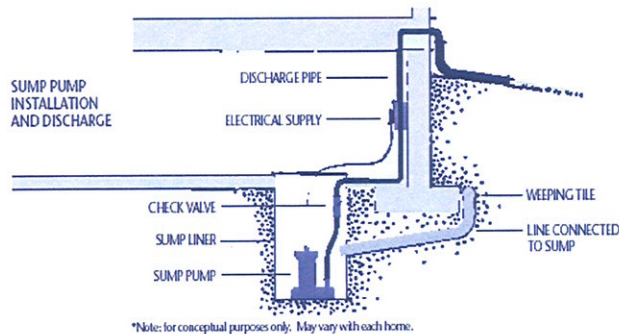
**Disconnecting &
Redirecting Your
Sump Pump &
Downspouts**



In wet weather it only takes a few improperly connected sump pumps to cause a sanitary sewer backup into basements, streets and waterways.

How Do I Know If My Sump Pump Is Improperly Connected?

Your sump pump is improperly connected to the sanitary sewer if it is connected to the drain or sink in your basement. Unless you are sure your basement drain is not connected to the sanitary sewer, your sump pump is probably improperly connected.



Proper sump pump discharge connections are to the outside of the house only!

How Do I Know If My Downspout Is Improperly Connected?

If your downspouts disappear into the ground rather than discharging into your yard, they may be connected to the sanitary sewer. While connections to the *storm* sewer are permitted, connections to the *sanitary* sewer must be disconnected and redirected.



Downspouts that look like this could be connected to the sanitary sewer.

Disconnecting Your Sump Pump

If your sump pump discharges to the sanitary system in any way, the discharge must be re-directed out of the sanitary sewer system. The change could be as simple as directing the discharge outside the house through a hose. If you aren't familiar with the work, contact a plumbing professional, your local municipality, or your sewer authority for more information.

Each household or business that redirects their stormwater out of the sanitary sewer helps solve the problem of sewage backing up into basements, streets, and waterways.

Disconnecting Your Downspout

Disconnecting your downspout from the sanitary sewer is easy to do yourself.

1. Cut the downspout, leaving enough space to insert the elbow.
2. Tightly cap the end of the pipe sticking out of the ground that leads to the sanitary sewer.
3. Attach an elbow to the end of the downspout and use an appropriate extension to direct the water away from your home.



Where Should I Direct the Flow of My Disconnected Sump Pump and Downspout?

Water should be discharged away from your house or it may seep back into your basement. It should flow to an area where it can seep into the ground or be stored for later use. Direct flow to:



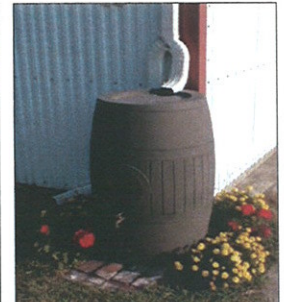
Rain garden



Lawn



Trees



Rain Barrel

Never direct stormwater into a sanitary sewer or onto a neighboring property!

ATTACHMENT B3

SAMPLE PRESS RELEASE

August 18, 2015

DELCORA Enters Agreement with EPA to Invest in Major Infrastructure Improvements in City of Chester

Authority will seek to reduce overflows from City's combined wastewater system

Chester, PA - The Delaware County Regional Water Quality Control Authority (DELCORA) announced today that it has entered into a settlement agreement with the Environmental Protection Agency (EPA) to make improvements to the combined sewer and stormwater drainage system in the City of Chester to address issues related to the overflow of the system during high rain events.

Under the consent decree, negotiated in good faith by and between DELCORA and the EPA, DELCORA has 42 months to develop a long-term plan to control and reduce overflows from the City of Chester's combined sewer and stormwater system and 20 years to implement the plan. Contrary to public reports stating the project could cost up to \$200 million, DELCORA said it has not determined the cost of the long-term control plan and would be unable to do so for up to another three years when development of the plan is completed.

DELCORA inherited Chester's antiquated system in 1971 when it took over the operations of wastewater treatment from the City. The system was constructed in the early 1900s and the combined sewer system – which includes one pipe that combines both sewer and stormwater runoff – was a typical engineering practice at the time in urban areas.

When DELCORA assumed control of the system in the 1970s, discharges from the system were in compliance with the agency's permits, but as new technologies have developed in recent years, the EPA has become more stringent in its interpretation of the Clean Water Act as it relates to combined sewer systems. Over the past several years, the EPA has entered into consent decrees and issued civil penalties for wastewater systems in many urban communities in Pennsylvania and across the country, including Philadelphia, Williamsport, Scranton, Harrisburg, and Pittsburgh.

Currently, the City of Philadelphia is in the process of implementing a \$2 billion long-term control plan following its consent decree with the EPA. DELCORA is funding \$178 million over 15 years for the improvements because part of its wastewater system flows into the City's system.

"We take our commitment to the environment and our customers very seriously," said Robert Willert, Executive Director of DELCORA. "During a 10-year period, from 1999 to 2009 DELCORA developed a long-term control plan and invested \$5 million in infrastructure improvements to address the issues of overflows during rain events that impacted the combined wastewater system in Chester."

Willert said that the \$5 million infrastructure investment included upgrades to regulators, which control the flow and discharge of wastewater during rain events. DELCORA also paid the City of Chester \$750,000 to put in place new storm water inlets on city streets that help stop trash and debris from flowing into the combined system, which could lead to backups and the unnecessary discharge of wastewater from the system.

Willert noted that industrial wastewater is kept separate from the combined system and that DELCORA has worked to mitigate the problem by requiring that new projects – such as PPL Park and the reconstruction of Route 291 – divert water to a separate stormwater system that is distinct from the combined system that exists throughout most of Chester.

DELCORA has brought on a team of experts to help develop the long-term control plan, including an engineering firm that specializes in the issue of combined wastewater systems and a municipal and financial service firm to help develop a rate model for customers to fund the needed improvements. Under the consent decree with the EPA, DELCORA will also pay a \$1.375 million penalty to the state and federal government.

The Delaware County Regional Water Quality Control Authority (DELCORA) is a municipal authority that owns, operates, and maintains wastewater facilities that serve approximately 500,000 people in the greater Philadelphia area, including 42 municipalities in Delaware and Chester Counties.

ATTACHMENT B4

**DELCORA'S CSO LTCPU WEBSITE
(Sample Screen Shot)**

DELCORA

Providing environmentally responsible and cost-effective wastewater management services to the citizens, businesses, and industries of Southeastern PA.



[Pay Sewer Bill](#)



[Open Bids](#)



[Right to Know](#)



[FAQs](#)



[Combined Sewer System](#)



About DELCORA

Delaware County residents and businesses generate over 100 million gallons of wastewater every day. This wastewater must be collected, conveyed, and treated in a safe, effective way to prevent the contamination of our community's streams, rivers, and general water supply. DELCORA has been providing this vital function to our communities for over three decades. As a result, the citizens of our region enjoy clean, healthy water.

News & Events

DELCORA Enters Agreement with EPA

August 18, 2015 Chester, PA – The Delaware County Regional Water Quality Control Authority (DELCORA) announced today that it has entered into a settlement agreement with the Environmental Protection Agency (EPA) to make improvements to the combined sewer and stormwater drainage system in the City of Chester to address issues related to the overflow of the system during [...]

[Read More](#)

Edgmont's public sewer system to be finished in fall

By Susan L. Serbin, Times Correspondent The public sewer system along the West Chester Pike and Providence Road corridors is in the final stages of construction, with activities continuing through the summer months and into the early fall. After years on a wish list, supervisors put into action a comprehensive plan for a build out [...]

[Read More](#)



DELCORA

[Combined Sewer System](#)

[Right to Know](#)

[Careers](#)

[Employee Login](#)

Customer Service: 610-876-5526

Sewer Emergency: 610-876-5523 (Press 2)

[Contact Us](#)

[Pay Sewer Bill](#)

Administration Building

100 East Fifth Street

Chester, PA 19013

Wastewater Treatment Plant

3201 West Front Street

Chester, PA 19013



Combined Sewer System

[DELCORA CSO LTCP](#)
[DELCORA CSO Areas](#)
[Public Participation Plan](#)
[Public Meetings](#)
[CSO Monitoring](#)
[Resources](#)
[Contact Us](#)

Quick Links

[Pay Sewer Bill](#)
[Open Bids](#)
[Right to Know](#)
[FAQs](#)
[Combined Sewer System](#)

Combined Sewer System

Combined sewer systems are sewers that are designed to collect rainwater runoff, domestic sewage, and industrial wastewater in the same pipe. Most of the time, combined sewer systems transport all of their wastewater to a sewage treatment plant, where it is treated and then discharged to a water body. During periods of heavy rainfall or snowmelt, however, the wastewater volume in a combined sewer system can exceed the capacity of the sewer system or treatment plant. For this reason, combined sewer systems are designed to overflow occasionally and discharge excess wastewater directly to nearby streams, rivers, or other water bodies.

These overflows, called combined sewer overflows (CSOs), contain not only stormwater but also untreated human and industrial waste, toxic materials, and debris. They are a major water pollution concern for the approximately 772 cities in the U.S. that have combined sewer systems.

For more information [contact us](#).

ATTACHMENT C
PENNSYLVANIA SUNSHINE ACT

As amended September 5, 2011

Pennsylvania's Sunshine Act

Act of October 15, 1998, P.L. 729, No. 93
as amended by Act of July 15, 2004, P.L. 743, No. 88
As amended by Act of June 30, 2011, No. 56

65 Pa.C.S.A. § 701 et seq.

An act requiring public agencies to hold certain meetings and hearings open to the public; and providing penalties.

TABLE OF CONTENTS

Section 701.	Short title of chapter
Section 702.	Legislative findings and declarations
Section 703.	Definitions
Section 704.	Open meetings
Section 705.	Recording of votes
Section 706.	Minutes of meetings, public records and recording of meetings
Section 707.	Exceptions to open meetings
Section 708.	Executive sessions
Section 709.	Public notice
Section 710.	Rules and regulations for conduct of meetings
Section 710.1.	Public participation
Section 711.	Use of equipment during meetings
Section 712.	General Assembly meetings covered
Section 713.	Business transacted at unauthorized meeting void
Section 714.	Penalty
Section 714.1.	Attorney fees
Section 715.	Jurisdiction and venue of judicial proceedings
Section 716.	Confidentiality

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 701. Short title of chapter

This chapter shall be known and may be cited as the Sunshine Act.

