

November 1, 2004

Mr. Paul Curry
Pennsylvania Department of Environmental Protection
909 Elmerton Avenue
Harrisburg, PA 17110

Dear Mr. Curry

This letter concerns the Act 537 Plan currently under review by your department for Jefferson Borough and Codorus Township, York County. On behalf of the Codorus Chapter of Trout Unlimited and its 224 members, we would like to submit the following comments on that plan. We acknowledge that the official public comment period has passed, however we hope you will consider these comments in your approval process. Please note that we do not agree that the plan should be recommended as submitted based on the information contained herein.

1. The receiving waters for the proposed sewage treatment plant discharge are not identified correctly. The plan identifies those waters as the South Branch of Codorus Creek. The plant as shown would discharge into an unnamed tributary of the Codorus Creek (mainstem). The South Branch is not involved in the proposed plan. While the plan correctly identifies the classification of the creek where the tributary enters the mainstem, no mention is made of a section downstream that is designated as a High Quality (HQ) Cold Water Fishery. It is our understanding (from printed DEP documentation) that all discharges, even if they are upstream of the designated HQ section, must maintain the quality of the HQ section. We would question whether the discharge parameters listed in the 537 plan would need to be more stringent based on this observation. We would also question whether any additional requirements would need to be met, and if the cost of the plant would increase as a result.
2. We do not feel that the option of a municipal plant on the east side of Jefferson Borough, discharging into the South Branch Codorus watershed, has been properly explored. We consider the concern over a plant in that location leading to further development of the Buffalo Valley to be speculative, avoidable and irrelevant to the choice of sewer plant sites. We also feel that the topography of the surrounding area would allow a distribution system to be built there without creating excessive additional costs versus the proposed system.

It should also be noted that a partially constructed plant already exists east of Jefferson Borough. That plant was started by a private developer and approved and permitted by DEP. When that plant was conceived, it was considered for eventual municipal service and operation. A previous special exception granted for that plant expired, and construction was halted by a cease and desist order. On October 26, 2004 a 3-1/2 hour hearing was held concerning the issuance of a new special exception. The hearing was not concluded and is scheduled to resume on November 22, 2004. As long as the future role of this plant remains a wild card in the equation, we cannot see how a final strategy can be approved or implemented.

3. While we are not as concerned with the regular day-to-day operations of the sewer plant under normal circumstances, we are concerned with the potential for an unforeseen catastrophic failure. We fear that such an event, even one of a short duration, could permanently destroy the unique streambred brown trout population (or damage its food chain) in the Codorus Creek. We do not feel that replacing lost trout with stocked fish should be considered a suitable solution to remedy that circumstance. Such a loss would not

occur if a similar event took place in the South Branch watershed. We would like to point out that the Codorus Creek fishery is a valuable, self-sustaining, year-around recreational resource requiring no funding and little management. It frequently draws anglers from considerable distances, including many from outside the commonwealth. No equivalent opportunity is available elsewhere in the nearby region.

4. The proposed sewer plant is to be constructed by a developer as part of a package that includes a large housing complex in the surrounding area. Completion of the proposed 537 strategy is contingent upon his execution of his plans. Many local officials and others are anticipating, and counting on that happening. No one seems to be aware of the impact of a High Quality stream section within the watershed, not only for the sewer plant, but for stormwater management as well. Before any more time, effort and money are dedicated to this plan, we think it would be prudent to educate the parties involved about this impact. If the developer changes his mind for any reason, the plan may go to waste.

We also question the plans to explode the population of the borough and surrounding area by 328% over the short term, and 550% over the longer term. We cannot imagine how this rate of growth is necessary or justifiable for the economic well being of the community. We also cannot perceive any social justification for inundating this small, traditional rural hamlet with such rapid residential development.

Even if the 537 plan is approved as submitted, we realize we will be entitled to address these issues again during the NPDES permitting process for the sewer plant. But since the timing of this 537 revision would allow these issues to be addressed much earlier, we wanted to bring them to your attention as quickly as possible. We only regret that we were not aware of the original public response period.

Thank you for your consideration of our comments. Any response may be directed to our chapter via the contact information listed below.

Sincerely

Thomas Feninez by permission D.F.H.

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