

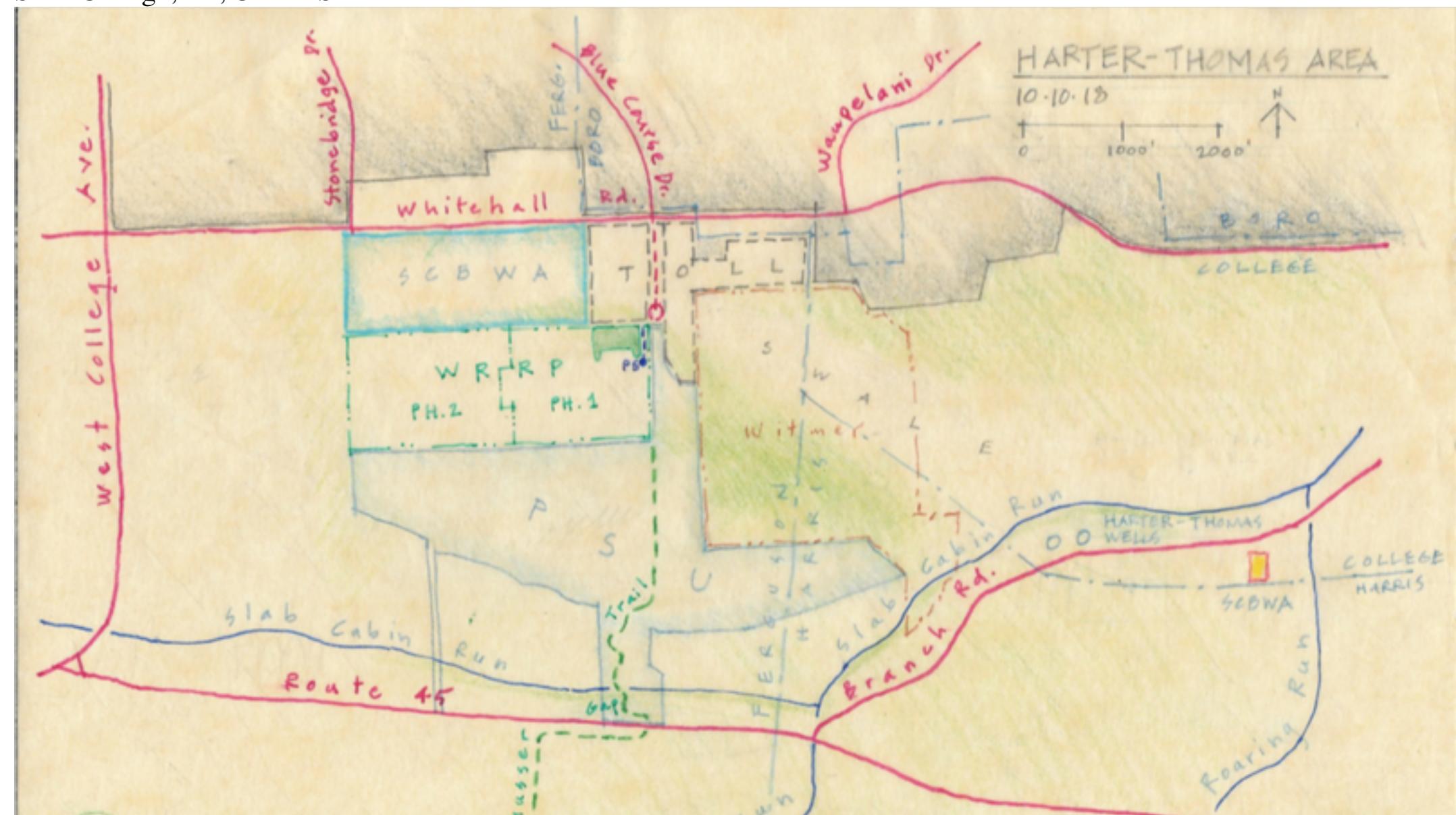
Oct. 29 - COG General Forum to consider Whitehall Road Regional Park issues

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Nittany Valley Environmental Coalition
State College, PA, United States



Oct 16, 2018 —

Toll Brothers contractors have started clearing their Whitehall Road parcels, including cutting down a woodlot, in the last few weeks.

They have also started notifying nearby residents of planned "controlled blasting" of bedrock to begin in a few weeks.

However, they don't yet have one of the "easements" required for sewage pump station construction.

Details below.

[Excerpts](#) from [*Oct. 4, 2018 Bailiwick News:](#)

...2018 Toll Brothers and CRPRA Land Development

As 2018 began, Toll Brothers restarted its permitting efforts and Whitehall Road Regional Park advocates continued updating their plans and project budgets preparatory to submitting a land development plan application to Ferguson Township.