Section 702. Legislative findings and declaration

(a) **Findings.** The General Assembly finds that the right of the public to be present at all meetings of agencies and to witness the deliberation, policy formulation and decisionmaking of agencies is vital to the enhancement and proper functioning of the democratic process and that secrecy in public affairs undermines the faith of the public in government and the public's effectiveness in fulfilling its role in a democratic society.

(b) **Declarations.** The General Assembly hereby declares it to be the public policy of this Commonwealth to insure the right of its citizens to have notice of and the right to attend all meetings of agencies at which any agency business is discussed or acted upon as provided in this chapter.

Section 703. Definitions

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Administrative action.” The execution of policies relating to persons or things as previously authorized or required by official action of the agency adopted at an open meeting of the agency. The term does not, however, include the deliberation of agency business.

“Agency.” The body, and all committees thereof authorized by the body to take official action or render advice on matters of agency business, of all the following: the General Assembly, the executive branch of the government of this Commonwealth, including the Governor's Cabinet when meeting on official policymaking business, any board, council, authority or commission of the Commonwealth or of any political subdivision of the Commonwealth or any State, municipal, township or school authority, school board, school governing body, commission, the boards of trustees of all State-aided colleges and universities, the councils of trustees of all State-owned colleges and universities, the boards of trustees of all State-related universities and all community colleges or similar organizations created by or pursuant to a statute which declares in substance that the organization performs or has for its purpose the performance of an essential governmental function and through the joint action of its members exercises

governmental authority and takes official action. The term shall include the governing board of any nonprofit corporation which by a mutually binding legal written agreement with a community college, or State-aided, State-owned or State-related institution of higher education is granted legally enforceable supervisory and advisory powers regarding the degree programs of the institution of higher education. The term does not include a caucus or a meeting of an ethics committee created under rules of the Senate or House of Representatives.

“Agency business.” The framing, preparation, making or enactment of laws, policy or regulations, the creation of liability by contract or otherwise or the adjudication of rights, duties and responsibilities, but not including administrative action.

“Caucus.” A gathering of members of a political party or coalition which is held for purposes of planning political strategy and holding discussions designed to prepare the members for taking official action in the General Assembly.

“Conference.” Any training program or seminar, or any session arranged by State or Federal agencies for local agencies, organized and conducted for the sole purpose of providing information to agency members on matters directly related to their official responsibilities.

“Deliberation.” The discussion of agency business held for the purpose of making a decision.

“Emergency meeting.” A meeting called for the purpose of dealing with a real or potential emergency involving a clear and present danger to life or property.

“Executive session.” A meeting from which the public is excluded, although the agency may admit those persons necessary to carry out the purpose of the meeting.

“Litigation.” Any pending, proposed or current action or matter subject to appeal before a court of law or administrative adjudicative body, the decision of which may be appealed to a court of law.

“Meeting.” Any prearranged gathering of an agency which is attended or participated in by a quorum of the members of an agency held for the purpose of deliberating agency business or taking official action.

“Official action.”

- (1) Recommendations made by an agency pursuant to statute, ordinance or executive order.
- (2) The establishment of policy by an agency.
- (3) The decisions on agency business made by an agency.
- (4) The vote taken by any agency on any motion, proposal, resolution, rule, regulation, ordinance, report or order.

“Political subdivision.” Any county, city, borough, incorporated town, township, school district, intermediate unit, vocational school district or county institution district.

”Public notice.”

- (1) For a meeting:

- (i) Publication of notice of the place, date and time of a meeting in a newspaper of general circulation, as defined by 45 Pa.C.S. Â§ 101 (relating to definitions), which is published and circulated in the political subdivision where the meeting will be held, or in a newspaper of general circulation which has a bona fide paid circulation in the political subdivision equal to or greater than any newspaper published in the political subdivision.

- (ii) Posting a notice of the place, date and time of a meeting prominently at the principal office of the agency holding the meeting or at the public building in which the meeting is to be held.

- (iii) Giving notice to parties under section 709(c) (relating to public notice).

- (2) For a recessed or reconvened meeting:

- (i) Posting a notice of the place, date and time of the meeting prominently at the principal office of the agency holding the meeting or at the public building in which the meeting is to be held.

- (ii) Giving notice to parties under section 709(c).

“Special meeting.” A meeting scheduled by an agency after the agency’s regular schedule of meetings has been established.

Section 704. Open meetings

Official action and deliberations by a quorum of the members of an agency shall take place at a meeting open to the public unless closed under section 707 (relating to exceptions to open meetings), 708 (relating to executive sessions) or 712 (relating to General Assembly meetings covered).

Section 705. Recording of votes

In all meetings of agencies, the vote of each member who actually votes on any resolution, rule, order, regulation, ordinance or the setting of official policy must be publicly cast and, in the case of roll call votes, recorded.

Section 706. Minutes of meetings, public records and recording of meetings

Written minutes shall be kept of all open meetings of agencies. The minutes shall include:

- (1) The date, time and place of the meeting.
- (2) The names of members present.
- (3) The substance of all official actions and a record by individual member of the roll call votes taken.
- (4) The names of all citizens who appeared officially and the subject of their testimony.

Section 707. Exceptions to open meetings

- (a) **Executive session.** An agency may hold an executive session under section 708 (relating to executive sessions).
- (b) **Conference.** An agency is authorized to participate in a conference which need not be open to the public. Deliberation of agency business may not occur at a conference.
- (c) **Certain working sessions.** Boards of auditors may conduct working sessions not open to the public for the purpose of examining, analyzing, discussing and deliberating the various accounts and records with respect to which such boards are responsible, so long as official action of a board with respect to such records and accounts is taken at a meeting open to the public and subject to the provisions of this chapter.

Section 708. Executive sessions

(a) **Purpose.** An agency may hold an executive session for one or more of the following reasons:

(1) To discuss any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the agency, or former public officer or employee, provided, however, that the individual employees or appointees whose rights could be adversely affected may request, in writing, that the matter or matters be discussed at an open meeting. The agency's decision to discuss such matters in executive session shall not serve to adversely affect the due process rights granted by law, including those granted by Title 2 (relating to administrative law and procedure). The provisions of this paragraph shall not apply to any meeting involving the appointment or selection of any person to fill a vacancy in any elected office.

(2) To hold information, strategy and negotiation sessions related to the negotiation or arbitration of a collective bargaining agreement or, in the absence of a collective bargaining unit, related to labor relations and arbitration.

(3) To consider the purchase or lease of real property up to the time an option to purchase or lease the real property is obtained or up to the time an agreement to purchase or lease such property is obtained if the agreement is obtained directly without an option.

(4) To consult with its attorney or other professional advisor regarding information or strategy in connection with litigation or with issues on which identifiable complaints are expected to be filed.

(5) To review and discuss agency business which, if conducted in public, would violate a lawful privilege or lead to the disclosure of information or confidentiality protected by law, including matters related to the initiation and conduct of investigations of possible or certain violations of the law and quasi-judicial deliberations.

(6) For duly constituted committees of a board or council of trustees of a State-owned, State-aided or State-related college or university or community college or of the Board of Governors of the State System of Higher Education to discuss matters of academic admission or standings.

(b) **Procedure.** The executive session may be held during an open meeting, at the conclusion of an open meeting, or may be announced for a future time. The reason for holding the executive session must be announced at the open meeting occurring immediately prior or subsequent to the executive session. If the executive session is not announced for a future specific time, members of the agency shall be notified 24 hours in advance of the time of the convening of the meeting specifying the date, time, location and purpose of the executive session.

(c) **Limitation.** Official action on discussions held pursuant to subsection (a) shall be taken at an open meeting. Nothing in this section or section 707 (relating to exceptions to open meetings) shall be construed to require that any meeting be closed to the public, nor shall any executive session be used as a subterfuge to defeat the purposes of section 704 (relating to open meetings).

Section 709. Public notice

(a) **Meetings.** An agency shall give public notice of its first regular meeting of each calendar or fiscal year not less than three days in advance of the meeting and shall give public notice of the schedule of its remaining regular meetings. An agency shall give public notice of each special meeting or each rescheduled regular or special meeting at least 24 hours in advance of the time of the convening of the meeting specified in the notice. Public notice is not required in the case of an emergency meeting or a conference. Professional licensing boards within the Bureau of Professional and Occupational Affairs of the Department of State of the Commonwealth shall include in the public notice each matter involving a proposal to revoke, suspend or restrict a license.

(b) **Notice.** With respect to any provision of this chapter that requires public notice to be given by a certain date, the agency, to satisfy its legal obligation, must give notice in time to allow it to be published or circulated within the political subdivision where the principal office of the agency is located or the meeting will occur before the date of the specified meeting.

(c) **Copies.** In addition to the public notice required by this section, the agency holding a meeting shall supply, upon request, copies of the public notice thereof to any newspaper of general circulation in the political subdivision in which the meeting will be held, to any radio or television station which regularly broadcasts into the political subdivision and to any interested parties if the newspaper, station or party provides the agency with a stamped, self-addressed envelope prior to the meeting.

(d) Meeting of the General Assembly in Capitol Complex. Notwithstanding any provision of this section to the contrary, in case of sessions of the General Assembly, all meetings of legislative committees held within the Capitol Complex where bills are considered, including conference committees, all legislative hearings held within the Capitol Complex where testimony is taken and all meetings of legislative commissions held within the Capitol Complex, the requirement for public notice thereof shall be complied with if, not later than the preceding day:

(1) The supervisor of the newsroom of the State Capitol Building in Harrisburg is supplied for distribution to the members of the Pennsylvania Legislative Correspondents Association with a minimum of 30 copies of the notice of the date, time and place of each session, meeting or hearing.

(2) There is posting of the copy of the notice at public places within the Main Capitol Building designated by the Secretary of the Senate and the Chief Clerk of the House of Representatives.

