



May 10, 2024

**VIA EMAIL**

Tad Miller, City Clerk  
City of Bethlehem  
10 East Church Street  
Bethlehem, PA 18018  
[cityclerk@bethlehem-pa.gov](mailto:cityclerk@bethlehem-pa.gov)

Re: Technical Deficiency Letter - Plan Update Revision  
Act 537 Planning  
City of Bethlehem Act 537 Special Study  
APS ID #1111042, AUTH ID #1479739  
City of Bethlehem, Lehigh/Northampton County

Dear Tad Miller:

The Department of Environmental Protection (DEP) has reviewed the proposed Official Sewage Facilities Plan Update Revision (Plan), dated January 23, 2024 (received by the Department on January 24, 2024), as submitted by AECOM, on behalf of the City of Bethlehem (City), and has identified the following significant technical deficiencies. The Act 537 Plan Content and Environmental Assessment Checklist (Checklist) includes information that will aid you in responding to some of the items listed below. The items are based on applicable laws and regulations.

The following list specifies the technical deficiency items as listed in the Checklist that were inadequately addressed in your application. The regulatory citation that requires each item be adequately addressed in the Plan is found in each Checklist item.

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**Technical Deficiencies**

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Part 3 – General Plan Content Checklist

Item No. I.A. - This item has not been adequately addressed in the Plan. The numbering in this section, and all other sections in the Plan, should reflect that of the Checklist. Please adjust Sections B, C, and D to be numbered 2, 3, and 4, respectively.

Regulatory Citation: 25 Pa. Code §71.21 (a)(5)(i)

Item No. II.A. - This item has not been adequately addressed in the Plan. This section requires a map to aid in the identification of the planning area(s),

municipal boundaries, and Sewer Authority/Management Agency service area boundaries. Please include a full size (ARCH D) drawing of the planning area in the Plan.

Regulatory Citation: 25 Pa. Code §71.21 (a)(1)(i)

Item No. II.B-G. - This item has not been adequately addressed in the Plan. The numbering in this section, and all other sections in the Plan, should reflect that of the Checklist. Sections B through G are out of order and should be adjusted to reflect the order in which the Checklist arranges them.

Regulatory Citation: 25 Pa. Code §71.21 (a)(1)

Item No. II.G. - This item has not been adequately addressed in the Plan. Please indicate the existence of any wetlands on the wastewater treatment facility property, and how they will be impacted by the proposed project. If no wetlands exist on the wastewater treatment facility site, please state this fact in the text of the Plan and on the appropriate drawing.

Regulatory Citation: 25 Pa. Code §71.21 (a)(1)(v)

Item No. III.A.1 - This item has not been fully addressed in the Plan. Please reference the aerial photo of the City of Bethlehem WWTP with the proposed CEPT system, located in Appendix H, in this section of the Plan. Also, please note the drainage basin in this section of the Plan.

Regulatory Citation: 25 Pa. Code §71.21 (a)(2)(i)(A)

Item No. III.A.2 - This item has not been adequately addressed in the Plan. Please include the treatment facility's Part II Water Quality Management Permit number in this section of the Plan.

Regulatory Citation: 25 Pa. Code §71.21 (a)(2)(i)(A)

Item No. III.A.4 - This item has not been adequately addressed in the Plan. The schedule described in Section III.A.3, stating that the CEPT system installation will be completed by January 2024, needs to be updated. Also, is there any remaining reserve capacity? Discuss the compatibility of the rate of growth to existing and proposed wastewater treatment facilities with respect to organic capacity.

Regulatory Citation: 25 Pa. Code §71.21 (a)(4)(i & ii)

Item No. IV. - This item has not been adequately addressed in the Plan. This section does not follow the Checklist. The numbering in this section, and all other sections in the Plan, should reflect that of the Checklist.