In early 2018, PennTerra Engineers working for Toll Brothers approached the SCBWA seeking an easement to be able to construct a 1,200-foot portion of a force-main pipeline (total length just under a mile) on SCBWA's deed-restricted conservation land. The force-main was to convey sewage under high pressure from the pump station at the bottom of the hill, up to Whitehall Road, then along Whitehall Road toward Stonebridge Drive.

The application process was difficult, because several SCBWA board members took seriously the deed restriction on the land they had purchased from Penn State in 2008, which required that it be used for conservation purposes only, in perpetuity.

Although Toll Brothers attorneys and the SCBWA's own solicitor attempted to downplay the ethical and legal significance of the deed language, the SCBWA board held two votes, neither of which approved the easement.

The May 2018 SCBWA vote was a 3-3 tie. When the resolution returned to the agenda for another vote in July 2018, the SCBWA board denied the easement request by a 4-1 vote. "No" votes were cast by Bernie Hoffnar, Bill Burgos, Rachel Brennan and Jason Grottini. Gary Petersen cast a "Yes" vote, Jeff Kern abstained and Emory Ensore was absent.

It was a remarkable result, forcing Toll Brothers to reroute the high-pressure force main along Ferguson Township's municipal roadway (the proposed Blue Course Drive extension) and along PennDOT's existing state roadway (Whitehall Road).

Pump Station Design and Siting

For several years, it's been hard to pin down the planned location, capacity and other specifics of the sewage management plan, because the various land development plans in circulation depicted the pump station in at least two different locations.

On Toll Brothers private housing development plans as approved by Ferguson Township in 2015, the pump station was located on public Whitehall Road park land jointly owned by CRCOG and Ferguson Township.

However, on the Parks Authority's 2010 master plans for the Whitehall Road Regional Park – as approved for funding by the CRCOG General Forum – the pump station was located on Toll Brothers private land.

Stahl Sheaffer Engineering site plans for the park showed a pump station with a footprint of 37' by 50' on public parkland as early as April 2014.

But between 2014 and the present, park advocates made no effort to seek unanimous General Forum consent to amend the master plan to add the pump station, despite the requirement that master plan amendments can only be made by General Forum, and only by unanimous unit vote...

Throughout Spring and Summer 2018, CRPR Director Pam Salokangas – working on behalf of the Parks Authority – was still publicly circulating versions of the Whitehall Road park design plans that excluded the proposed pump station on public land, to municipal legislators, SCBWA and other entities.

Salokangas was circulating these misleading plan documents even as PennTerra Engineering, working for Toll Brothers, was actively seeking the last few approvals, permits and easements for the sewage system infrastructure from SCBWA, PennDOT and UAJA, using plans showing the pump station on park land.

Over the spring and summer, as the force main route debate played out, more information about the proposed pump station became public.

According to DEP sewage planning module documents circa 2015, the pump station was designed to manage a projected 47,950 gallons per day (gpd) of raw sewage: 98% of it coming from the students in the private luxury housing development (268 Equivalent Dwelling Units at 175 gpd) and 2% of it from public Whitehall Road Regional Park visitors (6 EDUs at 175 gpd).

However, 48,000 appeared to be a significant underestimate, intended to stay just under the threshold of 50,000 gallons per day at which PA-DEP requires a public hearing.

The UAJA board approved the plans for the pump station and associated pipeline infrastructure on August 15, 2018, after several rounds of revisions.

Shortly after the UAJA vote, the volume misrepresentation was corroborated by language in an August 23, 2018 draft sewage management plan obtained from UAJA. The August 23 plan notes that Toll Brothers used UAJA's Equivalent Dwelling Unit (EDU). One UAJA EDU is 175 gallons per day per household, based on 2.5 people per household and 75 gallons per person per day.

Yet since 2015, the Toll Brothers plan has been to construct 268 units to house 1,093 undergraduates in mostly 4- and 5-person units, roughly a doubling of the people per household from the factor used in the DEP application. At 75 gallons per person per day for 1,093 people, the pump station's baseline sewage flow from the student population will be about 82,000 gallons per day.

According to the August 23, 2018 plan, Toll Brothers is now projecting a "peak" flow of 191,800 gallons per day, far above the 47,950 gallons per day average used in the 2015 DEP sewage planning module application.

Toll Brothers also recently increased the diameter of the "wet well" (sewage holding tank) to 10 feet and the depth to 26.5 feet. To build it, Toll Brothers contractors will dig a giant hole in the fracture- and sinkhole-prone watershed 28-feet deep, build the tank, and then backfill earth back into the hole around the cylinder.

The volume of that cylinder, converted from cubic feet to gallons, is about 15,575 gallons.

At peak flow of about 192,000 gallons per day – or 8,000 gallons per hour – the August 23 plan states that the wet well has 30 minutes of emergency storage in the event of a pump failure or other malfunction, before overflows into the watershed start.