(e) Announcement. Notwithstanding any provision of this chapter to the contrary, committees may be called into session in accordance with the provisions of the Rules of the Senate or the House of Representatives and an announcement by the presiding officer of the Senate or the House of Representatives. The announcement shall be made in open session of the Senate or the House of Representatives.

Section 710. Rules and regulations for conduct of meetings

Nothing in this chapter shall prohibit the agency from adopting by official action the rules and regulations necessary for the conduct of its meetings and the maintenance of order. The rules and regulations shall not be made to violate the intent of this chapter.

Section 710.1 Public participation

(a) General rule. Except as provided in subsection (d), the board or council of a political subdivision, or of an authority created by a political subdivision shall provide a reasonable opportunity at each advertised regular meeting and advertised special meeting for residents of the political subdivision or of the authority created by a political subdivision or for taxpayers of the political subdivision or of the authority created by a political subdivision or for both, to comment on matters of concern, official action or deliberation which are or may be before the board or council prior to taking official action. The board or council has the option to accept all public comment at the beginning of the meeting. If the board or council determines that there is not sufficient time at a meeting for residents of the political subdivision or of the authority created by a political

subdivision or for taxpayers of the political subdivision or of the authority created by the political subdivision or for both to comment, the board or council may defer the comment period to the next regular meeting or to a special meeting occurring in advance of the next regular meeting.

(b) **Limitation on judicial relief.** If a board or council of a political subdivision or an authority created by a political subdivision has complied with the provisions of subsection (a), the judicial relief under section 713 (relating to business transacted at unauthorized meeting void) shall not be available on a specific action solely on the basis of lack of comment on that action.

(c) **Objection.** Any person has the right to raise an objection at any time to a perceived violation of this chapter at any meeting of a board or council of a political subdivision or an authority created by a political subdivision.

(d) **Exception.** The board or council of a political subdivision or of an authority created by a political subdivision which had, before Jan. 1, 1993, established a practice or policy of holding special meetings solely for the purpose of public comment in advance of advertised regular meetings shall be exempt from the provisions of subsection (a).

Section 711. Use of equipment during meetings

(a) **Recording devices.** Except as provided in subsection (b), a person attending a meeting of an agency shall have the right to use recording devices to record all the proceedings. Nothing in this section shall prohibit the agency from adopting and enforcing reasonable rules for their use under section 710 (relating to rules and regulations for conduct of meetings).

(b) **Rules of the Senate and House of Representatives.** The Senate and House of Representatives may adopt rules governing the recording or broadcast of their sessions and meetings and hearings of committees.

Section 712. General Assembly meetings covered

Notwithstanding any other provision, for the purpose of this chapter, meetings of the General Assembly which are covered are as follows: all meetings of committees where bills are considered, all hearings where testimony is taken and all sessions of the Senate and the House of Representatives. Not included in the intent of this chapter are caucuses or meetings of any ethics committee created pursuant to the Rules of the Senate or the House of Representatives.

Section 713. Business transacted at unauthorized meeting void

A legal challenge under this chapter shall be filed within 30 days from the date of a meeting which is open, or within 30 days from the discovery of any action that occurred at a meeting which was not open at which this chapter was violated, provided that, in the case of a meeting which was not open, no legal challenge may be commenced more than one year from the date of said meeting. The court may enjoin any challenged action until a judicial determination of the legality of the meeting at which the action was adopted is reached. Should the court determine that the meeting did not meet the requirements of this chapter, it may in its discretion find that any or all official action taken at the meeting shall be invalid. Should the court determine that the meeting met the requirements of this chapter, all official action taken at the meeting shall be fully effective.

Section 714. Penalty

(a) **Fines and costs.** Any member of any agency who participates in a meeting with the intent and purpose by that member of violating this chapter commits a summary offense and shall, upon conviction, be sentenced to pay:

(1) For a first offense, the costs of prosecution plus a fine of at least \$100 and, in the discretion of the sentencing authority, of not more than \$1,000.

(2) For a second or subsequent offense, the costs of prosecution plus a fine of at least \$500 and, in the discretion of the sentencing authority, of not more than \$2,000.

(b) **Payment.** An agency shall not make a payment on behalf of or reimburse a member of an agency for a fine or cost resulting from the member's violation of this section.

Section 714.1. Attorney fees

If the court determines that an agency willfully or with wanton disregard violated a provision of this chapter, in whole or in part, the court shall award the prevailing party reasonable attorney fees and costs of litigation or an appropriate portion of the fees and costs. If the court finds that the legal challenge was of a frivolous nature or was brought with no substantial justification, the court shall award the prevailing party reasonable attorney fees and costs of litigation or an appropriate portion of the fees and costs.

Section 715. Jurisdiction and venue of judicial proceedings

The Commonwealth Court shall have original jurisdiction of actions involving State agencies and the courts of common pleas shall have original jurisdiction of actions involving other agencies to render declaratory judgements or to enforce this chapter by injunction or other remedy deemed appropriate by the court. The action may be brought by any person where the agency whose act is complained of is located or where the act complained of occurred.

Section 716. Confidentiality

All acts and parts of acts are repealed insofar as they are inconsistent with this chapter, excepting those statutes which specifically provide for the confidentiality of information. Those deliberations or official actions which, if conducted in public, would violate a lawful privilege or lead to the disclosure of information or confidentiality protected by law, including matter related to the investigation of possible or certain violations of the law and quasi-judicial deliberations, shall not fall within the scope of this chapter.

ATTACHMENT D

PA RIGHT-TO-KNOW LAW ACT 3 OF 2008

Pennsylvania's New Right to Know Law

Act 3 of 2008, as signed by Gov. Edward G. Rendell on February 14, 2008
Effective January 1, 2009

AN ACT

Providing for access to public information, for a designated open-records officer in each Commonwealth agency, local agency, judicial agency and legislative agency, for procedure, for appeal of agency determination, for judicial review and for the Office of Open Records; imposing penalties; providing for reporting by State-related institutions; requiring the posting of certain State contract information on the Internet; and making related repeals.

TABLE OF CONTENTS

Chapter 1. Preliminary Provisions

Section 101. Short title.

Section 102. Definitions.

Chapter 3. Requirements and Prohibitions

Section 301. Commonwealth agencies.

Section 302. Local agencies.

Section 303. Legislative agencies.

Section 304. Judicial agencies.

Section 305. Presumption.

Section 306. Nature of document.

Chapter 5. Access

Section 501. Scope of chapter.

Section 502. Open-records officer.

Section 503. Appeals officer.

Section 504. Regulations and policies.

Section 505. Uniform form.

Section 506. Requests.

Section 507. Retention of records.

Chapter 7. Procedure

Section 701. Access.

Section 702. Requests.

Section 703. Written requests.

Section 704. Electronic access.

Section 705. Creation of record.

Section 706. Redaction.

Section 707. Production of certain records.

Section 708. Exceptions for public records.

Chapter 9. Agency Response

Section 901. General rule.

Section 902. Extension of time.

Section 903. Denial.

Section 904. Certified copies.

Section 905. Record discard.

Chapter 11. Appeal of Agency Determination

Section 1101. Filing of appeal.

Section 1102. Appeals officers.

Chapter 13. Judicial Review

Section 1301. Commonwealth agencies, legislative agencies judicial agencies.

Section 1302. Local agencies.

Section 1303. Notice and records.

Section 1304. Court costs and attorney fees.

Section 1305. Penalties.

Section 1306. Immunity.

Section 1307. Fee limitations.

Section 1308. Prohibition.

Section 1309. Practice and procedure.

Section 1310. Office of Open Records.

Chapter 15. State-Related Institutions

Section 1501. Definition.

Section 1502. Reporting.

Section 1503. Contents of report.

Section 1504. Copies and posting.

Chapter 17. State Contract Information

Section 1701. Submission and retention of contracts.

Section 1702. Public availability of contracts.

Chapter 31. Miscellaneous Provisions

Section 3101. Applicability.

Section 3101.1. Relation to other law or judicial actions.

Section 3101.2. Severability.

Section 3102. Repeals.

Section 3103. References.

Section 3104. Effective date.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

CHAPTER 1. PRELIMINARY PROVISIONS

Section 101. Short title.

This act shall be known and may be cited as the Right-to-Know Law.

Section 102. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Administrative proceeding.” A proceeding by an agency the outcome of which is required to be based on a record or documentation prescribed by law or in which a statute or regulation is particularized in application to individuals. The term includes an appeal.

“Agency.” A Commonwealth agency, a local agency, a judicial agency or a legislative agency.

“Aggregated data.” A tabulation of data which relate to broad classes, groups or categories so that it is not possible to distinguish the properties of individuals within those classes, groups or categories.

“Appeals officer.” As follows:

- (1) For a Commonwealth agency or a local agency, the appeals officer designated under section 503(a).
- (2) For a judicial agency, the individual designated under section 503(b).
- (3) For a legislative agency, the individual designated under section 503(c).
- (4) For the Attorney General, State Treasurer, Auditor General and local agencies in possession of criminal investigative records, the individual designated under section 503(d).

“Commonwealth agency.” Any of the following:

- (1) Any office, department, authority, board, multistate agency or commission of the executive branch; an independent agency; and a State-affiliated entity. The term includes:
 - (i) The Governor’s Office.
 - (ii) The Office of Attorney General, the Department of the Auditor General and the Treasury Department.
 - (iii) An organization established by the Constitution of Pennsylvania, a statute or an executive order which performs or is intended to perform an essential governmental function.
- (2) The term does not include a judicial or legislative agency.

“Confidential proprietary information.” Commercial or financial information received by an agency:

- (1) which is privileged or confidential; and
- (2) the disclosure of which would cause substantial harm to the competitive position of the person that submitted the information.

“Financial record.” Any of the following:

- (1) Any account, voucher or contract dealing with:
 - (i) the receipt or disbursement of funds by an agency; or
 - (ii) an agency’s acquisition, use or disposal of services, supplies, materials, equipment or property.

- (2) The salary or other payments or expenses paid to an officer or employee of an agency, including the name and title of the officer or employee.
- (3) A financial audit report. The term does not include work papers underlying an audit.

