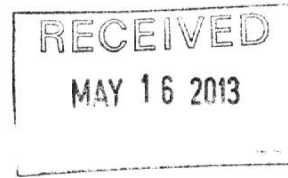




pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATERWAYS ENGINEERING AND WETLANDS



May 10, 2013

CERTIFIED MAIL NO. 7005 1820 0007 4208 9216

Jeffrey A. Smith, Manager
Media Borough
301 North Jackson Street, 2nd Floor
Media, PA 19063

Re: DEP File No. D23-009

Dear Mr. Smith:

As you are aware, the Broomall Lake Dam has been deemed unsafe under 25 Pa. Code §105.136(a)(2) and (3) and has been on the Department's Unsafe Dam List since May 22, 1980.

On December 23, 2009, the Department notified Broomall Lake Country Club (BLCC) that in accordance with §105.136(b)(2), as owner of record of the dam, BLCC must take active control of the lake and maintain drawdown as much as possible at all times. This was reiterated through correspondence dated March 28, 2012 and July 2, 2012. However, BLCC has advised the Department that they believe they have no responsibility for the dam outlet works or maintaining the drawdown as requested. BLCC has asserted that other parties are responsible.

We understand that the issues of ownership and responsibility for the operation and maintenance of the dam are being litigated in the Delaware County Court of Common Pleas. It appears that BLCC, Delaware County and Media Borough may each bear some responsibility for this dam. With the revocation of the May 2011 Stipulation and Order by Judge Proud on February 25, 2013, it is apparent that Delaware County, Media Borough and BLCC are still not in agreement regarding ownership and responsibility for operation and maintenance of the dam. Meanwhile, the condition of the dam continues to deteriorate. The Department is considering intervention in that litigation to ensure that the proper parties are held responsible for this dam.

In the meantime, the Department cannot allow this unsafe condition to continue. In accordance with 25 Pa. Code §105.62, we will be taking action to correct the unsafe condition. Department staff will arrive on site Wednesday, June 12, 2013, by 8:00 a.m. to investigate the condition of the existing drawdown conduit, attempt to drawdown the impoundment by siphoning, and render the conduit operational.

The Department requests that the parties with control over any locked gates open them on June 12 to allow the Department adequate access to all portions of the dam, including the crest, upstream and downstream fences. Please call me to confirm that the gates will be unlocked on that date.

Rachel Carson State Office Building | P.O. Box 8460 | Harrisburg, PA 17105-8460

717.787.8568 | Fax 717.772.0442

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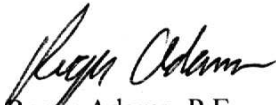
www.depweb.state.pa.us

Department staff will stage operations at the eastern end of the dam, west of the intersection of West Third Street and West Street.

This is the Department's initial step to correct the unsafe condition of the dam. The Department is also preparing to breach the dam utilizing Commonwealth resources, as authorized by 25 Pa. Code §105.62, unless we receive a satisfactory plan for prompt rehabilitation or removal of the dam by November 1, 2013.

We urge the three parties to cooperate in resolving the ongoing ownership and responsibility issues. If any of the parties have any questions regarding this letter, please contact Mr. Duke Adams, Water Program Specialist, by email at ranadams@pa.gov or by telephone at 717.783.7997. The cooperation of all parties will be greatly appreciated.

Sincerely,



Roger Adams, P.E.
Chief
Division of Dam Safety