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EXHIBIT O2

CONSENT ASSESSMENTS OF CIVIL PENALTIES

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Orig: Adm. Dept  
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JAN 14 2015  
BY: 2015-0038  
TWA: BAB  
Cc: KSW  
MSD  
EDB

January 12, 2015

Mr. Michael DiSantis  
Delaware County Regional  
Water Quality Control Authority  
100 East 5<sup>th</sup> Street  
P.O. Box 999  
Chester, PA 19016

Re: 3<sup>rd</sup> Quarter 2014 CEMS Violations

Dear Mr. DiSantis:

Enclosed please find a Consent Assessment of Civil Penalty proposed as a means of settlement for specified violations of the Air Pollution Control Act and the regulations promulgated thereunder, which occurred at the Delaware County Regional Water Quality Control Authority ("DELCORA") Western Regional Treatment Plant, located at 3201 West Front Street, Chester Township, Delaware County, PA.

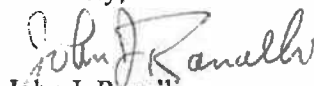
If DELCORA wishes to enter into a consent assessment, please sign the enclosed agreement and return it to the Department of Environmental Protection (DEP) within fifteen (15) days of the date of this letter. Upon receipt, I will obtain the remaining signatures, date the agreement, and return one fully executed copy to you.

The DEP may convene a meeting to discuss the proposed civil penalty assessment, either by telephone or face-to-face, for the subject violations, if such a meeting is requested by DELCORA within fifteen (15) days of the date of this letter.

If the DEP does not receive a request for a meeting or the signed agreement within fifteen (15) days of the date of this letter, the DEP will take further enforcement action which may include issuing an assessment, order or other legal actions.

If you have any questions please do not hesitate to contact me by e-mail at [janalli@pa.gov](mailto:janalli@pa.gov) or at 484.250.7515.

Sincerely,

  
John J. Ranalli  
Compliance Specialist  
Air Quality

Enclosure

cc: Mr. Stroble, Section Chief, AQ  
Mr. Mclemore, District Supervisor, AQ  
DELCORA, Enforcement File  
Re 30 (NM15) 008-06



DELAWARE COUNTY REGIONAL WATER QUALITY CONTROL AUTHORITY  
P.O. Box 999 • Chester, PA 19016-0999

January 20, 2015

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

John J. Ranalli  
Compliance Specialist  
Air Quality  
PA Department of Environmental Protection  
Southeast Regional Office  
2 East Main Street  
Norristown, PA 19401-4915

RE: Title V Permit  
Notice of Violation and Penalty  
CEMS Violations – 3<sup>rd</sup> Quarter 2014  
Consent Assessment of Civil Penalty

Dear Mr. Ranalli:

Per your letter of January 12, 2015, enclosed is the executed original of the Consent Assessment of Civil Penalty and DELCORA's check number 57644 in the amount of \$400.00 attached to the signed Transmittal of Penalty Payment form.

After PADEP execution of the Consent Assessment, please return one fully executed copy to DELCORA for our file.

Thank you.

Sincerely,

Michael J. DiSantis  
Director of Operations & Maintenance

MJD:bab  
enclosures

cc: via email w/enclosure  
R. Willert  
D. Dutton  
I. Fitzgerald  
H. Bordley  
File w/encl.

ADMINISTRATION

☐ 610-876-5523  
☐ FAX: 610-876-2728

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☐ FAX: 610-497-7950

**COMMONWEALTH OF PENNSYLVANIA**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DEP. RECEIVED  
SOUTHEAST REGION

JAN 23 '15

**In the Matter of:**

Delaware County Regional Water Quality : Re: 3<sup>rd</sup> Quarter 2014 CEMS Violations  
Control Authority (DELCORA) :  
Western Regional Treatment Plant :  
3201 West Front Street  
Chester, PA 19013

**CONSENT ASSESSMENT OF CIVIL PENALTY**

This Consent Assessment of Civil Penalty ("CACP") is entered into this 23<sup>rd</sup> day of January 2015, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), and Delaware County Regional Water Quality Control Authority ("DELCORA").

The Department has found and determined the following:

A. The Department is the agency with the duty and authority to administer and enforce the Air Pollution Control Act, Act of January 8, 1960, P.L. 2119 (1959), as amended, 35 P.S. §§ 4001 et seq. ("Air Pollution Control Act"), and the regulations promulgated thereunder.

B. DELCORA is a municipal authority with a headquarters address of 100 East Fifth Street, Chester, PA 19016. DELCORA owns and operates the Western Regional Treatment Plant at 3201 West Front Street, Chester, Delaware County, PA ("facility").

C. DELCORA operates two sewage sludge incinerators (Source ID No.001 & Source ID No.002) and associated control equipment under Air Quality Title V Operating Permit 23-00038 ("TVOP 23-00038"). These sources are equipped with continuous emissions monitors (CEMS). The parameter monitored by the CEMS is the incinerator temperature for each unit.

D. Title 25 Pa. Code § 127.444 states: "A person may not cause or permit the operation of a source subject to this article unless the source and air cleaning devices identified in the application for the plan approval and operating permit and the plan approval issued to the source are operated and maintained in accordance with the specifications in the application and conditions in the plan approval and operating permit issued by the Department. A person may not cause or permit the operation of an air contamination source subject to this chapter in a manner inconsistent with good operating practices."

E. TVOP 23-00038, Section D, Source ID Nos. 001 and 002, Condition No. 030(d) state that the temperature of hearth No. 1 shall be maintained, at a minimum of 1300°F.

F. DELCORA submitted its 3<sup>rd</sup> Quarter 2014 continuous emissions monitoring report to the Department on October 24, 2014. A review of this report revealed the following violations.

1. On August 7, 2014, DELCORA was in violation of the temperature limitation for Source ID #001.
2. On August 16, 2014, DELCORA was in violation of the temperature limitation for Source ID #002.

G. DELCORA's violations of the temperature limit as described in Paragraph F are contrary to TVOP 23-00038 which in turn constitute violations of 25 Pa. Code § 127.444.

H. The violations described in paragraph G constitute unlawful conduct under Section 8 of the Air Pollution Control Act, 35 P.S. § 4008, and subject DELCORA to a claim for civil penalties under Section 9.1 of the Air Pollution Control Act, 35 P.S. § 4009.1.

After full and complete negotiation of all matters set forth in this CACP and upon mutual exchange of covenants contained herein, the parties desiring to avoid litigation and intending to be legally bound, it is hereby **ASSESSED** by the Department and **AGREED** to by DELCORA as follows:

1. **Assessment.** In resolution of the Department's claim for civil penalties, which the Department is authorized to pursue under Section 9.1 of the Air Pollution Control Act, 35 P.S. § 4009.1, the Department hereby assesses a civil penalty of **FOUR HUNDRED DOLLARS (\$400.00)**, which DELCORA hereby agrees to pay.

2. **Civil Penalty Settlement.** Within 15 days of receipt of a signed copy of this CACP, DELCORA shall pay the civil penalty assessed in Paragraph 1. This payment is in settlement of the Department's claim for civil penalties for the violations set forth in Paragraph G, above, for the dates set forth in the same Paragraph F. The payment shall be by corporate check or the like, made payable to the "COMMONWEALTH OF PENNSYLVANIA, CLEAN AIR FUND" and sent to the Air Quality Compliance Specialist, Pennsylvania Department of Environmental Protection, Air Quality, 2 East Main Street, Norristown, PA 19401. Payment shall be accompanied by a Transmittal of Penalty Payment form (Form No. ER-AQ-3), a copy of which is enclosed.

3. **Findings.**

a. DELCORA agrees that the findings in Paragraphs A through H are true and correct and, in any matter or proceeding involving DELCORA and the Department, DELCORA shall not challenge the accuracy or validity of these findings.

b. The parties do not authorize any other persons to use the findings in this CACP in any matter or proceeding.

4. **Reservation of Rights.** The Department reserves all other rights with respect to any matter addressed by this CACP, including the right to require abatement of any conditions resulting from the events described in the Findings. DELCORA reserves the right to challenge any action which the Department may take, but waives the right to challenge the content or validity of this CACP.

IN WITNESS WHEREOF, the parties have caused this CACP to be executed by their duly authorized representatives. The undersigned representatives of DELCORA certify, under penalty of law, as provided by 18 Pa. C.S. § 4904, that they are authorized to execute this CACP on behalf of DELCORA ; that DELCORA consents to the entry of this CACP as an **ASSESSMENT** of the Department; that DELCORA hereby knowingly waives any right to a hearing under the statutes referenced in this CACP, which right may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, No. 1988-94, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provision of law.

**FOR DELAWARE COUNTY  
REGIONAL WATER QUALITY  
CONTROL AUTHORITY**

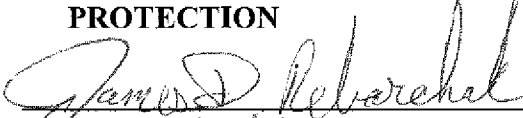
**FOR THE COMMONWEALTH OF  
PENNSYLVANIA**

**DEPARTMENT OF ENVIRONMENTAL  
PROTECTION**


  
Name Robert J. Willert Date 1/15/2015

Executive Director

Title

  
James D. Rebarchak Date 1/23/15  
Regional Manager  
Air Quality

  
Name Paul D. McNichol, Esq Date 1/15/15  
Attorney for Delaware County Regional  
Water Quality Control Authority

  
Martha Blasberg Date 1/23/2015  
Regional Counsel

January 15 2015

**TRANSMITTAL OF PENALTY PAYMENT**

PAYABLE TO: COMMONWEALTH OF PENNSYLVANIA - CLEAN AIR FUND

**MAILING ADDRESS:**

Department of Environmental Protection  
Bureau of Air Quality  
Air Quality Compliance Specialist  
2 East Main St.  
Norristown, PA 19401


**FROM:** DELCORA  
P. O. BOX 999  
CHESTER, PA 19016-0999

**RE:** Settlement Agreement with --

Ref: 3rd Quarter 2014 CEMS Violations  
(Temperature limitation violations  
on August 7 & 16, 2014)

**Company** DELCORA  
**Plant** WESTERN REGIONAL ,  
TREATMENT PLANT  
**Township** CITY OF CHESTER  
**County** DELAWARE  
**Date** (leave blank)  
(Agreement Entered Into)

As required by the above agreement, a payment in the amount of \$ 400.00  
is enclosed.