“Homeland security.” Governmental actions designed to prevent, detect, respond to and recover from acts of terrorism, major disasters and other emergencies, whether natural or manmade. The term includes activities relating to the following:

- (1) emergency preparedness and response, including preparedness and response activities by volunteer medical, police, emergency management, hazardous materials and fire personnel;
- (2) intelligence activities;
- (3) critical infrastructure protection;
- (4) border security;
- (5) ground, aviation and maritime transportation security;
- (6) biodefense;
- (7) detection of nuclear and radiological materials; and (8) research on next-generation securities technologies.

“Independent agency.” Any board, commission or other agency or officer of the Commonwealth, that is not subject to the policy supervision and control of the Governor. The term does not include a legislative or judicial agency.

“Judicial agency.” A court of the Commonwealth or any other entity or office of the unified judicial system.

“Legislative agency.” Any of the following:

- (1) The Senate.
- (2) The House of Representatives.
- (3) The Capitol Preservation Committee.
- (4) The Center for Rural Pennsylvania.
- (5) The Joint Legislative Air and Water Pollution Control and Conservation Committee.
- (6) The Joint State Government Commission.
- (7) The Legislative Budget and Finance Committee.
- (8) The Legislative Data Processing Committee.
- (9) The Independent Regulatory Review Commission.
- (10) The Legislative Reference Bureau.
- (11) The Local Government Commission.
- (12) The Pennsylvania Commission on Sentencing.
- (13) The Legislative Reapportionment Commission.
- (14) The Legislative Office of Research Liaison.
- (15) The Legislative Audit Advisory Commission.

“Legislative record.” Any of the following relating to a legislative agency or a standing committee, subcommittee or conference committee of a legislative agency:

- (1) A financial record.
- (2) A bill or resolution that has been introduced and amendments offered thereto in committee or in legislative session, including resolutions to adopt or amend the rules of a chamber.
- (3) Fiscal notes.
- (4) A cosponsorship memorandum.
- (5) The journal of a chamber.
- (6) The minutes of, record of attendance of members at a public hearing or a public committee meeting and all recorded votes taken in a public committee meeting.
- (7) The transcript of a public hearing when available.
- (8) Executive nomination calendars.
- (9) The rules of a chamber.
- (10) A record of all recorded votes taken in a legislative session.
- (11) Any administrative staff manuals or written policies.
- (12) An audit report prepared pursuant to the act of June 30, 1970 (P.L.442, No.151) entitled, “An act implementing the provisions of Article VIII, section 10 of the Constitution of Pennsylvania, by designating the Commonwealth officers who shall be charged with the function of auditing the financial transactions after the occurrence thereof of the Legislative and Judicial branches of the government of the Commonwealth, establishing a Legislative Audit Advisory Commission, and imposing certain powers and duties on such commission.”
- (13) Final or annual reports required by law to be submitted to the General Assembly.
- (14) Legislative Budget and Finance Committee reports.
- (15) Daily Legislative Session Calendars and marked calendars.
- (16) A record communicating to an agency the official appointment of a legislative appointee.
- (17) A record communicating to the appointing authority the resignation of a legislative appointee.
- (18) Proposed regulations, final-form regulations and final-omitted regulations submitted to a legislative agency.
- (19) The results of public opinion surveys, polls, focus groups, marketing research or similar efforts designed to measure public opinion funded by a legislative agency.

“Local agency.” Any of the following:

- (1) Any political subdivision, intermediate unit, charter school, cyber charter school or public trade or vocational school.
- (2) Any local, intergovernmental, regional or municipal agency, authority, council, board, commission or similar governmental entity.

“Office of Open Records.” The Office of Open Records established in section 1310.

“Personal financial information.” An individual’s personal credit, charge or debit card information; bank account information; bank, credit or financial statements; account or PIN numbers and other information relating to an individual’s personal finances.

“Privilege.” The attorney-work product doctrine, the attorney-client privilege, the doctor-patient privilege, the speech and debate privilege or other privilege recognized by a court interpreting the laws of this Commonwealth.

“Public record.” A record, including a financial record, of a Commonwealth or local agency that:

- (1) is not exempt under section 708;
- (2) is not exempt from being disclosed under any other Federal or State law or regulation or judicial order or decree; or
- (3) is not protected by a privilege.

“Record.” Information, regardless of physical form or characteristics, that documents a transaction or activity of an agency and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the agency. The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically and a data-processed or image-processed document.

“Requester.” A person that is a legal resident of the United States and requests a record pursuant to this act. The term includes an agency.

“Response.” Access to a record or an agency’s written notice to a requester granting, denying or partially granting and partially denying access to a record.

“Social services.” Cash assistance and other welfare benefits, medical, mental and other health care services, drug and alcohol treatment, adoption services, vocational services and training, occupational training, education services, counseling services, workers’ compensation services and unemployment compensation services, foster care services, services for the elderly, services for individuals with disabilities and services for victims of crimes and domestic violence.

“State-affiliated entity.” A Commonwealth authority or Commonwealth entity. The term includes the Pennsylvania Higher Education Assistance Agency and any entity established thereby, the Pennsylvania Gaming Control Board, the Pennsylvania Game Commission, the Pennsylvania Fish and Boat Commission, the Pennsylvania Housing Finance Agency, the Pennsylvania Municipal Retirement Board, the State System of Higher Education, a community college, the Pennsylvania Turnpike Commission, the Pennsylvania Public Utility Commission, the Pennsylvania Infrastructure Investment Authority, the State Public School Building Authority, the Pennsylvania Interscholastic Athletic Association and the Pennsylvania Educational Facilities Authority. The term does not include a State-related institution.

“State-related institution.” Includes:

- (1) Temple University.
- (2) The University of Pittsburgh.
- (3) The Pennsylvania State University.
- (4) Lincoln University.

“Terrorist act.” A violent or life-threatening act that violates the criminal laws of the United States or any state and appears to be intended to:

- (1) intimidate or coerce a civilian population;
- (2) influence the policy of a government; or
- (3) affect the conduct of a government by mass destruction, assassination or kidnapping.

“Trade secret.” Information, including a formula, drawing, pattern, compilation, including a customer list, program, device, method, technique or process that:

- (1) derives independent economic value, actual or potential, from not being generally known to and not being readily ascertainable by proper means by other persons who can obtain economic value from its disclosure or use; and

(2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

The term includes data processing software obtained by an agency under a licensing agreement prohibiting disclosure.

CHAPTER 3. REQUIREMENTS AND PROHIBITIONS

Section 301. Commonwealth agencies.

- (a) **Requirement.** — A Commonwealth agency shall provide public records in accordance with this act.
- (b) **Prohibition.** — A Commonwealth agency may not deny a requester access to a public record due to the intended use of the public record by the requester unless otherwise provided by law.

Section 302. Local agencies.

- (a) **Requirement.** — A local agency shall provide public records in accordance with this act.
- (b) **Prohibition.** — A local agency may not deny a requester access to a public record due to the intended use of the public record by the requester unless otherwise provided by law.

Section 303. Legislative agencies.

- (a) **Requirement.** — A legislative agency shall provide legislative records in accordance with this act.
- (b) **Prohibition.** — A legislative agency may not deny a requester access to a legislative record due to the intended use of the legislative record by the requester.

Section 304. Judicial agencies.

- (a) **Requirement.** — A judicial agency shall provide financial records in accordance with this act or any rule or order of court providing equal or greater access to the records.
- (b) **Prohibition.** — A judicial agency may not deny a requester access to a financial record due to the intended use of the financial record by the requester.

Section 305. Presumption.

- (a) **General rule.** — A record in the possession of a Commonwealth agency or local agency shall be presumed to be a public record. The presumption shall not apply if:
 - (1) the record is exempt under section 708;
 - (2) the record is protected by a privilege; or
 - (3) the record is exempt from disclosure under any other Federal or State law or regulation or judicial order or decree.
- (b) **Legislative records and financial records.** — A legislative record in the possession of a legislative agency and a financial record in the possession of a judicial agency shall be presumed to be available in accordance with this act. The presumption shall not apply if:
 - (1) the record is exempt under section 708;
 - (2) the record is protected by a privilege; or
 - (3) the record is exempt from disclosure under any other Federal or State law, regulation or judicial order or decree.

Section 306. Nature of document.

Nothing in this act shall supersede or modify the public or nonpublic nature of a record or document established in Federal or State law, regulation or judicial order or decree.

CHAPTER 5. ACCESS

Section 501. Scope of chapter.

This chapter applies to all agencies.

Section 502. Open-records officer.

(a) Establishment. —

- (1) An agency shall designate an official or employee to act as the open-records officer.
- (2) For a legislative agency other than the Senate or the House of Representatives, the open-records officer designated by the Legislative Reference Bureau shall serve as the open-records officer. Notwithstanding paragraph (1), a political party caucus of a legislative agency may appoint an open-records officer under this section.

(b) Functions. —

- (1) The open-records officer shall receive requests submitted to the agency under this act, direct requests to other appropriate persons within the agency or to appropriate persons in another agency, track the agency's progress in responding to requests and issue interim and final responses under this act.
- (2) Upon receiving a request for a public record, legislative record or financial record, the open-records officer shall do all of the following:
 - (i) Note the date of receipt on the written request.
 - (ii) Compute the day on which the five-day period under section 901 will expire and make a notation of that date on the written request.
 - (iii) Maintain an electronic or paper copy of a written request, including all documents submitted with the request until the request has been fulfilled. If the request is denied, the written request shall be maintained for 30 days or, if an appeal is filed, until a final determination is issued under section 1101(b) or the appeal is deemed denied.
 - (iv) Create a file for the retention of the original request, a copy of the response, a record of written communications with the requester and a copy of other communications. This subparagraph shall only apply to Commonwealth agencies.

Section 503. Appeals officer.

(a) Commonwealth agencies and local agencies. — Except as provided in subsection (d), the Office of Open Records established under section 1310 shall designate an appeals officer under section 1101(a)(2) for all:

- (1) Commonwealth agencies; and
- (2) local agencies.

(b) Judicial agencies. — A judicial agency shall designate an appeals officer to hear appeals under Chapter 11.