Regulatory Citation: 25 Pa. Code §71.21 (a)(1)(iv); (a)(3)

Item No. V. -

This item has not been adequately addressed in the Plan. This chapter only needs to address Items V.A.3.b, V.A.3.d, and H. Therefore, please adjust the numbering of the No-Action Alternative section from 3 to H. The Department does not require the rest of Section V due to the nature of this project.

Regulatory Citation: 25 Pa. Code §71.21 (a)(2); (a)(4); §71.63-§71.64; §71.71; §71.73 (b); §73.16; §73.31-§73.72

Item No. VI.A.1 -

This item has not been adequately addressed in the Plan. Sections 4 and 5 of the Clean Streams Law require that consideration be given to: water quality management and pollution control in a watershed as a whole, present and possible future uses of particular waters, the feasibility of combined or joint facilities, the state of scientific and technical knowledge, and immediate and long-range economic impact upon the Commonwealth and its citizens. Section 208 of the Clean Water Act calls for the development of plans for the identification of treatment works necessary to meet the anticipated municipal and industrial waste treatment needs of an area over a 20-year period. This would include any requirements for the acquisition of land for treatment purposes, the necessary wastewater collection and urban storm water runoff systems, programs to provide the necessary financial arrangements for the development of such treatment works, an identification of open space and recreation opportunities that can be expected to result from improved water quality, consideration of potential use of lands associated with treatment works and increased access to water-based recreation.

Comprehensive Water Quality Management Plans were developed under Sections 4 and 5 of the Clean Streams Law and 208 of the Clean Water Act for all areas of the Commonwealth. While these plans have not been subject to an ongoing maintenance process, the plans still represent a planning resource which can serve as a basis for the incorporation of the Commonwealth's water quality goals and objectives in local sewage facilities plans.

Every official plan update must discuss the content of the appropriate portions of the Comprehensive Water Quality Management Plan. Where there are inconsistencies between the Comprehensive Water Quality Management Plan and the sewage facilities plan, a description of these differences must be included in the official plan update. When these differences conflict with the basic water quality goals and objectives of the planning area established in the Comprehensive Water Quality

Management Plan, an explanation of the conflict and justification for or resolution of the conflict must be included in the official plan update.

Regulatory Citation: 25 Pa. Code §71.21 (a)(5)(i)(A)

Item No. VI.A.3 - This item has not been adequately addressed in the Plan. This section has nothing to do with federal funding. The Plan's selected wastewater disposal alternative must be examined for consistency with regard to the recommendations of any plans developed under the specified statutes and regulations. This section of the Plan should clearly state if any plans developed under the specified statutes/regulations exist. If no plans exist for the planning area, this fact should be stated in the Plan. The selected alternative would then be consistent since no plans exist under the specified statutes/regulations.

Regulatory Citation: 25 Pa. Code §71.21 (a)(5)(i)(C)

Item No. VI.A.10-11 This item has not been adequately addressed in the Plan. Please remove the second sentence in Sections VI.A.10 and VI.A.11 of the Plan. Since the selected alternative is proposing a re-rate of the wastewater treatment plant's permitted organic capacity, PNDI and PHMC clearances are not required. Please indicate this in the Plan text.

Regulatory Citation: 25 Pa. Code §71.21 (a)(5)(iv)

Item No. VI.D. - This item has not been adequately addressed in the Plan. In addition to construction, please include costs associated with Act 537 Planning, and permitting to re-rate the organic capacity of the wastewater treatment facility.

Regulatory Citation: 25 Pa. Code §71.21 (a)(5)(iv)

Item No. VIII.A. - This item has not been adequately addressed in the Plan. This section does not follow the Checklist. Please address all items of the Checklist, even if they are not applicable. When appropriate, state in some way that certain items of the Checklist are not required. Also, the numbering in this section, and all other sections in the Plan, should reflect that of the Checklist.

Regulatory Citation: 25 Pa. Code §71.21 (a)(6); §71.31 (d)

Item No. VIII.B. - This item has not been adequately addressed in the Plan. If capital financing is not required to implement the selected alternative, please include the funding method that will be utilized, and the back-up financing plan should the primary method of funding become unavailable.