  
(Signature)  
Robert J. Willert  
Executive Director  
(Title)

Enclosure

Re 30 (WP)



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

RECEIVED  
JUN 22 2015

BY: 2015-0593

cc: orig file  
Disanto  
Willert } copy

June 18, 2015

Mr. Michael DiSantis  
Delaware County Regional  
Water Quality Control Authority  
100 East 5<sup>th</sup> Street  
PO Box 999  
Chester, PA 19016

Re: 4<sup>th</sup> Quarter 2014 and 1<sup>st</sup> Quarter 2015 CEMS Violations

Dear Mr. DiSantis:

Enclosed please find a Consent Assessment of Civil Penalty proposed as a means of settlement for specified violations of the Air Pollution Control Act and the regulations promulgated thereunder, which occurred at the Delaware County Regional Water Quality Control Authority ("DELCORA") Western Regional Treatment Plant, located at 3201 West Front Street, Chester Township, Delaware County, PA.

If DELCORA wishes to enter into a consent assessment, please sign the enclosed agreement and return it to the Department of Environmental Protection (DEP) within fifteen (15) days of the date of this letter. Upon receipt, I will obtain the remaining signatures, date the agreement, and return one fully executed copy to you.

DEP may convene a meeting to discuss the proposed civil penalty assessment, either by telephone or face-to-face, for the subject violations, if such a meeting is requested by DELCORA within fifteen (15) days of the date of this letter.

If DEP does not receive a request for a meeting or the signed agreement within fifteen (15) days of the date of this letter, DEP will take further enforcement action which may include issuing an assessment, order or other legal actions.



If you have any questions please do not hesitate to contact me by e-mail at [jranalli@pa.gov](mailto:jranalli@pa.gov) or at 484.250.7515.

Sincerely,

A handwritten signature in black ink, appearing to read "John J. Ranalli". The signature is fluid and cursive, with the last name "Ranalli" being more prominent.

John J. Ranalli  
Compliance Specialist  
Air Quality

Enclosure

cc: Mr. Stroble, Section Chief, AQ  
Mr. Mclemore, District Supervisor, AQ  
DELCORA, Enforcement File  
Re 30 (NM15) 168-03



DELAWARE COUNTY REGIONAL WATER QUALITY CONTROL AUTHORITY  
P.O. Box 999 • Chester, PA 19016-0999

July 2, 2015

FED EX – NEXT DAY

John J. Ranalli  
Compliance Specialist  
Air Quality  
PA Department of Environmental Protection  
Southeast Regional Office  
2 East Main Street  
Norristown, PA 19401-4915

RE: Title V Permit  
Notice of Violation and Penalty  
CEMS Violations – 4<sup>th</sup> Quarter 2014 & 1<sup>st</sup> Quarter 2015  
Consent Assessment of Civil Penalty

Dear Mr. Ranalli:

Per your letter of June 18, 2015, enclosed is the executed original of the Consent Assessment of Civil Penalty and DELCORA's check number 58532 in the amount of \$1,000.00 attached to the signed Transmittal of Penalty Payment form.

After PADEP execution of the Consent Assessment, please return one fully executed copy to DELCORA for our file.

Thank you.

Sincerely,

Michael J. DiSantis  
Director of Operations & Maintenance

MJD:bab  
enclosures

cc: via email link w/enclosure  
R. Willert  
D. Dutton  
I. Fitzgerald  
H. Bordley  
S. Babylon  
File w/encl.

ADMINISTRATION

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☐ 610-876-5523  
☐ FAX: 610-497-7950

**COMMONWEALTH OF PENNSYLVANIA**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**In the Matter of:**

Delaware County Regional Water Quality	:	Re: 4 <sup>th</sup> Quarter 2014 and 1 <sup>st</sup> Quarter 2015
Control Authority (DELCORA)	:	CEMS Violations
Western Regional Treatment Plant	:	
3201 West Front Street		
Chester, PA 19013		

**CONSENT ASSESSMENT OF CIVIL PENALTY**

This Consent Assessment of Civil Penalty ("CACP") is entered into this 8<sup>th</sup> day of July, 2015, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), and Delaware County Regional Water Quality Control Authority ("DELCORA").

The Department has found and determined the following:

A. The Department is the agency with the duty and authority to administer and enforce the Air Pollution Control Act, Act of January 8, 1960, P.L. 2119 (1959), as amended, 35 P.S. §§ 4001 et seq. ("Air Pollution Control Act"), and the regulations promulgated thereunder.

B. DELCORA is a municipal authority with a headquarters address of 100 East Fifth Street, Chester, PA 19016. DELCORA owns and operates the Western Regional Treatment Plant at 3201 West Front Street, Chester, Delaware County, PA ("facility").

C. DELCORA operates two sewage sludge incinerators (Source ID No.001 & Source ID No.002) and associated control equipment under Air Quality Title V Operating Permit 23-00038 ("TVOP 23-00038"). These sources are equipped with continuous emissions monitors (CEMS). The parameter monitored by the CEMS is the incinerator temperature for each unit.

D. Title 25 Pa. Code § 127.444 states: "A person may not cause or permit the operation of a source subject to this article unless the source and air cleaning devices identified in the application for the plan approval and operating permit and the plan approval issued to the source are operated and maintained in accordance with the specifications in the application and conditions in the plan approval and operating permit issued by the Department. A person may not cause or permit the operation of an air contamination source subject to this chapter in a manner inconsistent with good operating practices."

E. TVOP 23-00038, Section D, Source ID Nos. 001 and 002, Condition No. 030(d) state that the temperature of hearth No. 1 shall be maintained, at a minimum of 1300°F.

F. DELCORA submitted its 4<sup>th</sup> Quarter 2014 continuous emissions monitoring report to the Department on January 26, 2015. A review of this report revealed that on November 14 and December 29, 2014, Source ID #002 was in violation of the temperature limitation.

G. DELCORA submitted its 1<sup>st</sup> Quarter 2015 continuous emissions monitoring report to the Department on April 23, 2015. A review of this report revealed that on February 25, 2015, Source ID #002 was in violation of the temperature limitation.

H. DELCORA's violations of the temperature limit as described in Paragraphs F and G are contrary to TVOP 23-00038 which in turn constitute violations of 25 Pa. Code § 127.444.

I. The violations described in paragraph H constitute unlawful conduct under Section 8 of the Air Pollution Control Act, 35 P.S. § 4008, and subject DELCORA to a claim for civil penalties under Section 9.1 of the Air Pollution Control Act, 35 P.S. § 4009.1.

After full and complete negotiation of all matters set forth in this CACP and upon mutual exchange of covenants contained herein, the parties desiring to avoid litigation and intending to be legally bound, it is hereby **ASSESSED** by the Department and **AGREED** to by DELCORA as follows:

1. **Assessment.** In resolution of the Department's claim for civil penalties, which the Department is authorized to pursue under Section 9.1 of the Air Pollution Control Act, 35 P.S. § 4009.1, the Department hereby assesses a civil penalty of **ONE THOUSAND DOLLARS (\$1,000.00)**, which DELCORA hereby agrees to pay.

2. **Civil Penalty Settlement.** Within 15 days of receipt of a signed copy of this CACP, DELCORA shall pay the civil penalty assessed in Paragraph 1. This payment is in settlement of the Department's claim for civil penalties for the violations set forth in Paragraph H, above, for the dates set forth in the same Paragraph F and G. The payment shall be by corporate check or the like, made payable to the "COMMONWEALTH OF PENNSYLVANIA, CLEAN AIR FUND" and sent to the Air Quality Compliance Specialist, Pennsylvania Department of Environmental Protection, Air Quality, 2 East Main Street, Norristown, PA 19401. Payment shall be accompanied by a Transmittal of Penalty Payment form (Form No. ER-AQ-3), a copy of which is enclosed.

3. **Findings.**

a. DELCORA agrees that the findings in Paragraphs A through I are true and correct and, in any matter or proceeding involving DELCORA and the Department, DELCORA shall not challenge the accuracy or validity of these findings.

b. The parties do not authorize any other persons to use the findings in this CACP in any matter or proceeding.

4. **Reservation of Rights.** The Department reserves all other rights with respect to any matter addressed by this CACP, including the right to require abatement of any conditions resulting from the events described in the Findings. DELCORA reserves the right to challenge any action which the Department may take, but waives the right to challenge the content or validity of this CACP.

IN WITNESS WHEREOF, the parties have caused this CACP to be executed by their duly authorized representatives. The undersigned representatives of DELCORA certify, under penalty of law, as provided by 18 Pa. C.S. § 4904, that they are authorized to execute this CACP on behalf of DELCORA ; that DELCORA consents to the entry of this CACP as an ASSESSMENT of the Department; that DELCORA hereby knowingly waives any right to a hearing under the statutes referenced in this CACP, which right may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, No. 1988-94, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provision of law.