(c) Legislative agencies. —

- (1) Except as set forth in paragraph (2), the Legislative Reference Bureau shall designate an appeals officer to hear appeals under Chapter 11 for all legislative agencies.
- (2) Each of the following shall designate an appeals officer to hear appeals under Chapter 11:
 - (i) The Senate.
 - (ii) The House of Representatives.

(d) Law enforcement records and Statewide officials. —

- (1) The Attorney General, State Treasurer and Auditor General shall each designate an appeals officer to hear appeals under Chapter 11.
- (2) The district attorney of a county shall designate one or more appeals officers to hear appeals under Chapter 11 relating to access to criminal investigative records in possession of a local agency of that county. The appeals officer designated by the district attorney shall determine if the record requested is a criminal investigative record.

Section 504. Regulations and policies.

- (a) **Authority.** — An agency may promulgate regulations and policies necessary for the agency to implement this act. The Office of Open Records may promulgate regulations relating to appeals involving a Commonwealth agency or local agency.
- (b) **Posting.** — The following information shall be posted at each agency and, if the agency maintains an Internet website, on the agency's Internet website:
 - (1) Contact information for the open-records officer.
 - (2) Contact information for the Office of Open Records or other applicable appeals officer.
 - (3) A form which may be used to file a request.
 - (4) Regulations, policies and procedures of the agency relating to this act.

Section 505. Uniform form.

- (a) **Commonwealth and local agencies.** — The Office of Open Records shall develop a uniform form which shall be accepted by all Commonwealth and local agencies in addition to any form used by the agency to file a request under this act. The uniform form shall be published in the Pennsylvania Bulletin and on the Office of Open Record's Internet website.
- (b) **Judicial agencies.** — A judicial agency or the Administrative Office of Pennsylvania Courts may develop a form to request financial records or may accept a form developed by the Office of Open Records.
- (c) **Legislative agencies.** — A legislative agency may develop a form to request legislative records or may accept the form developed by the Office of Open Records.

Section 506. Requests.

(a) Disruptive requests. —

- (1) An agency may deny a requester access to a record if the requester has made repeated requests for that same record and the repeated requests have placed an unreasonable burden on the agency.
- (2) A denial under this subsection shall not restrict the ability to request a different record.

(b) Disaster or potential damage. —

- (1) An agency may deny a requester access:
 - (i) when timely access is not possible due to fire, flood or other disaster; or
 - (ii) to historical, ancient or rare documents, records, archives and manuscripts when access may, in the professional judgment of the curator or custodian of records, cause physical damage or irreparable harm to the record.
- (2) To the extent possible, the contents of a record under this subsection shall be made accessible to a requester even when the record is physically unavailable.

- (c) **Agency discretion.** — An agency may exercise its discretion to make any otherwise exempt record accessible for inspection and copying under this chapter, if all of the following apply:

- (1) Disclosure of the record is not prohibited under any of the following:
 - (i) Federal or State law or regulation.
 - (ii) Judicial order or decree.
 - (2) The record is not protected by a privilege.
 - (3) The agency head determines that the public interest favoring access outweighs any individual, agency or public interest that may favor restriction of access.
- (d) **Agency possession.** —
- (1) A public record that is not in the possession of an agency but is in the possession of a party with whom the agency has contracted to perform a governmental function on behalf of the agency, and which directly relates to the governmental function and is not exempt under this act, shall be considered a public record of the agency for purposes of this act.
 - (2) Nothing in this act shall be construed to require access to any other record of the party in possession of the public record.
 - (3) A request for a public record in possession of a party other than the agency shall be submitted to the open records officer of the agency. Upon a determination that the record is subject to access under this act, the open records officer shall assess the duplication fee established under section 1307(b) and upon collection shall remit the fee to the party in possession of the record if the party duplicated the record.

Section 507. Retention of records.

Nothing in this act shall be construed to modify, rescind or supersede any record retention policy or disposition schedule of an agency established pursuant to law, regulation, policy or other directive.

CHAPTER 7 PROCEDURE

Section 701. Access.

- (a) **General rule.** — Unless otherwise provided by law, a public record, legislative record or financial record shall be accessible for inspection and duplication in accordance with this act. A record being provided to a requester shall be provided in the medium requested if it exists in that medium; otherwise, it shall be provided in the medium in which it exists. Public records, legislative records or financial records shall be available for access during the regular business hours of an agency.
- (b) **Construction.** — Nothing in this act shall be construed to require access to any computer either of an agency or individual employee of an agency.

Section 702. Requests.

Agencies may fulfill verbal, written or anonymous verbal or written requests for access to records under this act. If the requester wishes to pursue the relief and remedies provided for in this act, the request for access to records must be a written request.

Section 703. Written requests.

A written request for access to records may be submitted in person, by mail, by e-mail, by facsimile or, to the extent provided by agency rules, any other electronic means. A written request must be addressed to the open-records officer designated pursuant to section 502. Employees of an agency shall be directed to forward requests for records to the open-records officer. A written request should identify or describe the records sought with sufficient specificity to enable the agency to ascertain which records are being requested and shall include the name and address to which the agency should address its response. A written request need not include any explanation of the requester's reason for requesting or intended use of the records unless otherwise required by law.

Section 704. Electronic access.

- (a) **General rule.** — In addition to the requirements of section 701, an agency may make its records available through any publicly accessible electronic means.
- (b) **Response.** —
- (1) In addition to the requirements of section 701, an agency may respond to a request by notifying the requester that the record is available through publicly accessible electronic means or that the agency will provide access to inspect the record electronically.
- (2) If the requester is unwilling or unable to access the record electronically, the requester may, within 30 days following receipt of the agency notification, submit a written request to the agency to have the record converted to paper. The agency shall provide access to the record in printed form within five days of the receipt of the written request for conversion to paper.

Section 705. Creation of record.

When responding to a request for access, an agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record.

Section 706. Redaction.

If an agency determines that a public record, legislative record or financial record contains information which is subject to access as well as information which is not subject to access, the agency's response shall grant access to the information which is subject to access and deny access to the information which is not subject to access. If the information which is not subject to access is an integral part of the public record, legislative record or financial record and cannot be separated, the agency shall redact from the record the information which is not subject to access, and the response shall grant access to the information which is subject to access. The agency may not deny access to the record if the information which is not subject to access is able to be redacted. Information which an agency redacts in accordance with this subsection shall be deemed a denial under Chapter 9.

Section 707. Production of certain records.

- (a) **General rule.** — If, in response to a request, an agency produces a record that is not a public record, legislative record or financial record, the agency shall notify any third party that provided the record to the agency, the person that is the subject of the record and the requester.
- (b) **Requests for trade secrets.** — An agency shall notify a third party of a request for a record if the third party provided the record and included a written statement signed by a representative of the third party that the record contains a trade secret or confidential proprietary information.

Notification shall be provided within five business days of receipt of the request for the record. The third party shall have five business days from receipt of notification from the agency to provide input on the release of the record. The agency shall deny the request for the record or release the record within ten business days of the provision of notice to the third party and shall notify the third party of the decision.

(c) **Transcripts.** —

- (1) Prior to an adjudication becoming final, binding and nonappealable, a transcript of an administrative proceeding shall be provided to a requester by the agency stenographer or a court reporter, in accordance with agency procedure or an applicable contract.
- (2) Following an adjudication becoming final, binding and nonappealable, a transcript of an administrative proceeding shall be provided to a requester in accordance with the duplication rates established in section 1307(b).

Section 708. Exceptions for public records.

(a) Burden of proof. —

- (1) The burden of proving that a record of a Commonwealth agency or local agency is exempt from public access shall be on the Commonwealth agency or local agency receiving a request by a preponderance of the evidence.
- (2) The burden of proving that a legislative record is exempt from public access shall be on the legislative agency receiving a request by a preponderance of the evidence.
- (3) The burden of proving that a financial record of a judicial agency is exempt from public access shall be on the judicial agency receiving a request by a preponderance of the evidence.

(b) Exceptions. — Except as provided in subsections (c) and (d), the following are exempt from access by a requester under this act:

(1) A record the disclosure of which:

- (i) would result in the loss of Federal or State funds by an agency or the Commonwealth; or
- (ii) would be reasonably likely to result in a substantial and demonstrable risk of physical harm to or the personal security of an individual.

(2) A record maintained by an agency in connection with the military, homeland security, national defense, law enforcement or other public safety activity that if disclosed would be reasonably likely to jeopardize or threaten public safety or preparedness or public protection activity or a record that is designated classified by an appropriate Federal or State military authority.

(3) A record, the disclosure of which creates a reasonable likelihood of endangering the safety or the physical security of a building, public utility, resource, infrastructure, facility or information storage system, which may include:

- (i) documents or data relating to computer hardware, source files, software and system networks that could jeopardize computer security by exposing a vulnerability in preventing, protecting against, mitigating or responding to a terrorist act;
- (ii) lists of infrastructure, resources and significant special events, including those defined by the Federal Government in the National Infrastructure Protections, which are deemed critical due to their nature and which result from risk analysis; threat assessments; consequences assessments; antiterrorism protective measures and plans; counterterrorism measures and plans; and security and response needs assessments; and
- (iii) building plans or infrastructure records that expose or create vulnerability through disclosure of the location, configuration or security of critical systems, including public utility systems, structural elements, technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage and gas systems.

(4) A record regarding computer hardware, software and networks, including administrative or technical records, which, if disclosed, would be reasonably likely to jeopardize computer security.

(5) A record of an individual's medical, psychiatric or psychological history or disability status, including an evaluation, consultation, prescription, diagnosis or treatment; results of tests, including drug tests; enrollment in a health care program or program designed for participation by persons with disabilities, including vocation rehabilitation, workers' compensation and unemployment compensation; or related information that would disclose individually identifiable health information.

(6) (i) The following personal identification information:

- (A) A record containing all or part of a person's Social Security number; driver's license number; personal financial information; home, cellular or personal telephone numbers; personal e-mail addresses; employee number or other confidential personal identification number.