## Regulatory Citation: 25 Pa. Code §71.21 (a)(6)

You must submit a response fully addressing each of the significant technical deficiencies set forth above within 30 calendar days or DEP may deny the application.

All submitted materials must be submitted by the municipality, and all deficiency items must be submitted together in one package in a three-ring binder. A cover letter signed by the municipal secretary will be accepted by DEP as documentation that the municipality has determined the resubmission to be consistent with Act 537 sewage planning requirements.

If you believe that any of the stated deficiencies are not significant, instead of submitting a response to that deficiency, you have the option of asking DEP to make a decision based on the information with regard to the subject matter of that deficiency that you have already made available. If you choose this option with regard to any deficiency, you should explain and justify how your current submission satisfies that deficiency. Please keep in mind that if you fail to respond, your application may be denied.

If you have any questions or concerns regarding the identified deficiencies, please contact Jacob Shusta at (570) 826-2390, and refer to Application No. 1111042 and Authorization No. 1479739 to discuss your concerns or to schedule a meeting. The meeting must be scheduled within the 30-day period allotted for your reply, unless otherwise extended by DEP.

Sincerely,



Scott F. Novatnak  
Planning Section Chief  
Clean Water Program

cc: Edward Boscola, Director of Water and Sewer Resources/City of Bethlehem  
William Reese, Superintendent/Bethlehem Wastewater Treatment Plant  
Chris Rogers, Principal Planner/AECOM  
Kristen Wenrich, Director of Bethlehem Health Bureau/City of Bethlehem  
Michael Hanlon, City Clerk/City of Allentown  
Doug Bruce, Secretary/Bethlehem Township  
Kate Hall, Secretary/East Allen Township  
Amy Burkhardt, Secretary/Fountain Hill Borough  
Justine Rossi, Secretary/Freemansburg Borough  
Vicky Roth, Secretary/Hanover Township Lehigh County  
Kimberly Lymanstall, Secretary/Hanover Township Northampton County  
Cathy Hartranft, Secretary/Hellertown Borough  
Tammi Dravec, Secretary/Lower Nazareth Township  
Mark Hudson, Secretary/Lower Saucon Township  
Robert Williams, Township Manager/Palmer Township

Brenda DeGerolamo, Assistant Township Manager/Palmer Township  
Scott Kistler, Director of Public Works/Palmer Township  
Jamie Paetzell, Assistant Director of Public Works/Palmer Township  
Cathy Bonaskiewich, Secretary/Salisbury Township  
Darlene Heller, Secretary/City of Bethlehem Planning Commission  
Damien Brown, Secretary/City of Allentown Planning Commission  
Jennifer Gomez, Director, Bureau of Planning and Zoning/City of Allentown  
Jim Daley, Secretary/Bethlehem Township Planning Commission  
Martin Chamberlain, Secretary/East Allen Township Planning Commission  
Keith Zehner, Secretary/Fountain Hill Borough Planning Commission  
Cheryl Simons, Secretary/Freemansburg Borough Planning Commission  
Sharon Steitz, Secretary/Hanover Township Lehigh County Planning Commission  
Richard Mannix, Secretary/Hanover Township Northampton County Planning  
Commission  
Maria Diaz-Joves, Secretary/Hellertown Borough Planning Commission  
Lori Seese, Planning & Zoning Administrator/Lower Nazareth Township Planning  
Commission  
Chris Nagy, Secretary/Lower Saucon Township Planning Commission  
Kent Baird, Director of Planning/Palmer Township Planning Commission  
Craig Beavers, Assistant Director of Planning/Palmer Township Planning Commission  
Justine Caiazzo-Strouse, Secretary/Palmer Township Planning Commission  
Kerry Rabold, Zoning Officer/Salisbury Township Planning Commission  
Corinne Ruggiero, Environmental Planner/Lehigh Valley Planning Commission  
Becky Bradley, Executive Director/Lehigh Valley Planning Commission