**FOR DELAWARE COUNTY  
REGIONAL WATER QUALITY  
CONTROL AUTHORITY**

**FOR THE COMMONWEALTH OF  
PENNSYLVANIA**


**DEPARTMENT OF ENVIRONMENTAL  
PROTECTION**

 6/29/15

Name Robert J. Willert  
Executive Director

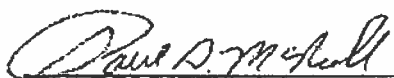
Date

Title

 7/6/15

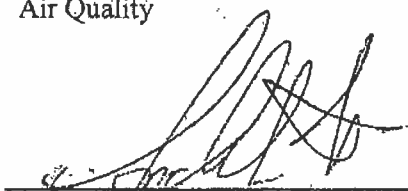
James D. Rebarchak  
Regional Manager  
Air Quality

Date

 6/30/15

Name Paul McNichol /  
Attorney for Delaware County Regional  
Water Quality Control Authority

Date

 7/8/15

Anderson Hartzell  
Regional Counsel

Date

**TRANSMITTAL OF PENALTY PAYMENT**

PAYABLE TO: COMMONWEALTH OF PENNSYLVANIA - CLEAN AIR FUND

**MAILING ADDRESS:**Department of Environmental Protection  
Bureau of Air Quality  
Air Quality Compliance Specialist  
2 East Main St.  
Norristown, PA 19401**FROM:** DELCORA  
P. O. BOX 999  
CHESTER, PA 19016-0999**RE:** Settlement Agreement with --Ref: 4th Quarter 2014 CEMS Violations  
(Temperature limitation violations  
on Nov. 14 & Dec. 29, 2014)  
1<sup>st</sup> Quarter 2015 CEMS Violations  
(Temperature limitation violation  
on Feb. 25, 2015)**Company** DELCORA  
**Plant** WESTERN REGIONAL  
TREATMENT PLANT  
**Township** CITY OF CHESTER  
**County** DELAWARE  
**Date** (leave blank)  
(Agreement Entered Into)As required by the above agreement, a payment in the amount of \$ 1,000.00  
is enclosed.  
(Signature)Robert J. Willert  
Executive Director  
(Title)

Enclosure

Re 30 (WP)



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

November 2, 2015

Mr. Michael DiSantis  
Delaware County Regional Water Quality Control Authority  
100 East 5<sup>th</sup> Street  
P.O. Box 999  
Chester, PA 19016

Re: 2<sup>nd</sup> Quarter 2015 CEMS Violations  
Chester City  
Delaware County

*Orig: M. DiSantis*  
RECEIVED  
NOV 5 - 2015

BY: 2015-1095  
cc: File Copy

*E. Bothwell  
D. Dutton  
M. Sweeney*

Dear Mr. DiSantis:

Enclosed please find a Consent Assessment of Civil Penalty proposed as a means of settlement for specified violations of the Air Pollution Control Act and the regulations promulgated thereunder, which occurred at the Delaware County Regional Water Quality Control Authority ("DELCORA") Western Regional Treatment Plant, located at 3201 West Front Street, Chester, Delaware County, PA.

If DELCORA wishes to enter into a consent assessment, please sign the enclosed agreement and return it to the Department of Environmental Protection (DEP) within fifteen (15) days of the date of this letter. Upon receipt, I will obtain the remaining signatures, date the agreement, and return one fully executed copy to you.

DEP may convene a meeting, either face-to-face or by telephone, to discuss the proposed civil penalty assessment for the subject violations, if such a meeting is requested by DELCORA within fifteen (15) days of the date of this letter.

If DEP does not receive a request for a meeting or the signed agreement within fifteen (15) days of the date of this letter, DEP will take further enforcement action which may include issuing an assessment, order or other legal actions.

If you have any questions, please do not hesitate to contact me by e-mail at [jjranalli@pa.gov](mailto:jjranalli@pa.gov) or by telephone at 484.250.7515.

Sincerely,

John J. Ranalli  
Compliance Specialist  
Air Quality

Enclosure

cc: Mr. Stroble  
Mr. Mclemore  
Enforcement File  
Re 30 (NM15) 303-03

Southeast Regional Office

2 East Main Street | Norristown, PA 19401-4915 | 484.250.5920 | Fax 484.250.5921 | [www.depweb.state.pa.us](http://www.depweb.state.pa.us)



DELAWARE COUNTY REGIONAL WATER QUALITY CONTROL AUTHORITY  
P.O. Box 999 • Chester, PA 19016-0999

November 10, 2015

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

John J. Ranalli  
Compliance Specialist  
Air Quality  
PA Department of Environmental Protection  
Southeast Regional Office  
2 East Main Street  
Norristown, PA 19401-4915

RE: Title V Permit  
Notice of Violation and Penalty  
CEMS Violations – 2<sup>nd</sup> Quarter 2015  
Consent Assessment of Civil Penalty

Dear Mr. Ranalli:

Per your letter of November 2, 2015, enclosed is the executed original of the Consent Assessment of Civil Penalty and DELCORA's check number 59830 in the amount of \$1,200.00 attached to the signed Transmittal of Penalty Payment form.

After PADEP execution of the Consent Assessment, please return one fully executed copy to DELCORA for our file.

Thank you.

Sincerely,

Michael J. DiSantis  
Director of Operations & Maintenance

MJD:bab  
enclosures

cc: via email w/enclosure  
R. Willert  
D. Dutton  
I. Fitzgerald  
H. Bordley  
S. Babylon  
File w/encl.

ADMINISTRATION

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**COMMONWEALTH OF PENNSYLVANIA**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**In the Matter of:**

Delaware County Regional Water Quality                   : Re: 2<sup>nd</sup> Quarter 2015 CEMS Violations  
Control Authority (DELCORA)                               :  
Western Regional Treatment Plant                       :  
3201 West Front Street  
Chester, PA 19013

**CONSENT ASSESSMENT OF CIVIL PENALTY**

This Consent Assessment of Civil Penalty ("CACP") is entered into this \_\_\_\_ day of \_\_\_\_\_, 2015, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), and Delaware County Regional Water Quality Control Authority ("DELCORA").

The Department has found and determined the following:

A. The Department is the agency with the duty and authority to administer and enforce the Air Pollution Control Act, Act of January 8, 1960, P.L. 2119 (1959), as amended, 35 P.S. §§ 4001 et seq. ("Air Pollution Control Act"), and the regulations promulgated thereunder.

B. DELCORA is a municipal authority with a headquarters address of 100 East Fifth Street, Chester, PA 19016. DELCORA owns and operates the Western Regional Treatment Plant at 3201 West Front Street, Chester, Delaware County, PA ("facility").

C. DELCORA operates two sewage sludge incinerators (Source ID No.001 & Source ID No.002) and associated control equipment under Air Quality Title V Operating Permit 23-00038 ("TVOP 23-00038"). These sources are equipped with continuous emissions monitors (CEMS). The parameter monitored by the CEMS is the incinerator temperature for each unit.

D. Title 25 Pa. Code § 127.444 states: "A person may not cause or permit the operation of a source subject to this article unless the source and air cleaning devices identified in the application for the plan approval and operating permit and the plan approval issued to the source are operated and maintained in accordance with the specifications in the application and conditions in the plan approval and operating permit issued by the Department. A person may not cause or permit the operation of an air contamination source subject to this chapter in a manner inconsistent with good operating practices."

E. TVOP 23-00038, Section D, Source ID Nos. 001 and 002, Condition No. 030(d) state that the temperature of hearth No. 1 shall be maintained, at a minimum of 1300°F.

F. DELCORA submitted its 2<sup>nd</sup> Quarter 2015 continuous emissions monitoring report to the Department on July 27, 2015. A review of this report revealed the following violations.

1. On May 31 and June 27, 2015, Source ID #001 was in violation of the temperature limitation.
2. On April 21, May 20, June 8 and 9, 2015, Source ID #002 was in violation of the temperature limitation.

G. DELCORA's violations of the temperature limit as described in Paragraph F are contrary to TVOP 23-00038 which in turn constitutes violations of 25 Pa. Code § 127.444.

H. The violations described in paragraph G constitute unlawful conduct under Section 8 of the Air Pollution Control Act, 35 P.S. § 4008, and subject DELCORA to a claim for civil penalties under Section 9.1 of the Air Pollution Control Act, 35 P.S. § 4009.1.

After full and complete negotiation of all matters set forth in this CACP and upon mutual exchange of covenants contained herein, the parties desiring to avoid litigation and intending to be legally bound, it is hereby **ASSESSED** by the Department and **AGREED** to by DELCORA as follows:

1. **Assessment.** In resolution of the Department's claim for civil penalties, which the Department is authorized to pursue under Section 9.1 of the Air Pollution Control Act, 35 P.S. § 4009.1, the Department hereby assesses a civil penalty of **ONE THOUSAND TWO HUNDRED DOLLARS (\$1,200.00)**, which DELCORA hereby agrees to pay.

2. **Civil Penalty Settlement.** Within 15 days of receipt of a signed copy of this CACP, DELCORA shall pay the civil penalty assessed in Paragraph 1. This payment is in settlement of the Department's claim for civil penalties for the violations set forth in Paragraph G, above, for the dates set forth in the same Paragraph F. The payment shall be by corporate check or the like, made payable to the "COMMONWEALTH OF PENNSYLVANIA, CLEAN AIR FUND" and sent to the Air Quality Compliance Specialist, Pennsylvania Department of Environmental Protection, Air Quality, 2 East Main Street, Norristown, PA 19401. Payment shall be accompanied by a Transmittal of Penalty Payment form (Form No. ER-AQ-3), a copy of which is enclosed.

3. **Findings.**

a. DELCORA agrees that the findings in Paragraphs A through H are true and correct and, in any matter or proceeding involving DELCORA and the Department, DELCORA shall not challenge the accuracy or validity of these findings.

b. The parties do not authorize any other persons to use the findings in this CACP in any matter or proceeding.


4. **Reservation of Rights.** The Department reserves all other rights with respect to any matter addressed by this CACP, including the right to require abatement of any conditions resulting from the events described in the Findings. DELCORA reserves the right to challenge any action which the Department may take, but waives the right to challenge the content or validity of this CACP.

IN WITNESS WHEREOF, the parties have caused this CACP to be executed by their duly authorized representatives. The undersigned representatives of DELCORA certify, under penalty of law, as provided by 18 Pa. C.S. § 4904, that they are authorized to execute this CACP on behalf of DELCORA ; that DELCORA consents to the entry of this CACP as an **ASSESSMENT** of the Department; that DELCORA hereby knowingly waives any right to a hearing under the statutes referenced in this CACP, which right may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, No. 1988-94, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provision of law.