- (B) A spouse's name; marital status, beneficiary or dependent information.
- (C) The home address of a law enforcement officer or judge.
- (ii) Nothing in this paragraph shall preclude the release of the name, position, salary, actual compensation or other payments or expenses, employment contract, employment-related contract or agreement and length of service of a public official or an agency employee.
- (iii) An agency may redact the name or other identifying information relating to an individual performing an undercover or covert law enforcement activity from a record.
- (7) The following records relating to an agency employee:
 - (i) A letter of reference or recommendation pertaining to the character or qualifications of an identifiable individual, unless it was prepared in relation to the appointment of an individual to fill a vacancy in an elected office or an appointed office requiring Senate confirmation.
 - (ii) A performance rating or review.
 - (iii) The result of a civil service or similar test administered by a Commonwealth agency, legislative agency or judicial agency. The result of a civil service or similar test administered by a local agency shall not be disclosed if restricted by a collective bargaining agreement. Only test scores of individuals who obtained a passing score on a test administered by a local agency may be disclosed.
 - (iv) The employment application of an individual who is not hired by the agency.
 - (v) Workplace support services program information.
 - (vi) Written criticisms of an employee.
 - (vii) Grievance material, including documents related to discrimination or sexual harassment.
 - (viii) Information regarding discipline, demotion or discharge contained in a personnel file. This subparagraph shall not apply to the final action of an agency that results in demotion or discharge.
 - (ix) An academic transcript.
- (8) (i) A record pertaining to strategy or negotiations relating to labor relations or collective bargaining and related arbitration proceedings. This subparagraph shall not apply to a final or executed contract or agreement between the parties in a collective bargaining procedure.
- (ii) In the case of the arbitration of a dispute or grievance under a collective bargaining agreement, an exhibit entered into evidence at an arbitration proceeding, a transcript of the arbitration or the opinion. This subparagraph shall not apply to the final award or order of the arbitrator in a dispute or grievance procedure.
- (9) The draft of a bill, resolution, regulation, statement of policy, management directive, ordinance or amendment thereto prepared by or for an agency.
- (10) (i) A record that reflects:
 - (A) The internal, predecisional deliberations of an agency, its members, employees or officials or predecisional deliberations between agency members, employees or officials and members, employees or officials of another agency, including predecisional deliberations relating to a budget recommendation, legislative proposal, legislative amendment, contemplated or proposed policy or course of action or any research, memos or other documents used in the predecisional deliberations.
 - (B) The strategy to be used to develop or achieve the successful adoption of a budget, legislative proposal or regulation.

- (ii) Subparagraph (i)(A) shall apply to agencies subject to 65 Pa.C.S. Ch. 7 (relating to open meetings) in a manner consistent with 65 Pa.C.S. Ch. 7. A record which is not otherwise exempt from access under this act and which is presented to a quorum for deliberation in accordance with 65 Pa.C.S. Ch. 7 shall be a public record.
- (iii) This paragraph shall not apply to a written or Internet application or other document that has been submitted to request Commonwealth funds.
- (iv) This paragraph shall not apply to the results of public opinion surveys, polls, focus groups, marketing research or similar effort designed to measure public opinion.
- (11) A record that constitutes or reveals a trade secret or confidential proprietary information.
- (12) Notes and working papers prepared by or for a public official or agency employee used solely for that official's or employee's own personal use, including telephone message slips, routing slips and other materials that do not have an official purpose.
- (13) Records that would disclose the identity of an individual who lawfully makes a donation to an agency unless the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public official or employee of the agency, including lists of potential donors compiled by an agency to pursue donations, donor profile information or personal identifying information relating to a donor.
- (14) Unpublished lecture notes, unpublished manuscripts, unpublished articles, creative works in progress, research-related material and scholarly correspondence of a community college or an institution of the State System of Higher Education or a faculty member, staff employee, guest speaker or student thereof.
- (15) (i) Academic transcripts
 - (ii) Examinations, examination questions, scoring keys or answers to examinations. This subparagraph shall include licensing and other examinations relating to the qualifications of an individual and to examinations given in primary and secondary schools and institutions of higher education.
- (16) A record of an agency relating to or resulting in a criminal investigation, including:
 - (i) Complaints of potential criminal conduct other than a private criminal complaint.
 - (ii) Investigative materials, notes, correspondence, videos and reports.
 - (iii) A record that includes the identity of a confidential source or the identity of a suspect who has not been charged with an offense to whom confidentiality has been promised.
 - (iv) A record that includes information made confidential by law or court order.
 - (v) Victim information, including any information that would jeopardize the safety of the victim.
 - (vi) A record that, if disclosed, would do any of the following:
 - (A) Reveal the institution, progress or result of a criminal investigation, except the filing of criminal charges.
 - (B) Deprive a person of the right to a fair trial or an impartial adjudication.
 - (C) Impair the ability to locate a defendant or codefendant.
 - (D) Hinder an agency's ability to secure an arrest, prosecution or conviction.
 - (E) Endanger the life or physical safety of an individual.

This paragraph shall not apply to information contained in a police blotter as defined in 18 Pa.C.S. § 9102 (relating to definitions) and utilized or maintained by the Pennsylvania State Police, local, campus, transit or port authority police department or other law enforcement agency or in a traffic report except as provided under 75 Pa.C.S. § 3754(b) (relating to accident prevention investigations).

- (17) A record of an agency relating to a noncriminal investigation, including:
- (i) Complaints submitted to an agency.
 - (ii) Investigative materials, notes, correspondence and reports.
 - (iii) A record that includes the identity of a confidential source, including individuals subject to the act of December 12, 1986 (P.L.1559, No.169), known as the Whistleblower Law.
 - (iv) A record that includes information made confidential by law.
 - (v) Work papers underlying an audit.
 - (vi) A record that, if disclosed, would do any of the following:
 - (A) Reveal the institution, progress or result of an agency investigation, except the imposition of a fine or civil penalty, the suspension, modification or revocation of a license, permit, registration, certification or similar authorization issued by an agency or an executed settlement agreement unless the agreement is determined to be confidential by a court.
 - (B) Deprive a person of the right to an impartial adjudication.
 - (C) Constitute an unwarranted invasion of privacy.
 - (D) Hinder an agency's ability to secure an administrative or civil sanction.
 - (E) Endanger the life or physical safety of an individual.
- (18) (i) Records or parts of records, except time response logs, pertaining to audio recordings, telephone or radio transmissions received by emergency dispatch personnel, including 911 recordings.
- (ii) This paragraph shall not apply to a 911 recording, or a transcript of a 911 recording, if the agency or a court determines that the public interest in disclosure outweighs the interest in nondisclosure.
- (19) DNA and RNA records.
- (20) An autopsy record of a coroner or medical examiner and any audiotape of a postmortem examination or autopsy, or a copy, reproduction or facsimile of an autopsy report, a photograph, negative or print, including a photograph or videotape of the body or any portion of the body of a deceased person at the scene of death or in the course of a postmortem examination or autopsy taken or made by or caused to be taken or made by the coroner or medical examiner. This exception shall not limit the reporting of the name of the deceased individual and the cause and manner of death.
- (21) (i) Draft minutes of any meeting of an agency until the next regularly scheduled meeting of the agency.
- (ii) Minutes of an executive session and any record of discussions held in executive session.
- (22) (i) The contents of real estate appraisals, engineering or feasibility estimates, environmental reviews, audits or evaluations made for or by an agency relative to the following:
- (A) The leasing, acquiring or disposing of real property or an interest in real property.
 - (B) The purchase of public supplies or equipment included in the real estate transaction.
 - (C) Construction projects.
- (ii) This paragraph shall not apply once the decision is made to proceed with the lease, acquisition or disposal of real property or an interest in real property or the purchase of public supply or construction project.
- (23) Library and archive circulation and order records of an identifiable individual or groups of individuals.
- (24) Library archived and museum materials, or valuable or rare book collections or documents contributed by gift, grant, bequest or devise, to the extent of any limitations imposed by the donor as a condition of the contribution.

- (25) A record identifying the location of an archeological site or an endangered or threatened plant or animal species if not already known to the general public.
- (26) A proposal pertaining to agency procurement or disposal of supplies, services or construction prior to the award of the contract or prior to the opening and rejection of all bids; financial information of a bidder or offeror requested in an invitation for bid or request for proposals to demonstrate the bidder's or offeror's economic capability; or the identity of members, notes and other records of agency proposal evaluation committees established under 62 Pa.C.S. § 513 (relating to competitive sealed proposals).
- (27) A record or information relating to a communication between an agency and its insurance carrier, administrative service organization or risk management office. This paragraph shall not apply to a contract with an insurance carrier, administrative service organization or risk management office or to financial records relating to the provision of insurance.
- (28) A record or information:
 - (i) identifying an individual who applies for or receives social services; or
 - (ii) relating to the following:
 - (A) the type of social services received by an individual;
 - (B) an individual's application to receive social services, including a record or information related to an agency decision to grant, deny, reduce or restrict benefits, including a quasi-judicial decision of the agency and the identity of a caregiver or others who provide services to the individual; or
 - (C) eligibility to receive social services, including the individual's income, assets, physical or mental health, age, disability, family circumstances or record of abuse.
- (29) Correspondence between a person and a member of the General Assembly and records accompanying the correspondence which would identify a person that requests assistance or constituent services. This paragraph shall not apply to correspondence between a member of the General Assembly and a principal or lobbyist under 65 Pa.C.S. Ch. 13A (relating to lobbyist disclosure).
- (30) A record identifying the name, home address or date of birth of a child 17 years of age or younger.
- (c) Financial records. — The exceptions set forth in subsection (b) shall not apply to financial records, except that an agency may redact that portion of a financial record protected under subsection (b)(1), (2), (3), (4), (5), (6), (16) OR (17). An agency shall not disclose the identity of an individual performing an undercover or covert law enforcement activity.
- (d) Aggregated data. — The exceptions set forth in subsection (b) shall not apply to aggregated data maintained or received by an agency, except for data protected under subsection (b)(1), (2), (3), (4) or (5).
- (e) Construction. — In determining whether a record is exempt from access under this section, an agency shall consider and apply each exemption separately.

CHAPTER 9 AGENCY RESPONSE

Section 901. General rule.