UAJA Director Cory Miller has said in public comments to the SCBWA (April 19, 2018) and in email correspondence that backup systems include multiple layers. The pump station has redundant pumps and motors, so if the first pump fails, the second, backup pump will be deployed. Spare pumps are kept at the main UAJA facility.

For a power outage, there's to be an on-site natural gas- fired backup generator providing electricity to run the pump station. The generator will be supplied by a natural gas pipeline crossing the sinkhole-prone karst terrain.

If those backup systems fail, then UAJA will pump sewage out of the Shit Pit into trucks and drive the trucks to the nearest manhole providing access to gravity sewage conveyance lines, at about 5,000 gallons per truck trip.

And if UAJA trucks are unable to reach the pump station, resulting in an overflow from the Shit Pit, the plans call for a "diked area within the pump station easement to capture anything that spills."

There are at least four plausible disaster scenarios, including leaking, overflowing, flooding due to torrential downpours like the rainy summer we've just had, and natural gas line breakage leading to an explosion like the recent Columbia Gas sequence in Massachusetts.

Of those, the most likely is probably leaking: a sinkhole or fracture opening up near the wet well, creating a leak that's large enough to rapidly put a stream of sewage into the public water supply, but small enough to evade detection by warning floats in the tank, such that the SCADA system back at UAJA doesn't register a problem.

After design and construction by Toll Brothers contractors, UAJA, which is a public utility funded by ratepayers, will own, maintain and operate the pump station, the force main and most associated infrastructure.

Toll Brothers, or any entity to which they sell the student housing complex, will be legally responsible for damages related to malfunctions of individual customer sewage gravity lines that carry sewage from each apartment to large gravity mains that will carry the sewage to the pump station down the hill.

COG and Ferguson Township taxpayers will be legally responsible for damages resulting from failures in individual lines

from the park bathrooms to the wet well and pump station.

UAJA ratepayers will be liable for damages – including contamination of public water supplies – resulting from malfunctions starting at the point where the individual apartment sewer lines connect to the main gravity line, through the Shit Pit, up the high-pressure pipeline, along Whitehall Road, to Stonebridge and on to the UAJA treatment plant.

Costs for those malfunctions might be covered by UAJA insurance policies but might well be excluded from coverage, depending on the reasons identified for the malfunction and resulting public water contamination...

At a bare minimum, if one or both of the joint developments are constructed, and when the inevitable catastrophes occur – whether due to shoddy design (including volume lowballing) or construction, human error in operations, gasoline explosions, or natural disasters like floods and sinkholes overwhelming the backups to the backups, the resulting finger-pointing and litigation will be epic...

August 2018 Governance

Before Toll Brothers contractors can physically enter the regional park land and start excavation without legal objection from UAJA and without potentially being charged with criminal trespass and vandalism, the company must provide UAJA with proof of the landowners' consent, in the form of access "easements."

As described above, Ferguson Township and the Centre Region Council of Governments own the park land jointly, and Ferguson Township owns the Blue Course Drive Extension land, including the proposed route of the force main.

This hurdle directly implicates the bizarre legal relationships among the appointed Centre Region Parks and Recreation Authority board, responsible for design, planning and construction of the park; the Centre Region Council of Governments organization comprised of six participating municipalities and their paid administrative staff, serving as a pass-through for park development funds; and the elected legislatures of the participating municipalities, responsible for using their taxing authority to fund park development, in this case through a 2011 Fulton Bank loan extended several times in the intervening seven years...

Moving into August 2018, NVEC learned that the Parks Authority board would try to take another step toward realizing their taxpayer rip-off vision, when CRPR Director Salokangas was scheduled to appear at the CRCOG General Forum meeting on August 27 for another information-only update.

In the weeks before the August 27 meeting, NVEC documented environmental problems with the proposed Whitehall Road Regional Park design, through multiple communications submitted to CRCOG and Ferguson Township Board of Supervisors including graphic representation of community regional park preferences collected in 2008 by the Centre Region Parks and Recreation Authority and collated by NVEC in July 2018.

The survey data showed overwhelming public support for ecologically-protective park land uses far outweighing public support for highly invasive grading for rectangular sports fields.

NVEC further provided graphic representations about the planned Whitehall Road park budget allocations – based on the limited information made publicly available by the Parks Authority – showing the disproportionate amounts allocated to rectangular fields as compared to natural, minimally-disturbed areas.

In NVEC's communications, the group noted that the Parks Authority board had not addressed Ferguson Township supervisors' design concerns and suggestions outlined in an August 17, 2016 letter to CRCOG and a March 21, 2018 letter to the Parks Authority board.