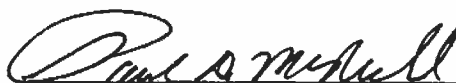
**FOR DELAWARE COUNTY  
REGIONAL WATER QUALITY  
CONTROL AUTHORITY**

**FOR THE COMMONWEALTH OF  
PENNSYLVANIA**

**DEPARTMENT OF ENVIRONMENTAL  
PROTECTION**

 11/9/2015  
\_\_\_\_\_  
Name Date  
Robert J. Willert  
Executive Director  
\_\_\_\_\_  
Title

\_\_\_\_\_  
James D. Rebarchak Date  
Regional Manager  
Air Quality

 11/9/2015  
\_\_\_\_\_  
Name Paul D. McNichol, Esq Date  
Attorney for Delaware County Regional  
Water Quality Control Authority

\_\_\_\_\_  
Anderson Hartzel Date  
Regional Counsel

November 9 2015

**TRANSMITTAL OF PENALTY PAYMENT**

PAYABLE TO: COMMONWEALTH OF PENNSYLVANIA - CLEAN AIR FUND

**MAILING ADDRESS:**

Department of Environmental Protection  
Bureau of Air Quality  
Air Quality Compliance Specialist  
2 East Main St.  
Norristown, PA 19401

**FROM:** DELCORA  
P. O. BOX 999  
CHESTER, PA 19016-0999

**RE:** Settlement Agreement with --

Ref: 2nd Quarter 2015 CEMS Violations  
(Temp limitation violation on 5/31 & 6/27 on  
Inc. #1)  
  
(Temp limitation violation on 4/21; 5/20; 6/8 &  
6/9 on Inc. #2)

<b>Company</b>	<u>DELCORA</u>
<b>Plant</b>	<u>WESTERN REGIONAL TREATMENT PLANT</u>
<b>Township</b>	<u>CITY OF CHESTER</u>
<b>County</b>	<u>DELAWARE</u>
<b>Date</b>	<u>(leave blank)</u> (Agreement Entered Into)

As required by the above agreement, a payment in the amount of \$ 1,200.00  
is enclosed.

  
(Signature)

Robert J. Willert  
Executive Director  
(Title)

Enclosure

Re 30 (WP)

Orig. File Copy  
**RECEIVED**  
DEC 18 2015  
BY: 2015-1250

December 15, 2015

Mr. Michael DiSantis  
Delaware County Regional  
Water Quality Control Authority  
100 East 5<sup>th</sup> Street  
P.O. Box 999  
Chester, PA 19016

CC: B. Willent, Ed Bothwell  
M. DiSantis, S. Foley,  
Fwd: BAB

Re: Operating Permit and Plan Approval Violations  
Operating Permit No. TVOP-23-00038,  
Plan Approval No. 23-0038E

Dear Mr. DiSantis:

Enclosed please find a Consent Assessment of Civil Penalty proposed as a means of settlement for specified violations of the Air Pollution Control Act and the regulations promulgated thereunder, which occurred at the Delaware County Regional Water Quality Control Authority (DELCORA) Western Regional Treatment Plant, located at 3201 West Front Street, Chester Township, Delaware County, PA.

If DELCORA wishes to enter into a consent assessment, please sign the enclosed agreement and return it to the Department of Environmental Protection (DEP) within fifteen (15) days of the date of this letter. Upon receipt, I will obtain the remaining signatures, date the agreement, and return one fully executed copy to you.

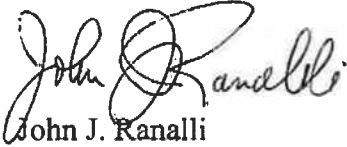
DEP may convene a meeting to discuss the proposed civil penalty assessment, either by telephone or face-to-face, for the subject violations, if such a meeting is requested by DELCORA within fifteen (15) days of the date of this letter.

If DEP does not receive a request for a meeting or the signed agreement within fifteen (15) days of the date of this letter, DEP will take further enforcement action which may include issuing an assessment, order or other legal actions.

PENALTY AMOUNT  
WAS  
REVISED

If you have any questions please do not hesitate to contact me by e-mail at jranalli@pa.gov or at 484.250.7515.

Sincerely,

A handwritten signature in black ink, appearing to read "John J. Ranalli". The signature is fluid and cursive, with the first name "John" and last name "Ranalli" clearly distinguishable.

John J. Ranalli  
Compliance Specialist  
Air Quality

Enclosure

cc: Mr. Stroble, Section Chief, AQ  
Mr. Mclemore, District Supervisor, AQ  
DELCORA, Enforcement File  
Re 30 (NM15) 348-01



DELAWARE COUNTY REGIONAL WATER QUALITY CONTROL AUTHORITY  
P.O. Box 999 • Chester, PA 19016-0999

December 24, 2015

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

John J. Ranalli  
Compliance Specialist  
Air Quality  
PA Department of Environmental Protection  
Southeast Regional Office  
2 East Main Street  
Norristown, PA 19401-4915

RE: Title V Permit  
Notice of Violation and Penalty  
Operating Permit and Plan Approval Violations  
Consent Assessment of Civil Penalty

Dear Mr. Ranalli:

Per your letter of December 15, 2015, enclosed is the executed original of the Consent Assessment of Civil Penalty and DELCORA's check number 60144 in the amount of \$6,270.00 attached to the signed Transmittal of Penalty Payment form.

After PADEP execution of the Consent Assessment, please return one fully executed copy to DELCORA for our file.

Thank you.

Sincerely,

Michael J. DiSantis  
Director of Operations & Maintenance

MJD:vm /bab  
enclosures

cc: via email link w/enclosure  
R. Willert  
E. Bothwell  
D. Dutton  
I. Fitzgerald  
H. Bordley  
S. Babylon  
File w/encl.

ADMINISTRATION

☐ 610-876-5523

☐ FAX: 610-876-2728

CUSTOMER SERVICE/BILLING

☐ 610-876-5526

☐ FAX: 610-876-1460

PURCHASING & STORES

☐ 610-876-5523

☐ FAX: 610-497-7959

PLANT & MAINTENANCE

☐ 610-876-5523

☐ FAX: 610-497-7950

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DEP - RECEIVED  
SOUTHEAST REGION  
DEC 28 '15

**In the Matter of:**

Delaware County Regional Water Quality : Re: Operating Permit Violations  
Control Authority ("DELCORA") :  
Western Regional Treatment Plant :  
3201 West Front Street :  
Chester, PA 19013

**CONSENT ASSESSMENT OF CIVIL PENALTY**

This Consent Assessment of Civil Penalty ("CACP") is entered into this 30<sup>th</sup> day of DECEMBER, 2015, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), and Delaware County Regional Water Quality Control Authority ("DELCORA").

The Department has found and determined the following:

- A. The Department is the agency with the duty and authority to administer and enforce the Air Pollution Control Act, Act of January 8, 1960, P.L. 2119 (1959), as amended, 35 P.S. §§ 4001 et seq. ("Air Pollution Control Act"), and the regulations promulgated thereunder.
- B. DELCORA is municipal authority with a headquarters address of 100 East Fifth Street, Chester, PA 19016. DELCORA owns and operates the Western Regional Treatment Plant at 3201 West Front Street, Chester, Delaware County, PA ("facility").
- C. DELCORA operates various air contamination sources and associated control equipment under Air Quality Title V Operating Permit 23-00038 ("TVOP 23-00038") and Plan Approval 23-0038E ("PA 23-0038E").
- D. Title 25 Pa. Code § 127.444 states: "A person may not cause or permit the operation of a source subject to this article unless the source and air cleaning devices identified in the application for the plan approval and operating permit and the plan approval issued to the source are operated and maintained in accordance with the specifications in the application and conditions in the plan approval and operating permit issued by the Department. A person may not cause or permit the operation of an air contamination source subject to this chapter in a manner inconsistent with good operating practices."
- E. Title 25 Pa. Code § 127.11 states that a person may not cause or permit the construction or modification of an air contamination source or the installation of an air cleaning device or an air contamination source unless the construction, modification, or installation has been approved by the Department.
- F. Title 25 Pa. Code § 127.25 states that a person may not cause or permit the operation of a source subject to § 127.11 (relating to plan approval requirements), unless the source and air cleaning



devices identified in the application for the plan approval and the plan approval issued to the source, are operated and maintained in accordance with specifications in the application and conditions in the plan approval issued by the Department. A person may not cause or permit the operation of an air contamination source subject to this chapter in a manner inconsistent with good operating practices.

G. TVOP 23-00038, Section C, Condition No. 018, requires the permittee to monitor the facility, once per operating day, for objectionable odors, fugitive particulate emissions, and visible emissions:

H. TVOP 23-00038, Section C, Condition No. 022, requires the permittee to keep records of all monitoring of fugitive emissions, visible emissions and odors for a minimum of five years.

I. TVOP 23-00038, Section C, Condition Number 031(b) requires the permittee to annually test sludge generated by outside sources based on the quantity accepted.

J. TVOP 23-00038, Section D, Source Nos. 001 and 002, Sewage Sludge Incinerators 1 and 2, condition #007, limits the dry solids feed to each incinerator to 48 tons per day.

K. PA 23-0038E, Section D, Source No. C05, Sludge Holding Tanks & Building B-4 Scrubber, condition #010, requires the permittee to provide detailed Standard Operating Procedures and Preventative Maintenance Schedules for the scrubber system to the Department for review and approval within 60 days of construction of the scrubber system. Construction was completed on July 25, 2014, so the report was due on or before September 22, 2014. It was not submitted until the February 2015 compliance inspection.

L. On February 3 and 4, 2015, a Department representative conducted inspections of the facility. During the inspections, the representative noted the following violations.

1. Daily dry solids exceedances of the 48-ton limit occurred as noted in the below table.

Incinerator #1		Incinerator #2	
Date	Throughput	Date	Throughput
2/22/14	49.2 tons	5/2/14	55.48 tons
5/23/14	51.28 tons		
8/13/14	48.85 tons		
8/14/14	48.54 tons		
9/26/14	51.78 tons		
10/17/14	48.82 tons		

2. The facility failed to monitor for objectionable odors, fugitive particulate emissions, and visible emissions on; January 29 and February 5, 2013, February 1, February 12, February 13, February 27, April 12, April 24, May 21, and June 7, 2014.
3. The facility failed to perform sampling of sludge received from East Norriton-Plymouth-Whitpain Joint Sewer Authority during 2013.
4. The facility failed to submit detailed Standard Operating Procedures and Preventative Maintenance Schedules for the scrubber system to the Department within 60 days after completion of construction of the scrubber system. This report was due on or before September 22, 2015, but was not received until February 3, 2015.