Upon receipt of a written request for access to a record, an agency shall make a good faith effort to determine if the record requested is a public record, legislative record or financial record and whether the agency has possession, custody or control of the identified record, and to respond as promptly as possible under the circumstances existing at the time of the request. All applicable fees shall be paid in order to receive access to the record requested. The time for response shall not exceed five business days from the date the written request is received by the open-records officer for an agency. If the agency fails to send the response within five business days of receipt of the written request for access, the written request for access shall be deemed denied.

Section 902. Extension of time.

- (a) **Determination.** — Upon receipt of a written request for access, the open-records officer for an agency shall determine if one of the following applies:
- (1) the request for access requires redaction of a record in accordance with section 706;
 - (2) the request for access requires the retrieval of a record stored in a remote location;
 - (3) a timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations;
 - (4) a legal review is necessary to determine whether the record is a record subject to access under this act;
 - (5) the requester has not complied with the agency's policies regarding access to records;
 - (6) the requester refuses to pay applicable fees authorized by this act; or
 - (7) the extent or nature of the request precludes a response within the required time period.
- (b) **Notice.** —
- (1) Upon a determination that one of the factors listed in subsection (a) applies, the open-records officer shall send written notice to the requester within five business days of receipt of the request for access under subsection (a).
 - (2) The notice shall include a statement notifying the requester that the request for access is being reviewed, the reason for the review, a reasonable date that a response is expected to be provided and an estimate of applicable fees owed when the record becomes available. If the date that a response is expected to be provided is in excess of 30 days, following the five business days allowed for in section 901, the request for access shall be deemed denied unless the requester has agreed in writing to an extension to the date specified in the notice.
 - (3) If the requester agrees to the extension, the request shall be deemed denied on the day following the date specified in the notice if the agency has not provided a response by that date.

Section 903. Denial.

If an agency's response is a denial of a written request for access, whether in whole or in part, the denial shall be issued in writing and shall include:

- (1) A description of the record requested.
- (2) The specific reasons for the denial, including a citation of supporting legal authority.
- (3) The typed or printed name, title, business address, business telephone number and signature of the open-records officer on whose authority the denial is issued.
- (4) Date of the response.
- (5) The procedure to appeal the denial of access under this act.

Section 904. Certified copies.

If an agency's response grants a request for access, the agency shall, upon request, provide the requester with a certified copy of the record if the requester pays the applicable fees under section 1307.

Section 905. Record discard.

If an agency response to a requester states that copies of the requested records are available for delivery at the office of an agency and the requester fails to retrieve the records within 60 days of the agency's response, the agency may dispose of any copies which have not been retrieved and retain any fees paid to date.

CHAPTER 11. APPEAL OF AGENCY DETERMINATION

Section 1101. Filing of appeal.

(a) Authorization. —

- (1) If a written request for access to a record is denied or deemed denied, the requester may file an appeal with the Office of Open Records or judicial, legislative or other appeals officer designated under section 503(d) within 15 business days of the mailing date of the agency's response or within 15 business days of a deemed denial. The appeal shall state the grounds upon which the requester asserts that the record is a public record, legislative record or financial record and shall address any grounds stated by the agency for delaying or denying the request.
- (2) Except as provided in section 503(d), in the case of an appeal of a decision by a Commonwealth agency or local agency, the Office of Open Records shall assign an appeals officer to review the denial.

(b) Determination. —

- (1) Unless the requester agrees otherwise, the appeals officer shall make a final determination which shall be mailed to the requester and the agency within 30 days of receipt of the appeal filed under subsection (a).
- (2) If the appeals officer fails to issue a final determination within 30 days, the appeal is deemed denied.
- (3) Prior to issuing a final determination, a hearing may be conducted. The determination by the appeals officer shall be a final order. The appeals officer shall provide a written explanation of the reason for the decision to the requester and the agency.

(c) Direct interest. —

- (1) A person other than the agency or requester with a direct interest in the record subject to an appeal under this section may, within 15 days following receipt of actual knowledge of the appeal but no later than the date the appeals officer issues an order, file a written request to provide information or to appear before the appeals officer or to file information in support of the requester's or agency's position.
- (2) The appeals officer may grant a request under paragraph (1) if:
 - (i) no hearing has been held;
 - (ii) the appeals officer has not yet issued its order; and
 - (iii) the appeals officer believes the information will be probative.
- (3) Copies of the written request shall be sent to the agency and the requester.

Section 1102. Appeals officers.

(a) Duties. — An appeals officer designated under section 503 shall do all of the following:

- (1) Set a schedule for the requester and the open- records officer to submit documents in support of their positions.
- (2) Review all information filed relating to the request. The appeals officer may hold a hearing. A decision to hold or not to hold a hearing is not appealable. The appeals officer may admit into evidence testimony, evidence and documents that the appeals officer believes to be reasonably probative and relevant to an issue in dispute. The appeals officer may limit the nature and extent of evidence found to be cumulative.
- (3) Consult with agency counsel as appropriate.
- (4) Issue a final determination on behalf of the Office of Open Records or other agency.

(b) Procedures. — The Office of Open Records, a judicial agency, a legislative agency, the Attorney General,

Auditor General, State Treasurer or district attorney may adopt procedures relating to appeals under this chapter.

- (1) If an appeal is resolved without a hearing, 1 Pa. Code Pt. II (relating to general rules of administrative practice and procedure) does not apply except to the extent that the agency has adopted these chapters in its regulations or rules under this subsection.
- (2) If a hearing is held, 1 Pa. Code Pt. II shall apply unless the agency has adopted regulations, policies or procedures to the contrary under this subsection.
- (3) In the absence of a regulation, policy or procedure governing appeals under this chapter, the appeals officer shall rule on procedural matters on the basis of justice, fairness and the expeditious resolution of the dispute.

CHAPTER 13. JUDICIAL REVIEW

Section 1301. Commonwealth agencies, legislative agencies and judicial agencies.

- (a) **General rule.** — Within 30 days of the mailing date of the final determination of the appeals officer relating to a decision of a Commonwealth agency, a legislative agency or a judicial agency issued under section 1101(b) or the date a request for access is deemed denied, a requester or the agency may file a petition for review or other document as might be required by rule of court with the Commonwealth Court. The decision of the court shall contain findings of fact and conclusions of law based upon the evidence as a whole. The decision shall clearly and concisely explain the rationale for the decision.
- (b) **Stay.** — A petition for review under this section shall stay the release of documents until a decision under subsection (a) is issued.

Section 1302. Local agencies.

- (a) **General rule.** — Within 30 days of the mailing date of the final determination of the appeals officer relating to a decision of a local agency issued under section 1101(b) or of the date a request for access is deemed denied, a requester or local agency may file a petition for review or other document as required by rule of court with the court of common pleas for the county where the local agency is located. The decision of the court shall contain findings of fact and conclusions of law based upon the evidence as a whole. The decision shall clearly and concisely explain the rationale for the decision.
- (b) **Stay.** — A petition for review under this section shall stay the release of documents until a decision under subsection (a) is issued.

Section 1303. Notice and records.

- (a) **Notice.** — An agency, the requester and the Office of Open Records or designated appeals officer shall be served notice of actions commenced in accordance with section 1301 or 1302 and shall have an opportunity to respond in accordance with applicable court rules.
- (b) **Record on appeal.** — The record before a court shall consist of the request, the agency's response, the appeal filed under section 1101, the hearing transcript, if any, and the final written determination of the appeals officer.

Section 1304. Court costs and attorney fees.

- (a) **Reversal of agency determination.** — If a court reverses the final determination of the appeals officer or grants access to a record after a request for access was deemed denied, the court may award reasonable attorney fees and costs of litigation or an appropriate portion thereof to a requester if the court finds either of the following:
 - (1) the agency receiving the original request willfully or with wanton disregard deprived the requester of access to a public record subject to access or otherwise acted in bad faith under the provisions of this act; or
 - (2) the exemptions, exclusions or defenses asserted by the agency in its final determination were not based on a reasonable interpretation of law.

- (b) **Sanctions for frivolous requests or appeals.** — The court may award reasonable attorney fees and costs of litigation or an appropriate portion thereof to an agency or the requester if the court finds that the legal challenge under this chapter was frivolous.
- (c) **Other sanctions.** — Nothing in this act shall prohibit a court from imposing penalties and costs in accordance with applicable rules of court.

Section 1305. Civil penalty.

- (a) **Denial of access.** — A court may impose a civil penalty of not more than \$1,500 if an agency denied access to a public record in bad faith.
- (b) **Failure to comply with court order.** — An agency or public official who does not promptly comply with a court order under this act is subject to a civil penalty of not more than \$500 per day until the public records are provided.

Section 1306. Immunity.

- (a) **General rule.** — Except as provided in sections 1304 and 1305 and other statutes governing the release of records, no agency, public official or public employee shall be liable for civil penalties resulting from compliance or failure to comply with this act.
- (b) **Schedules.** — No agency, public official or public employee shall be liable for civil or criminal damages or penalties under this act for complying with any written public record retention and disposition schedule.

Section 1307. Fee limitations.

- (a) **Postage.** — Fees for postage may not exceed the actual cost of mailing.
- (b) **Duplication.** —
 - (1) Fees for duplication by photocopying, printing from electronic media or microfilm, copying onto electronic media, transmission by facsimile or other electronic means and other means of duplication shall be established:
 - (i) by the Office of Open Records, for Commonwealth agencies and local agencies;
 - (ii) by each judicial agency; and
 - (iii) by each legislative agency.
 - (2) The fees must be reasonable and based on prevailing fees for comparable duplication services provided by local business entities.
 - (3) Fees for local agencies may reflect regional price differences.
 - (4) The following apply to complex and extensive data sets, including geographic information systems or integrated property assessment lists.
 - (i) Fees for copying may be based on the reasonable market value of the same or closely related data sets.
 - (ii) Subparagraph (i) shall not apply to:
 - (A) a request by an individual employed by or connected with a newspaper or magazine of general circulation, weekly newspaper publication, press association or radio or television station, for the purpose of obtaining information for publication or broadcast; or
 - (B) a request by a nonprofit organization for the conduct of educational research.
 - (iii) Information obtained under subparagraph (ii) shall be subject to paragraphs (1), (2) and (3).
- (c) **Certification.** — An agency may impose reasonable fees for official certification of copies if the certification is at the behest of the requester and for the purpose of legally verifying the public record.

