

RESOLUTION NO. 833

**BOROUGH OF MALVERN
CHESTER COUNTY, PENNSYLVANIA**

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MALVERN,
CHESTER COUNTY, PENNSYLVANIA
AUTHORIZING A REVISION TO THE OFFICIAL ACT 537 PLAN OF
EAST WHITELAND TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA**

WHEREAS, Section 5 of the act of January 24 1966, P.L. 1535, No 537, known as the "*Pennsylvania Sewage Facilities Act*", as amended, and the Rules and Regulations of the Department of Environmental Protection adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code, require municipalities to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of water and/or environmental health hazards with sewage waste, and to revise said plan whenever it is necessary to meet the sewage disposal needs of the municipality; and

WHEREAS, East Whiteland Township has prepared a plan supplement entitled "*Act 537 Special Study Transfer of Sanitary Sewerage Facilities*" dated April 2022 (the "Special Study"), which includes sewerage facilities which provide service to portions of Malvern Borough; and

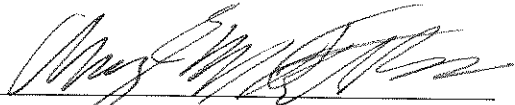
WHEREAS, the Special Study was developed to address the Department's planning requirements for the sale of public sewerage system to a private entity, Aqua Pennsylvania Wastewater, Inc. Topics covered include previous wastewater planning, description and graphical mapping of the existing assets being transferred in relation to municipal boundaries and physical characteristics, addressing future growth needs, evaluation of alternatives, institutional evaluation, and a description of the legal and administrative activities to support the implementation of the asset transfer and future ongoing operation and maintenance of the transferred assets, and

WHEREAS, the Borough of Malvern finds that the Special Study described above conforms to applicable zoning, subdivision, other municipal ordinances and plans and to a comprehensive program of pollution control and water quality management.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Malvern hereby adopt and submit to the Department of Environmental Protection for its approval as a revision to the "Official Plan" of the municipality, the above referenced Special Study. The Municipality hereby assures the Department of the complete and timely implementation of the said Special Study as required by law. (Section 5, Pennsylvania Sewage Facilities Act, as amended).

RESOLVED this 7th day of June, 2022 by Borough Council,

this 7th day of June, 2022.


Amy Pinkbiner, PhD, President


Approved by the Mayor,

this 7th day of June, 2022.


Zeyn B. Uzman, Mayor

Enacted,

This 7th day of June, 2022.


Tiffany M. Loomis, Secretary

I, Tiffany Loomis, duly qualified Secretary of the Borough of Malvern, Chester County, PA, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the Borough of Malvern Council at a regular meeting held June 7th, 2022, and said Resolution has been recorded in the Minutes of the Borough of Malvern and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of the Borough of Malvern, this 7th day of June, 2022.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF CLEAN WATER

DEP Code #:

SEWAGE FACILITIES PLANNING MODULE
COMPONENT 4A - MUNICIPAL PLANNING AGENCY REVIEW

Note to Project Sponsor: To expedite the review of your proposal, one copy of your completed planning module package and one copy of this *Planning Agency Review Component* should be sent to the local municipal planning agency for their comments.

SECTION A. PROJECT NAME (See Section A of instructions)

Project Name

East Whiteland Township Act 537 Special Study Transfer of Sanitary Sewerage Facilities

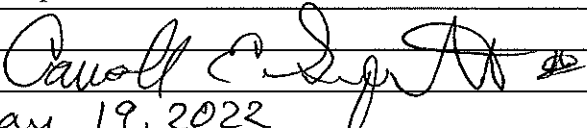
SECTION B. REVIEW SCHEDULE (See Section B of instructions)

1. Date plan received by municipal planning agency April 19, 20222. Date review completed by agency May 19, 2022

SECTION C. AGENCY REVIEW (See Section C of instructions)

- | Yes | No | |
|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 1. Is there a municipal comprehensive plan adopted under the Municipalities Planning Code (53 P.S. 10101, <i>et seq.</i>)? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 2. Is this proposal consistent with the comprehensive plan for land use?
If no, describe the inconsistencies _____ |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 3. Is this proposal consistent with the use, development, and protection of water resources?
If no, describe the inconsistencies _____ |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 4. Is this proposal consistent with municipal land use planning relative to Prime Agricultural Land Preservation? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 5. Does this project propose encroachments, obstructions, or dams that will affect wetlands?
If yes, describe impacts _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 6. Will any known historical or archaeological resources be impacted by this project?
If yes, describe impacts _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 7. Will any known endangered or threatened species of plant or animal be impacted by this project?
If yes, describe impacts _____ |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 8. Is there a municipal zoning ordinance? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 9. Is this proposal consistent with the ordinance?
If no, describe the inconsistencies _____ |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 10. Does the proposal require a change or variance to an existing comprehensive plan or zoning ordinance? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 11. Have all applicable zoning approvals been obtained? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | 12. Is there a municipal subdivision and land development ordinance? |

SECTION C. AGENCY REVIEW (continued)

Yes	No	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13. Is this proposal consistent with the ordinance? If no, describe the inconsistencies _____
<input checked="" type="checkbox"/>	<input type="checkbox"/>	14. Is this plan consistent with the municipal Official Sewage Facilities Plan? If no, describe the inconsistencies _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	15. Are there any wastewater disposal needs in the area adjacent to this proposal that should be considered by the municipality? If yes, describe _____
<input type="checkbox"/>	<input checked="" type="checkbox"/>	16. Has a waiver of the sewage facilities planning requirements been requested for the residual tract of this subdivision?
<input type="checkbox"/>	<input type="checkbox"/>	If yes, is the proposed waiver consistent with applicable ordinances? If no, describe the inconsistencies n/a
17. Name, title and signature of planning agency staff member completing this section:		
Name: <u>Carroll E. Sinquett III</u>		
Title: <u>Chairperson</u>		
Signature: <u></u>		
Date: <u>May 19, 2022</u>		
Name of Municipal Planning Agency: <u>Malvern Borough Planning Commission</u>		
Address <u>1 E. First Avenue, Suite 3, Malvern PA 19355</u>		
Telephone Number: <u>610.644.2602</u>		

SECTION D. ADDITIONAL COMMENTS (See Section D of instructions)

This component does not limit municipal planning agencies from making additional comments concerning the relevancy of the proposed plan to other plans or ordinances. If additional comments are needed, attach additional sheets.

The planning agency must complete this component within 60 days.

This component and any additional comments are to be returned to the applicant.