M. The throughput exceedances, failure to monitor, and failure to sample violations described in Paragraphs L1 through L3 are contrary to TVOP 23-00038 and PA and therefore constitute violations of 25 Pa. Code § 127.444.

N. The notification violation described in Paragraph L4 is contrary to PA 23-0038E and therefore constitute violations of 25 Pa. Code § 127.25.

O. The violations described in paragraphs M and N constitute unlawful conduct under Section 8 of the Air Pollution Control Act, 35 P.S. § 4008, and subject DELCORA to a claim for civil penalties under Section 9.1 of the Air Pollution Control Act, 35 P.S. § 4009.1.

After full and complete negotiation of all matters set forth in this CACP and upon mutual exchange of covenants contained herein, the parties desiring to avoid litigation and intending to be legally bound, it is hereby **ASSESSED** by the Department and **AGREED** to by DELCORA as follows:

1. **Assessment.** In resolution of the Department's claim for civil penalties, which the Department is authorized to pursue under Section 9.1 of the Air Pollution Control Act, 35 P.S. § 4009.1, the Department hereby assesses a civil penalty of **SIX THOUSAND TWO HUNDRED AND SEVENTY DOLLARS (\$6,270.00)**, which DELCORA hereby agrees to pay.

2. **Civil Penalty Settlement.** Within 15 days of receipt of a signed copy of this CACP, DELCORA shall pay the civil penalty assessed in Paragraph 1. This payment is in settlement of the Department's claim for civil penalties for the violations set forth in Paragraphs M and N, above, for the dates set forth in Paragraph L, above. The payment shall be by corporate check or the like, made payable to the "COMMONWEALTH OF PENNSYLVANIA, CLEAN AIR FUND" and sent to the Air Quality Compliance Specialist, Pennsylvania Department of Environmental Protection, Air Quality, 2 East Main Street, Norristown, PA 19401. Payment shall be accompanied by a Transmittal of Penalty Payment form (Form No. ER-AQ-3), a copy of which is enclosed.

3. **Findings.**

a. DELCORA agrees that the findings in Paragraphs A through O are true and correct and, in any matter or proceeding involving DELCORA and the Department, DELCORA shall not challenge the accuracy or validity of these findings.

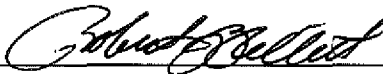
b. The parties do not authorize any other persons to use the findings in this CACP in any matter or proceeding.

4. **Reservation of Rights.** The Department reserves all other rights with respect to any matter addressed by this CACP, including the right to require abatement of any conditions resulting from the events described in the Findings. DELCORA reserves the right to challenge any action which the Department may take, but waives the right to challenge the content or validity of this CACP.

IN WITNESS WHEREOF, the parties have caused this CACP to be executed by their duly authorized representatives. The undersigned representatives of DELCORA certify, under penalty of law, as provided by 18 Pa. C.S. § 4904, that they are authorized to execute this CACP on behalf of DELCORA; that DELCORA consents to the entry of this CACP as an **ASSESSMENT** of the Department; that DELCORA hereby knowingly waives any right to a hearing under the statutes referenced in this CACP, which right may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, No. 1988-94, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provision of law.

**FOR DELAWARE COUNTY  
REGIONAL WATER QUALITY  
CONTROL AUTHORITY**

**FOR THE COMMONWEALTH OF  
PENNSYLVANIA DEPARTMENT OF  
ENVIRONMENTAL  
PROTECTION**

 12/23/15  
\_\_\_\_\_  
Name Date

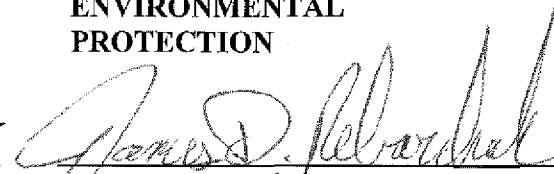
Robert J. Willert  
Executive Director

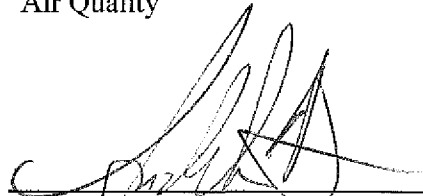
\_\_\_\_\_  
Title

 12/23/2015  
\_\_\_\_\_  
Name Date

Attorney for Delaware County Regional  
Water Quality Control Authority

J. Adam Matlawski  
Esquire

 12/30/15  
\_\_\_\_\_  
Name Date  
James D. Rebarchak  
Regional Manager  
Air Quality

 12/30/15  
\_\_\_\_\_  
Name Date  
Anderson Hartzel  
Regional Counsel

December 23 2015

**TRANSMITTAL OF PENALTY PAYMENT**

PAYABLE TO: COMMONWEALTH OF PENNSYLVANIA - CLEAN AIR FUND

**MAILING ADDRESS:**

Department of Environmental Protection  
Bureau of Air Quality  
Air Quality Compliance Specialist  
2 East Main St.  
Norristown, PA 19401

**FROM:** DELCORA  
P. O. BOX 999  
CHESTER, PA 19016-0999

**RE:** Settlement Agreement with --

Ref: Operating Permit and Plan Approval Violations  
(Various Dates)

<b>Company</b>	<u>DELCORA</u>
<b>Plant</b>	<u>WESTERN REGIONAL TREATMENT PLANT</u>
<b>Township</b>	<u>CITY OF CHESTER</u>
<b>County</b>	<u>DELAWARE</u>
<b>Date</b>	<u>(leave blank)</u> (Agreement Entered Into)

As required by the above agreement, a payment in the amount of \$ 6,270.00  
is enclosed.

  
(Signature)

Robert J. Willert  
Executive Director

(Title)

Enclosure

Re 30 (WP)



DELAWARE COUNTY REGIONAL WATER QUALITY CONTROL AUTHORITY  
P.O. Box 999 • Chester, PA 19016-0999

June 17, 2016

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

John J. Ranalli  
Compliance Specialist  
Air Quality  
PA Department of Environmental Protection  
Southeast Regional Office  
2 East Main Street  
Norristown, PA 19401-4915

RE: Title V Permit  
Notice of Violation and Penalty  
CEMS Violations – 3<sup>rd</sup> & 4<sup>th</sup> Quarter 2015 & 1<sup>st</sup> Quarter 2016  
Consent Assessment of Civil Penalty

Dear Mr. Ranalli:

Per your email of June 16, 2016, enclosed is the executed original of the Consent Assessment of Civil Penalty and DELCORA's check number 61262 in the amount of \$3,900.00 attached to the signed Transmittal of Penalty Payment form.

After PADEP execution of the Consent Assessment, please return one fully executed copy to DELCORA for our file.

Thank you.

Sincerely,

Michael J. DiSantis  
Director of Operations & Maintenance

MJD:bab  
enclosures

cc: via email link w/enclosure  
R. Willert  
D. Dutton  
I. Fitzgerald  
H. Bordley  
S. Babylon  
File w/encl.

**ADMINISTRATION**

☐ 610-876-5523  
☐ FAX: 610-876-2728

**CUSTOMER SERVICE/BILLING**

☐ 610-876-5526  
☐ FAX: 610-876-1460

**PURCHASING & STORES**

☐ 610-876-5523  
☐ FAX: 610-497-7959

**PLANT & MAINTENANCE**

☐ 610-876-5523  
☐ FAX: 610-497-7950

*Rec'd Via Email*

**RECEIVED**  
JUN 28 2016  
*2016-0760*

**COMMONWEALTH OF PENNSYLVANIA**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**In the Matter of:**

Delaware County Regional Water Quality Control Authority ("DELCORA")	:	Re: Operating Permit Violations
Western Regional Treatment Plant	:	CEMS Violations for 3 <sup>rd</sup> and 4 <sup>th</sup> Quarter
3201 West Front Street	:	2015; 1 <sup>st</sup> Quarter 2016
Chester, PA 19013	:	

**CONSENT ASSESSMENT OF CIVIL PENALTY**

This Consent Assessment of Civil Penalty ("CACP") is entered into this 27<sup>th</sup> day of June, 2016, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), and Delaware County Regional Water Quality Control Authority ("DELCORA").

The Department has found and determined the following:

A. The Department is the agency with the duty and authority to administer and enforce the Air Pollution Control Act, Act of January 8, 1960, P.L. 2119 (1959), as amended, 35 P.S. §§ 4001 et seq. ("Air Pollution Control Act"), and the regulations promulgated thereunder.

B. DELCORA is municipal authority with a headquarters address of 100 East Fifth Street, Chester, PA 19016. DELCORA owns and operates the Western Regional Treatment Plant at 3201 West Front Street, Chester, Delaware County, PA ("facility").

C. DELCORA operates various air contamination sources and associated control equipment under Air Quality Title V Operating Permit 23-00038 ("TVOP 23-00038"). These sources are equipped with continuous emissions monitors (CEMS). The parameter monitored by the CEMS is the incinerator temperature for two sewage sludge incinerators (Source ID No.001 & Source ID No.002).

D. Title 25 Pa. Code § 127.444 states: "A person may not cause or permit the operation of a source subject to this article unless the source and air cleaning devices identified in the application for the plan approval and operating permit and the plan approval issued to the source are operated and maintained in accordance with the specifications in the application and conditions in the plan approval and operating permit issued by the Department. A person may not cause or permit the operation of an air contamination source subject to this chapter in a manner inconsistent with good operating practices."

E. TVOP 23-00038, Section D, Source ID Nos. 001 and 002, Condition No. 030(d) state that the temperature of hearth No. 1 shall be maintained, at a minimum of 1300°F.

F. TVOP 23-00038, Section D, Source Nos. 001 and 002, Sewage Sludge Incinerators 1 and 2, condition #007, limits the dry solids feed to each incinerator to 48 tons per day.