- (d) **Conversion to paper.** — If a record is only maintained electronically or in other nonpaper media, duplication fees shall be limited to the lesser of the fee for duplication on paper or the fee for duplication in the original media as provided by subsection (b) unless the requester specifically requests for the record to be duplicated in the more expensive medium.
- (e) **Enhanced electronic access.** — If an agency offers enhanced electronic access to records in addition to making the records accessible for inspection and duplication by a requester as required by this act, the agency may establish user fees specifically for the provision of the enhanced electronic access, but only to the extent that the enhanced electronic access is in addition to making the records accessible for inspection and duplication by a requester as required by this act. The user fees for enhanced electronic access may be a flat rate, a subscription fee for a period of time, a per-transaction fee, a fee based on the cumulative time of system access or any other reasonable method and any combination thereof. The user fees for enhanced electronic access must be reasonable, must be approved by the Office of Open Records and may not be established with the intent or effect of excluding persons from access to records or duplicates thereof or of creating profit for the agency.
- (f) **Waiver of fees.** — An agency may waive the fees for duplication of a record, including, but not limited to, when:
 - (1) the requester duplicates the record; or
 - (2) the agency deems it is in the public interest to do so.
- (g) **Limitations.** — Except as otherwise provided by statute, no other fees may be imposed unless the agency necessarily incurs costs for complying with the request, and such fees must be reasonable. No fee may be imposed for an agency's review of a record to determine whether the record is a public record, legislative record or financial record subject to access in accordance with this act.
- (h) **Prepayment.** — Prior to granting a request for access in accordance with this act, an agency may require a requester to prepay an estimate of the fees authorized under this section if the fees required to fulfill the request are expected to exceed \$100.

Section 1308. Prohibition.

A policy or regulation adopted under this act may not include any of the following:

- (1) A limitation on the number of records which may be requested or made available for inspection or duplication.
- (2) A requirement to disclose the purpose or motive in requesting access to records.

Section 1309. Practice and procedure.

The provisions of 2 Pa.C.S. (relating to administrative law and procedure) shall not apply to this act unless specifically adopted by regulation or policy.

Section 1310. Office of Open Records.

- (a) **Establishment.** — There is established in the Department of Community and Economic Development an Office of Open Records.

The office shall do all of the following:

- (1) Provide information relating to the implementation and enforcement of this act.
- (2) Issue advisory opinions to agencies and requesters.
- (3) Provide annual training courses to agencies, public officials and public employees on this act and 65 Pa.C.S. Ch. 7 (relating to open meetings).
- (4) Provide annual, regional training courses to local agencies, public officials and public employees.

- (5) Assign appeals officers to review appeals of decisions by Commonwealth agencies or local agencies, except as provided in section 503(d), filed under section 1101 and issue orders and opinions. The office shall employ or contract with attorneys to serve as appeals officers to review appeals and, if necessary, to hold hearings on a regional basis under this act. Each appeals officer must comply with all of the following:
 - (i) Complete a training course provided by the Office of Open Records prior to acting as an appeals officer.
 - (ii) If a hearing is necessary, hold hearings regionally as necessary to ensure access to the remedies provided by this act.
 - (iii) Comply with the procedures under section 1102(b).
- (6) Establish an informal mediation program to resolve disputes under this act.
- (7) Establish an Internet website with information relating to this act, including information on fees, advisory opinions and decisions and the name and address of all open records officers in this Commonwealth.
- (8) Conduct a biannual review of fees charged under this act.
- (9) Annually report on its activities and findings to the Governor and the General Assembly. The report shall be posted and maintained on the Internet website established under paragraph (7).
- (b) **Executive director.** — Within 90 days of the effective date of this section, the Governor shall appoint an executive director of the office who shall serve for a term of six years. Compensation shall be set by the Executive Board established under section 204 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929. The executive director may serve no more than two terms.
- (c) **Limitation.** — The executive director shall not seek election nor accept appointment to any political office during his tenure as executive director and for one year thereafter.
- (d) **Staffing.** — The executive director shall appoint attorneys to act as appeals officers and additional clerical, technical and professional staff as may be appropriate and may contract for additional services as necessary for the performance of the executive director's duties. The compensation of attorneys and other staff shall be set by the Executive Board. The appointment of attorneys shall not be subject to the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.
- (e) **Duties.** — The executive director shall ensure that the duties of the Office of Open Records are carried out and shall monitor cases appealed to the Office of Open Records.
- (f) **Appropriation.** — The appropriation for the office shall be in a separate line item and shall be under the jurisdiction of the executive director.

CHAPTER 15. STATE-RELATED INSTITUTIONS

Section 1501. Definition.

As used in this chapter, "State-related institution" means any of the following:

- (1) Temple University.
- (2) The University of Pittsburgh.
- (3) The Pennsylvania State University.
- (4) Lincoln University.

Section 1502. Reporting.

No later than May 30 of each year, a State-related institution shall file with the Governor's Office, the General Assembly, the Auditor General and the State Library the information set forth in section 1503.

Section 1503. Contents of report.

The report required under section 1502 shall include the following:

- (1) Except as provided in paragraph (4), all information required by Form 990 or an equivalent form, of the United States Department of the Treasury, Internal Revenue Service, entitled the Return of Organization Exempt From Income Tax, regardless of whether the State-related institution is required to file the form by the Federal Government.
- (2) The salaries of all officers and directors of the State-related institution.
- (3) The highest 25 salaries paid to employees of the institution that are not included under paragraph (2).
- (4) The report shall not include information relating to individual donors.

Section 1504. Copies and posting.

A State-related institution shall maintain, for at least seven years, a copy of the report in the institution's library and shall provide free access to the report on the institution's Internet website.

CHAPTER 17. STATE CONTRACT INFORMATION

Section 1701. Submission and retention of contracts.

- (a) **General rule.** — Whenever any Commonwealth agency, legislative agency or judicial agency shall enter into any contract involving any property, real, personal or mixed of any kind or description or any contract for personal services where the consideration involved in the contract is \$5,000 or more, a copy of the contract shall be filed with the Treasury Department within ten days after the contract is fully executed on behalf of the Commonwealth agency, legislative agency or judicial agency or otherwise becomes an obligation of the Commonwealth agency, legislative agency or judicial agency. The provisions of this chapter shall not apply to contracts for services protected by a privilege. The provisions of this chapter shall not apply to a purchase order evidencing fulfillment of an existing contract but shall apply to a purchase order evidencing new obligations. The following shall apply:
 - (1) Each Commonwealth agency, legislative agency and judicial agency shall submit contracts in a form and structure mutually agreed upon by the Commonwealth agency, legislative agency or judicial agency and the State Treasurer.
 - (2) The Treasury Department may require each Commonwealth agency, legislative agency or judicial agency to provide a summary with each contract, which shall include the following:
 - (i) Date of execution.
 - (ii) Amount of the contract.
 - (iii) Beginning date of the contract.
 - (iv) End date of the contract, if applicable.
 - (v) Name of the agency entering into the contract.
 - (vi) The name of all parties executing the contract.
 - (vii) Subject matter of the contract.

Each agency shall create and maintain the data under this paragraph in an ASCII-delimited text file, spreadsheet file or other file provided by Treasury Department regulation.

- (b) **Retention.** — Every contract filed pursuant to subsection (a) shall remain on file with the Treasury Department for a period of not less than four years after the end date of the contract.

- (c) **Accuracy.** — Each Commonwealth agency, legislative agency and judicial agency is responsible for verifying the accuracy and completeness of the information that it submits to the State Treasurer. The contract provided to the Treasury Department pursuant to this chapter shall be redacted in accordance with applicable provisions of this act by the agency filing the contract to the Treasury Department.
- (d) **Applicability.** — The provisions of this act shall not apply to copies of contracts submitted to the Treasury Department, the Office of Auditor General or other agency for purposes of audits and warrants for disbursements under section 307, 401, 402 or 403 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

Section 1702. Public availability of contracts.

- (a) **General rule.** — The Treasury Department shall make each contract filed pursuant to section 1701 available for public inspection either by posting a copy of the contract on the Treasury Department's publicly accessible Internet website or by posting a contract summary on the department's publicly accessible Internet website.
- (b) **Posting.** — The Treasury Department shall post the information received pursuant to this chapter in a manner that allows the public to search contracts or contract summaries by the categories enumerated in section 1701(a)(2).
- (c) **Request to review or receive copy of contract.** — The Treasury Department shall maintain a page on its publicly accessible Internet website that includes instructions on how to review a contract on the Internet website.
- (d) **Paper copy.** — A paper copy of a contract may be requested from the agency that executed the contract in accordance with this act.

CHAPTER 31. MISCELLANEOUS PROVISIONS

Section 3101. Applicability.

This Act shall apply to requests for information made after December 31, 2008.

Section 3101.1. Relation to other laws.

If the provisions of this act regarding access to records conflict with any other federal or state law, the provisions of this act shall not apply.

Section 3101.2. Severability.

All provisions of this act are severable.

Section 3102. Repeals.

Repeals are as follows:

- (1) The General Assembly declares as follows:
 - (i) The repeal under paragraph (2)(i) is necessary to effectuate Chapter 17.
 - (ii) The repeals under paragraph (2)(ii) and (iii) are necessary to effectuate this act.
- (2) The following acts and parts of acts are repealed:
 - (i) Section 1104 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.
 - (ii) The act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law.
 - (iii) 62 Pa.C.S. § 106.

Section 3103. References.

Notwithstanding 1 PA.C.S. § 1937(B), a reference in a statute or regulation to the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law, shall be deemed a reference to this act.

Section 3104. Effective date.

This act shall take effect as follows:

- (1) The following provisions shall take effect immediately:
 - (i) Sections 101, 102 and 1310.
 - (ii) This section.
- (2) Chapters 15 and 17 and sections 3102(1)(I) and 3102(2)(I) shall take effect July 1, 2008.
- (3) The remainder of this act shall take effect January 1, 2009.

###

Greeley and Hansen LLC
1700 Market Street, Suite 2130
Philadelphia, PA 19103
(215) 563-3460
www.greeley-hansen.com



GREELEY AND HANSEN