

Petition update

Public Comment to COG General Forum

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Nittany Valley Environmental Coalition

State College, PA, United States

Oct 28, 2018 —

Repost from [Bailiwick News](#)

Public Comment sent to COG General Forum Friday, October 26, ahead of COG General Forum meeting Monday, Oct. 29:

First, I would like to thank the State College Borough Council for the “No” unit vote cast at the Sept. 24, 2018 COG General Forum meeting.

That vote gave concerned citizens the time to find and fit together the last few procedural puzzle pieces, compiled in the attached document – [10.26.18 Exhibits to COG](#) (PDF, 59 pp., 29 MB; replaces prior exhibit package posted 10.24.18)

I’m working on a fuller Bailiwick News narrative explaining the history, but due to the complexity of the issues, it will likely not be finished until Monday, Oct. 29 at the earliest.

To give legislators more time to consider the information, I’m forwarding a collection of documents today, related to the sewage flow figures used in permitting documents to date, the relationship of those figures to DEP regulations regarding capacity calculations, and the relationship of those calculations to state laws regarding false statements made to and relied upon by public servants in approving or denying development applications.

The document collection includes text notes on each exhibit, to assist readers in navigating the procedural history.

In sum, PennTerra engineer John Sepp, working on behalf of Toll Brothers, has since 2014 under-reported projected sewage flows from the Cottages and Whitehall Road Regional Park developments to numerous public authorities, including Ferguson Township, UAJA, DEP and the general public, using 47,950 gallons per day for the combined developments when he should have used at least 110,350 gallons per day. Each of the government entities relied upon the incorrect numbers to approve various plans, permits and legal

agreements.

If Sepp had provided accurate sewage flow calculations to Ferguson Township, and subsequently complied with the resulting DEP public notice requirement, he or Ferguson Township would have published, in the Centre Daily Times, in November or December 2014 — at least 30 days before the Ferguson Township Board of Supervisors had on its agenda to review the Sewage Planning Module for the first time on January 19, 2015 — the following information:

1. Name of Project – The Cottages at State College and Whitehall Road Regional Park
2. Type of development – Multifamily residential, 268 units, to house 1,093 people, plus regional active sports park.
3. Location – Intersection of Blue Course Drive and Whitehall Road.
4. Acreage under development and number of equivalent dwelling units – 143.7 acres under development: 43.7 acres for housing, 100 acres for regional park, and 631 EDU (625 for Cottages, 6 for park).
5. Type of sewage disposal proposed – Sewage holding tank, pump station and high-pressure force main pipelines to UAJA system.
6. Reason why publication was necessary – At least 110,350 gallons per day new sewage flow will enter the UAJA conveyance and treatment system if these projects are built.
7. A 30-day comment period will run from date of publication [to a date prior to Ferguson Township supervisors' first review of the application.]
8. The Complete Sewage Facilities Planning Module application package may be reviewed by the public during business hours at the Ferguson Township Municipal Building, 3147 Research Drive.
9. Public comments will be accepted at Ferguson Township Municipal Building, 3147 Research Drive., and will be forwarded to the Department of Environmental Protection, along with municipal responses to all comments received.

That concise, summarized project information was not published by Sepp or Ferguson Township, in November or December 2014, or at any time before or since, depriving the public of an opportunity to make timely public comments and to have those comments inform Ferguson Township, DEP and UAJA decision-making.

Given the falsification of the sewage flow numbers, the avoidance of timely, concise public notification, and the linking of the Whitehall Road Regional Park development to the Cottages housing development through the 2008 Penn State subdivision plan (Exhibit B), I urge General Forum legislators, and especially State College Borough Council members, to vote to deny the easement request currently before you, and by that action, return both the Cottages and the WRRP plans to the drawing board to create more legally-compliant, ecologically-sound projects in this sensitive public water supply area.

I further urge General Forum members to formally release Toll Brothers from the 2008 obligation to provide sewer and other infrastructure to the park, so that public officials can proceed independently, without having decisions about publicly-funded projects ethically compromised by entanglement with private profit motives.

Please do not hesitate to contact me for additional information or complete copies of the documents from which these exhibits have been excerpted.

Thank you for your public service.

/s/ Katherine Watt, Editor and Publisher, Bailiwick News

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