G. On September 11, 2015, a Department representative conducted a review of the facility's semiannual Plantwide Applicability Limit ("PAL") report for the period January 1 through June 30, 2015. During the review, the representative noted that the following violations for sewage sludge Incinerator #2;

Daily dry solids exceedances of the 48-ton limit occurred as noted in the below table.

Incinerator #2	
Date	Throughput
6/5/15	49.33 tons
6/7/15	49.65 tons
6/8/15	53.56 tons

H. DELCORA submitted its 3<sup>rd</sup> Quarter 2015 continuous emissions monitoring report to the Department on October 29, 2015. A review of this report revealed that on September 21, 2015, Source ID #002 was in violation of the temperature limitation.

I. DELCORA submitted its 4<sup>th</sup> Quarter 2015 continuous emissions monitoring report to the Department on February 3, 2016. A review of this report revealed the following violations.

1. On October 5, 6, 19, and 20, 2015, Source ID #001 was in violation of the temperature limitation.
2. On October 30, December 10, and December 19, 2015, Source ID #002 was in violation of the temperature limitation.

J. DELCORA submitted its 1<sup>st</sup> Quarter 2016 continuous emissions monitoring report to the Department on April 20, 2016. A review of this report revealed that on January 4, 13, and 25, 2016, February 4, 2016, and March 5, 2016, Source ID #002 was in violation of the temperature limitation.

K. The throughput exceedances and CEMS violations of the temperature limit as described in Paragraphs G, H, I and J are contrary to TVOP 23-00038 and therefore constitute violations of 25 Pa. Code § 127.444.

L. The violations described in paragraph K constitute unlawful conduct under Section 8 of the Air Pollution Control Act, 35 P.S. § 4008, and subject DELCORA to a claim for civil penalties under Section 9.1 of the Air Pollution Control Act, 35 P.S. § 4009.1.

After full and complete negotiation of all matters set forth in this CACP and upon mutual exchange of covenants contained herein, the parties desiring to avoid litigation and intending to be legally bound, it is hereby **ASSESSED** by the Department and **AGREED** to by DELCORA as follows:

1. **Assessment.** In resolution of the Department's claim for civil penalties, which the Department is authorized to pursue under Section 9.1 of the Air Pollution Control Act, 35 P.S. § 4009.1, the Department hereby assesses a civil penalty of **THREE THOUSAND NINE HUNDRED DOLLARS (\$3,900.00)**, which DELCORA hereby agrees to pay.

2. **Civil Penalty Settlement.** Within 15 days of receipt of a signed copy of this CACP, DELCORA shall pay the civil penalty assessed in Paragraph 1. This payment is in settlement of the Department's claim for civil penalties for the violations set forth in Paragraphs K, above, for the dates set forth in Paragraphs G, H, I and J, above. The payment shall be by corporate check or the like, made

payable to the "COMMONWEALTH OF PENNSYLVANIA, CLEAN AIR FUND" and sent to the Air Quality Compliance Specialist, Pennsylvania Department of Environmental Protection, Air Quality, 2 East Main Street, Norristown, PA 19401. Payment shall be accompanied by a Transmittal of Penalty Payment form (Form No. ER-AQ-3), a copy of which is enclosed.

3. **Findings.**



- a. DELCORA agrees that the findings in Paragraphs A through L are true and correct and, in any matter or proceeding involving DELCORA and the Department, DELCORA shall not challenge the accuracy or validity of these findings.
- b. The parties do not authorize any other persons to use the findings in this CACP in any matter or proceeding.

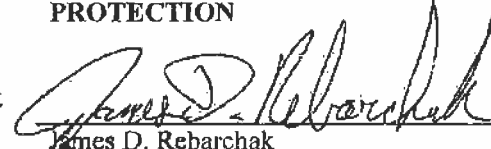
4. **Reservation of Rights.** The Department reserves all other rights with respect to any matter addressed by this CACP, including the right to require abatement of any conditions resulting from the events described in the Findings. DELCORA reserves the right to challenge any action which the Department may take, but waives the right to challenge the content or validity of this CACP.

**IN WITNESS WHEREOF**, the parties have caused this CACP to be executed by their duly authorized representatives. The undersigned representatives of DELCORA certify, under penalty of law, as provided by 18 Pa. C.S. § 4904, that they are authorized to execute this CACP on behalf of DELCORA ; that DELCORA consents to the entry of this CACP as an **ASSESSMENT** of the Department; that DELCORA hereby knowingly waives any right to a hearing under the statutes referenced in this CACP, which right may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, No. 1988-94, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provision of law.

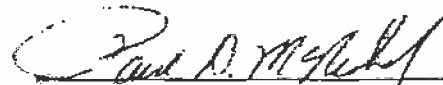
**FOR DELAWARE COUNTY  
REGIONAL WATER QUALITY  
CONTROL AUTHORITY**

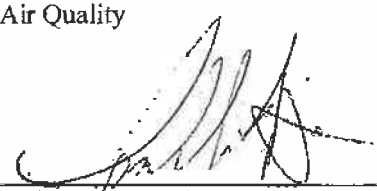
**FOR THE COMMONWEALTH OF  
PENNSYLVANIA DEPARTMENT OF  
ENVIRONMENTAL  
PROTECTION**

  
Name Robert J. Willert Date 6/16/16  
Executive Director  
  
Title Executive Director

  
James D. Rebarchak  
Regional Manager  
Air Quality

  
Date 6/27/16

  
Name Paul D. McNichol, Esq. Date 6/16/16  
Attorney for Delaware County Regional  
Water Quality Control Authority

  
Anderson Hartzel  
Regional Counsel

  
Date 6/29/16



June 17 2016

**TRANSMITTAL OF PENALTY PAYMENT**

PAYABLE TO: COMMONWEALTH OF PENNSYLVANIA - CLEAN AIR FUND

**MAILING ADDRESS:** Department of Environmental Protection  
Bureau of Air Quality  
Air Quality Compliance Specialist  
2 East Main St.  
Norristown, PA 19401


**FROM:** DELCORA  
P. O. BOX 999  
CHESTER, PA 19016-0999

**RE:** Settlement Agreement with --

Ref: Operating Permit Violations  
CEMS Violations for 3<sup>rd</sup> & 4<sup>th</sup> Quarter 2015;  
1<sup>st</sup> Quarter 2016

<b>Company</b>	<u>DELCORA</u>
<b>Plant</b>	<u>WESTERN REGIONAL TREATMENT PLANT</u>
<b>Township</b>	<u>CITY OF CHESTER</u>
<b>County</b>	<u>DELAWARE</u>
<b>Date</b>	<u>(leave blank)</u> (Agreement Entered Into)

As required by the above agreement, a payment in the amount of \$ 3,900.00  
is enclosed.

  
(Signature)

Robert J. Willert  
Executive Director  
(Title)

Enclosure

Re 30 (WP)



DELAWARE COUNTY REGIONAL WATER QUALITY CONTROL AUTHORITY  
P.O. Box 999 • Chester, PA 19016-0999

March 1, 2017

FED EX – NEXT DAY

John J. Ranalli  
Compliance Specialist  
Air Quality Program  
PA Department of Environmental Protection  
Southeast Regional Office  
2 East Main Street  
Norristown, PA 19401-4915

RE: Title V Permit  
Notice of Violation and Penalty  
Operating Permit & CEMS Violations – 3<sup>rd</sup> Quarter 2016  
Consent Assessment of Civil Penalty

Dear Mr. Ranalli:

Per your email of February 17, 2017, enclosed is the executed original of the Consent Assessment of Civil Penalty and DELCORA's check number 62724 in the amount of \$9,900.00 attached to the signed Transmittal of Penalty Payment form.

After PADEP execution of the Consent Assessment, please return one fully executed copy to DELCORA for our file.

Thank you.

Sincerely,

Michael J. DiSantis  
Director of Operations & Maintenance

MJD:bab  
enclosures

cc: via email link w/enclosure  
R. Willert  
D. Dutton  
I. Fitzgerald  
H. Bordley  
S. Babylon  
File w/encl.

ADMINISTRATION

☐ 610-876-5523  
☐ FAX: 610-876-2728

CUSTOMER SERVICE/BILLING

☐ 610-876-5526  
☐ FAX: 610-876-1460

PURCHASING & STORES

☐ 610-876-5523  
☐ FAX: 610-497-7959

PLANT & MAINTENANCE

☐ 610-876-5523  
☐ FAX: 610-497-7950

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**RECEIVED**  
MAR - 1 2017

**In the Matter of:**

Delaware County Regional Water Quality : Re: Operating Permit and 3<sup>rd</sup> Quarter 2016  
Control Authority (DELCORA) : CEMS Violations  
Western Regional Treatment Plant :  
3201 West Front Street  
Chester, PA 19013

**CONSENT ASSESSMENT OF CIVIL PENALTY**

This Consent Assessment of Civil Penalty ("CACP") is entered into this 2<sup>nd</sup> day of March 2017, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), and Delaware County Regional Water Quality Control Authority ("DELCORA").

The Department has found and determined the following:

- A. The Department is the agency with the duty and authority to administer and enforce the Air Pollution Control Act, Act of January 8, 1960, P.L. 2119 (1959), as amended, 35 P.S. §§ 4001 et seq. ("Air Pollution Control Act"), Section 1917-A of the Administrative Code 1929, The Act of April 9, 1929, P.L. 177, as amended, 71 P.S. § 510-17 ("Administrative Code"), and the regulations promulgated thereunder.
- B. DELCORA is a municipal authority with a headquarters address of 100 East Fifth Street, Chester, PA 19016. DELCORA owns and operates the Western Regional Treatment Plant at 3201 West Front Street, Chester, Delaware County, PA ("facility").
- C. DELCORA operates two sewage sludge incinerators (Source ID No.001 & Source ID No.002) and associated control equipment under Air Quality Title V Operating Permit 23-00038 ("TVOP 23-00038") and the Sludge Holding Tanks and Building B-4 Scrubber (Source ID No. C05) under Plan Approval 23-0038E ("PA 23-0038E"). These sources are equipped with continuous emissions monitors (CEMS). The parameter monitored by the CEMS is the incinerator temperature for each unit.
- D. Title 25 Pa. Code § 127.444 states: "A person may not cause or permit the operation of a source subject to this article unless the source and air cleaning devices identified in the application for the plan approval and operating permit and the plan approval issued to the source are operated and maintained in accordance with the specifications in the application and conditions in the plan approval and operating permit issued by the Department. A person may not cause or permit the operation of an air contamination source subject to this chapter in a manner inconsistent with good operating practices."
- E. Title 25 Pa. Code § 139.101 (5) states that "the owner of a monitored source shall maintain records containing monitoring information and report data to the Department as specified in the manual referenced in § 139.102(3)."
- F. The Continuous Source Monitoring Manual, (Document No. 274-0300-001), Revision No.8, Section B.2., states that "The report shall be submitted to the central office by the 30th day

following the close of the reporting period. (NOTE: Delinquency penalties, in accordance with an applicable compliance assurance policy or enforcement policy, may apply to reports received after this time)."