NVEC noted that the Parks Authority board had not consulted with the State College Borough Water Authority board – especially its Sourcewater Protection Committee – regarding risks to public water supplies from the proposed development, as requested during Salokangas' presentation at SCBWA's April 19, 2018 meeting, SCBWA's April 24, 2018 follow-up letter, and SCBWA's June 26, 2018 follow-up email.

NVEC further noted that, at General Forum on August 27, the Parks Authority board intended to propose a Phase 1 development plan with a base cost of at least \$6.1 million for grass fields with no lights, and a base cost of \$9.4 million with artificial turf fields and lights. This proposal, which had been presented at an August 16, 2018 Parks Authority board

meeting, contrasted with an allocated maximum budget of \$4.8 million per Patton Township's letter to the Parks Authority dated Oct. 19, 2016 and the COG General Forum funding vote on May 22, 2017.

As it happened, Salokangas did not provide the \$6.1 million budget during her General Forum presentation on August 27.

She only provided drawings.

General Forum members began by considering a motion proposed by Ferguson Township supervisor Steve Miller, for General Forum to "receive the report...and convey to the Centre Region Parks and Recreation Authority support for the design elements in the concept plan as well as any additional design modifications authorized by the authority in order to remain within budget."

The motion failed to carry.

It was then amended, to only "receive" the report, but withhold General Forum "support" for the design and additional modifications. The amended motion passed 13-11, according to the meeting minutes.

After the meeting, Ferguson Supervisor Laura Dininni circulated her personal photos of paper copies of the budget, which she had obtained by personal attendance at the August 16 Parks Authority board meeting, to her fellow municipal legislators by email.

September 2018 Governance

The September 13 joint Parks Authority-Parks Capital Committee meeting was cancelled, presumably to prevent deliberation of the issues by the COG General Forum's Parks Capital subcommittee, comprised of elected legislators.

Instead, the appointed Parks Authority board held its regular, solo meeting on September 20. According to Dininni, at that meeting, Salokangas sought and received an endorsement from the Parks Authority board to move forward with the park land development process in Ferguson Township, despite General Forum's refusal to support the revised design, and despite park proponents repeated failures to obtain, incorporate, or address the expressed concerns and interests of Ferguson Township supervisors, SCBWA board and staff, low-impact park user groups, and environmental organizations.

By mid-September, the Ferguson Township Board of Supervisors was preparing to consider a request from Toll Brothers for an easement to allow the developer to construct the proposed high-pressure sewage force main to serve the Cottages student housing development and the future Whitehall Road Regional Park along the future Blue Course Drive extension.

Over citizen opposition, expressed in writing before the meeting and in person at the meeting, the supervisors voted 4-1 on September 17 to grant Toll Brothers the easement. "Yes" votes were cast by Peter Buckland, Steve Miller, Sara Carlson and Tony Ricciardi.

The only "No" vote was cast by Laura Dininni.

On Monday, September 24, the CRCOG General Forum – which includes all the elected legislators from State College, Ferguson, Patton, Harris, College and Half-moon – considered the second part of Toll Brothers two-part easement request, this time for the sewage pump station and Shit Pit, and the pipeline portions to be located on public park land.

Township supervisors and borough council members voted as municipal units – requiring a majority "Yes" on each municipal board to comprise a collective unanimous unit approval.

The State College Borough Council voted "No," by 6-1. Janet Engeman, Jesse Barlow, Theresa Lafer, Cathy Dauler, Evan Myer, and David Brown voted to deny the easement request. Dan Murphy voted to grant it.

Meanwhile, the Patton Township Board of Supervisors voted to abstain from the decision, citing a lack of information.

The wording of the motion considered September 24, means that General Forum will consider the easement request again on October 29, after lawmakers submit questions to COG Executive Director Jim Steff and Steff distributes additional information in response.

*For more detailed background - see [10.4.18 Bailiwick News](#), which covers the Whitehall Road area in Ferguson

Township; its sinkhole- and fracture-prone karst geology; historical farming use; SCBWA water wells; Centre Region and Penn State population growth; regional planning frameworks; Penn State real estate dealings, zoning and land development activity in the area since 1999; COG efforts to fund and construct regional parks through the Centre Region Parks & Recreation Authority; DCNR grant funding for park land purchases; how park planning included many active sports proponents, but excluded land, water and habitat conservation groups, particularly SCBWA, and resulted in an overbudget design involving heavy grading during construction and high maintenance post-construction; citizen pushback campaigns that started in March 2015; a litigation round that ended in November 2017 when the Pa. Supreme Court denied Nittany Valley Water Coalition's appeal; and a direct action (site occupation) campaign for a "land swap" to place the proposed luxury student housing development on less-risky land owned by Penn State, which ended in December 2017 when Penn State and Toll Brothers closed the sale of the Whitehall Road site...

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