G. TVOP 23-00038, Section B, Condition No. 023 (b), states in relevant part that sources with continuous emission monitoring systems shall report according to the protocol established and approved by the Department for the source. The required reports shall be certified by a responsible official.

H. TVOP 23-00038, Section C, Condition No. 025(a) (b) and (c), states that:  
(a) The permittee shall notify the Department by telephone at (484) 250-5920, within one (1) hour, of becoming knowledgeable, of any malfunction(s) of the source(s), listed in Section A of this Permit, or associated air cleaning device(s) which results in, or may possibly result in, the emission of air contaminants in excess of the limitations specified in this Permit or in 25 Pa. Code Article III.  
(b) Malfunction(s) which occur(s) at this Title V facility, and pose(s) an imminent danger to public health, safety, welfare and the environment, and/or would violate Permit conditions if the source continued to operate after the malfunction(s), shall immediately be reported to the Department by telephone at the above number.  
(c) A written report describing the malfunction(s) shall be submitted to the Department within two (2) working days following the notification by telephone required under subsections (a) and (b) above. This report shall describe, at a minimum, the malfunction(s), the emission(s), the duration, and the corrective action(s) taken.

I. TVOP 23-00038, Section C, Condition No. 031(b), states that, "The permittee shall ensure that the sludge generated by outside sources is analyzed according to the following frequency schedule: Amount of Sludge from each Generator, Analysis Frequency, metric tons per year (dry weight basis)  
0 < Amount of Sludge < 290, once per year; 290 < or equal to Amount of Sludge < 1,500; once per quarter; and 1,500 < or equal to Amount of Sludge < 15,000; once every 60 days."

J. TVOP 23-00038, Section C, Condition No. 033 states that, "the permittee shall ensure that the air cleaning devices and sources, listed in Section A, of this Permit, are operated and maintained in a manner consistent with good operating and maintenance practices to control and minimize malodor, fugitive particulate emissions and visible emissions."

K. PA 23-0038E, Source ID No. C05, Condition No. 005(a) (2), states in relevant part that the permittee shall monitor, at least once per day, the scrubber irrigation water flow rate.

L. On June 3, 2016, a Department representative conducted a review of the facility's Title V compliance certification report for 2015. During the review, the representative noted that the following violations:

1. The facility failed to sample sludge generated by 6 sludge generators during 2015.
2. The facility failed to monitor the irrigation water flow rate on 47 days during 2015.

M. On August 26, 2016, a Department representative conducted an inspection of the facility in response to a malodor complaint. During the inspection, the representative noted the following violations:

1. The facility failed to notify the Department that the bioscrubber (part of Source ID No. C05) went out of service on August 23, 2016, and failed to provide a written follow-up describing the outage within 2 working days.
2. While the bioscrubber was out of service, the facility left the exhaust fans on and the lid to T-23 tank off, which resulted in the air not being scrubbed and an odor in the community on August 25, 2016.

N. DELCORA submitted its 3<sup>rd</sup> Quarter 2016 continuous emissions monitoring report to the Department on November 7, 2016. The report was due on or before October 30, 2016.

O. DELCORA's violations of the monitoring, notification, and work practice requirements as described in Paragraph L and M are contrary to TVOP 23-00038 and PA 23-0038E and therefore constitute violations of 25 Pa. Code §127.444

P. DELCORA's violation of the reporting requirements as described in Paragraph N is violation of 25 Pa. Code § 139.101(5).

Q. The violations described in paragraphs O and P constitute unlawful conduct under Section 8 of the Air Pollution Control Act, 35 P.S. § 4008, and subject DELCORA to a claim for civil penalties under Section 9.1 of the Air Pollution Control Act, 35 P.S. § 4009.1.

After full and complete negotiation of all matters set forth in this CACP and upon mutual exchange of covenants contained herein, the parties desiring to avoid litigation and intending to be legally bound, it is hereby **ASSESSED** by the Department and **AGREED** to by DELCORA as follows:

1. **Assessment.** In resolution of the Department's claim for civil penalties, which the Department is authorized to pursue under Section 9.1 of the Air Pollution Control Act, 35 P.S. § 4009.1, the Department hereby assesses a civil penalty of **NINE THOUSAND NINE HUNDRED DOLLARS (\$9,900)**, which DELCORA hereby agrees to pay.

2. **Civil Penalty Settlement.** Within 15 days of receipt of a signed copy of this CACP, DELCORA shall pay the civil penalty assessed in Paragraph 1. This payment is in settlement of the Department's claim for civil penalties for the violations set forth in Paragraphs O and P, above, for the dates set forth in the same Paragraphs L, M and N. The payment shall be by corporate check or the like, made payable to the "COMMONWEALTH OF PENNSYLVANIA, CLEAN AIR FUND" and sent to the Air Quality Compliance Specialist, Pennsylvania Department of Environmental Protection, Air Quality, 2 East Main Street, Norristown, PA 19401. Payment shall be accompanied by a Transmittal of Penalty Payment form (Form No. ER-AQ-3), a copy of which is enclosed.

3. **Findings.**
- a. DELCORA agrees that the findings in Paragraphs A through Q are true and correct and, in any matter or proceeding involving DELCORA and the Department, DELCORA shall not challenge the accuracy or validity of these findings.
  - b. The parties do not authorize any other persons to use the findings in this CACP in any matter or proceeding.

4. **Reservation of Rights.** The Department reserves all other rights with respect to any matter addressed by this CACP, including the right to require abatement of any conditions resulting

from the events described in the Findings. DELCORA reserves the right to challenge any action which the Department may take, but waives the right to challenge the content or validity of this CACP.

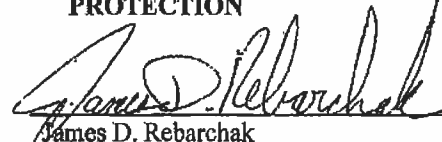
**IN WITNESS WHEREOF**, the parties have caused this CACP to be executed by their duly authorized representatives. The undersigned representatives of DELCORA certify, under penalty of law, as provided by 18 Pa. C.S. § 4904, that they are authorized to execute this CACP on behalf of DELCORA ; that DELCORA consents to the entry of this CACP as an **ASSESSMENT** of the Department; that DELCORA hereby knowingly waives any right to a hearing under the statutes referenced in this CACP, which right may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, No. 1988-94, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provision of law.

**FOR DELAWARE COUNTY  
REGIONAL WATER QUALITY  
CONTROL AUTHORITY**

**FOR THE COMMONWEALTH OF  
PENNSYLVANIA,  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION**

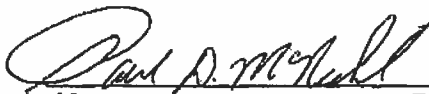
 2/27/2017  
Name Date

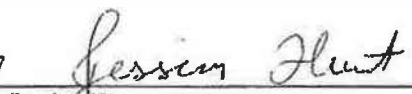
Robert J. Willert  
Executive Director  
Title

 3/2/17  
Name Date  
James D. Rebarchak  
Regional Manager  
Air Quality

\_\_\_\_\_  
Name Date

\_\_\_\_\_  
Title

 2/28/2017  
Name Paul D. McNichol Date  
Attorney for Delaware County Regional  
Water Quality Control Authority

 3/2/17  
Name Jessica Hunt Date  
Assistant Counsel

March 1, 2017

**TRANSMITTAL OF PENALTY PAYMENT**

PAYABLE TO: COMMONWEALTH OF PENNSYLVANIA - CLEAN AIR FUND

**MAILING ADDRESS:**

Department of Environmental Protection  
Bureau of Air Quality  
Air Quality Compliance Specialist  
2 East Main St.  
Norristown, PA 19401

**FROM:** DELCORA  
P. O. BOX 999  
CHESTER, PA 19016-0999

**RE:** Settlement Agreement with --

Ref: Operating Permit Violations and  
CEMS Violations for 3<sup>rd</sup> 2016

**Company** DELCORA  
**Plant** WESTERN REGIONAL  
TREATMENT PLANT  
**Township** CITY OF CHESTER  
**County** DELAWARE  
**Date** (leave blank)  
(Agreement Entered Into)

As required by the above agreement, a payment in the amount of \$ 9,900.00  
is enclosed.

  
(Signature)

Robert J. Willert  
Executive Director  
(Title)

Enclosure

Re 30 (WP)



DELAWARE COUNTY REGIONAL WATER QUALITY CONTROL AUTHORITY  
P.O. Box 999 • Chester, PA 19016-0999

October 26, 2018

FED EX – NEXT DAY

John J. Ranalli  
Compliance Specialist  
Air Quality Program  
PA Department of Environmental Protection  
Southeast Regional Office  
2 East Main Street  
Norristown, PA 19401-4915

RE: Title V Operating Permit 23-00038  
Plan Approval 23-0038F  
Plan Approval and 40 C.F.R Part 60  
Subpart MMMM Violations  
Consent Assessment of Civil Penalty

Dear Mr. Ranalli:

Per your email of October 17, 2018, enclosed is the executed original of the Consent Assessment of Civil Penalty and DELCORA's check number 66767 in the amount of \$9,925.00 attached to the signed Transmittal of Penalty Payment form.

After PADEP execution of the Consent Assessment, please return one fully executed copy to DELCORA for our file.

Thank you.

Sincerely,

Michael J. DiSantis  
Director of Operations & Maintenance

MJD:bab  
enclosures

cc: via email link w/enclosure  
R. Willert  
D. Dutton  
C. Hurst  
I. Fitzgerald  
S. Babylon  
File w/encl.

ADMINISTRATION

☐ 610-876-5523

☐ FAX: 610-876-2728

CUSTOMER SERVICE/BILLING

☐ 610-876-5526

☐ FAX: 610-876-1460

PURCHASING & STORES

☐ 610-876-5523

☐ FAX: 610-497-7959

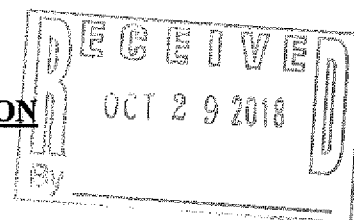
PLANT & MAINTENANCE

☐ 610-876-5523

☐ FAX: 610-497-7950



**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



**In the Matter of:**

Delaware County Regional Water Quality Control Authority : Re: Plan Approval and 40 C.F.R. Part 60,  
Western Regional Treatment Plant : Subpart MMMM Violations  
100 East 5<sup>th</sup> Street  
Chester, PA 19016-0999

**CONSENT ASSESSMENT OF CIVIL PENALTY**

This Consent Assessment of Civil Penalty ("CACP") is entered into this 6<sup>th</sup> day of November, 2018, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection ("DEP"), and Delaware County Regional Water Quality Control Authority ("DELCORA").

DEP has found and determined the following:

A. DEP is the agency with the duty and authority to administer and enforce the Air Pollution Control Act, Act of January 8, 1960, P.L. 2119 (1959), as amended, 35 P.S. §§ 4001 et seq. ("Air Pollution Control Act"), Section 1917-A of the Administrative Code 1929, The Act of April 9, 1929, P.L. 177, as amended, 71 P.S. § 510-17 ("Administrative Code"), and the regulations promulgated thereunder.

B. DELCORA is a municipal authority with a headquarters address of 100 East Fifth Street, Chester, PA 19016. DELCORA owns and operates the Western Regional Treatment Plant at 3201 West Front Street, Chester, Delaware County, PA.

C. DELCORA is currently permitted to operate various air contamination sources, as defined under the Air Pollution Control Act, which were approved under Air Quality Title V Operating Permit 23-00038 ("TVOP 23-00038") and Plan Approval 23-0038F ("PA 23-0038F").

D. Title 25 Pa. Code § 127.25 states that: "[a] person may not cause or permit the operation of a source subject to § 127.11 (relating to plan approval requirements), unless the source and air cleaning devices identified in the application for the plan approval and the plan approval issued to the source, are operated and maintained in accordance with specifications in the application and conditions in the plan approval issued by the Department. A person may not cause or permit the operation of an air contamination source subject to this chapter in a manner inconsistent with good operating practices."

E. Title 25 Pa. Code § 122.3 stated that: "Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources, promulgated in 40 CFR Part 60 (relating to standards of performance for new stationary sources) by the Administrator of the EPA under section 111 of the Clean Air Act (42 U.S.C.A. § 7411) are adopted in their entirety by the Department and incorporated herein by reference."

F. Title 40 C.F.R. Part 60, Subpart Mmmm, Table 3 and PA 23-0038F, Section D, Source ID No. 001 – Sewage Sludge Incinerator 1 (“Source ID No. 1”) and Source ID No. 002 - Sewage Sludge Incinerator (“Source ID No. 2”), Condition #003(a)(4) states that the permittee shall ensure that the sewage sludge incinerator does not emit hydrogen chloride (“HCl”) emissions in excess of 1.2 parts per million dry volume (“ppmdv”) at 7% oxygen as measures in the combined final stack.

G. PA 23-0038F, Section D, Source ID No. 001, Condition #008(e) states that: “Within sixty (60) days after the source test(s), two copies of the complete test report, including all operating conditions, shall be submitted to the Regional Air Quality Manager for approval.”

H. DELCORA conducted a source test on Source ID No. 001 on August 17-19, 2016. The source test results indicated that the three-run average HCl emissions for Source ID No. 001 were 1.4 ppmv at 7% oxygen measured at the stack outlet.

I. A complete test report for the source testing of Source ID No. 001 on August 17-19, 2016 was submitted to DEP on June 8, 2017.

J. On March 6, 2017, DEP issued a Notice of Violation to DELCORA for the facts noted in Paragraphs H and I, above.

K. DELCORA conducted a source test of Source ID No. 002 on August 23-24, 2017. The source test results indicated that the three-run average HCl emissions for Source ID No. 002 were 1.79 ppmv at 7% oxygen measured at the stack outlet.

L. On November 30, 2017, DEP issued a Notice of Violation to DELCORA for the facts noted in Paragraph K, above.

M. The facts described in Paragraphs H, I and K, above are contrary to PA 23-0038F and 40 C.F.R. Part 60, Subpart Mmmm, which are violations of 25 Pa. Code §§ 122.3 and 127.25.

N. The violations described in Paragraph M above, constitutes unlawful conduct under Section 8 of the Air Pollution Control Act, 35 P.S. § 4008, and subject DELCORA to a claim for civil penalties under Section 9.1 of the Air Pollution Control Act, 35 P.S. § 4009.1.

After full and complete negotiation of all matters set forth in this CACP and upon mutual exchange of covenants contained herein, the parties desiring to avoid litigation and intending to be legally bound, it is hereby **ASSESSED** by DEP and **AGREED** to by DELCORA as follows:

1. **Assessment.** In resolution of DEP’s claim for civil penalties, which DEP is authorized to pursue under Section 9.1 of the Air Pollution Control Act, 35 P.S. § 4009.1, DEP hereby assesses a civil penalty of **NINE THOUSAND NINE HUNDRED AND TWENTY-FIVE DOLLARS (\$9,925)**, which DELCORA hereby agrees to pay.
2. **Civil Penalty Settlement.** Within 15 days of receipt of a signed copy of this CACP, DELCORA shall pay the civil penalty assessed in Paragraph 1. This payment is in settlement of DEP’s claim for civil penalties for the violations set forth in Paragraph M, above, for the dates set forth in Paragraph H, I and K, above. The payment shall be by corporate check or the like, made payable to the “COMMONWEALTH OF PENNSYLVANIA, CLEAN AIR FUND” and sent to the Air Quality Compliance

Specialist, Pennsylvania Department of Environmental Protection, Air Quality, 2 East Main Street, Norristown, PA 19401. Payment shall be accompanied by a Transmittal of Penalty Payment Form (form No. ER-AQ-3), a copy of which is enclosed.

3. **Findings.**

- a. DELCORA agrees that the findings in Paragraphs A through N are true and correct and, in any matter or proceeding involving DELCORA and DEP, DELCORA shall not challenge the accuracy or validity of these findings
- b. The parties do not authorize any other persons to use the findings in this CACP in any matter or proceeding.

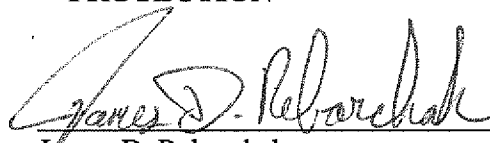
4. **Reservation of Rights.** DEP reserves all other rights with respect to any matter addressed by this CACP, including the right to require abatement of any conditions resulting from the events described in the Findings. DELCORA reserves the right to challenge any action which DEP may take, but waives the right to challenge the content or validity of this CACP.

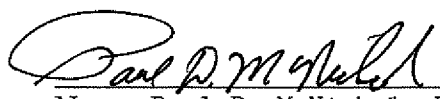
**IN WITNESS WHEREOF**, the parties have caused this CACP to be executed by their duly authorized representatives. The undersigned representatives of DELCORA certify, under penalty of law, as provided by 18 Pa. C.S. § 4904, that they are authorized to execute this CACP on behalf of DELCORA; that DELCORA consents to the entry of this CACP as an **ASSESSMENT** of DEP; that DELCORA hereby knowingly waives any right to a hearing under the statutes referenced in this CACP, which right may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, No. 1988-94, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provision of law. (Signature by Delora's attorney certifies only that the agreement has been signed after consulting with counsel.)

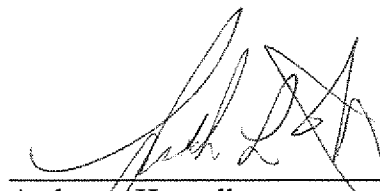
**FOR DELAWARE COUNTY  
REGIONAL WATER QUALITY  
CONTROL AUTHORITY**

 10/23/18  
Name Robert J. Willert Date  
Title Executive Director

**FOR THE COMMONWEALTH OF  
PENNSYLVANIA DEPARTMENT OF  
ENVIRONMENTAL  
PROTECTION**

 10/30/18  
Name James D. Rebarchak Date  
Regional Manager  
Air Quality

 10/24/2018  
Name Paul D. McNichol, Esq. Date  
Attorney for Delaware County Regional  
Water Quality Control Authority

 11/6/18  
Name Anderson Hartzell Date  
Regional Counsel

October 24 2018

**TRANSMITTAL OF PENALTY PAYMENT**

PAYABLE TO: COMMONWEALTH OF PENNSYLVANIA - CLEAN AIR FUND

**MAILING ADDRESS:**

Department of Environmental Protection  
Bureau of Air Quality  
Air Quality Compliance Specialist  
2 East Main St.  
Norristown, PA 19401

**FROM:** DELCORA  
P. O. BOX 999  
CHESTER, PA 19016-0999

**RE:** Settlement Agreement with --

Ref: Operating Permit Violations  
HC1 Emissions Violations  
Inc. #1 – August 2016 & Inc. #2 – August 2017

<b>Company</b>	<u>DELCORA</u>
<b>Plant</b>	<u>WESTERN REGIONAL TREATMENT PLANT</u>
<b>Township</b>	<u>CITY OF CHESTER</u>
<b>County</b>	<u>DELAWARE</u>
<b>Date</b>	<u>(leave blank)</u> (Agreement Entered Into)

As required by the above agreement, a payment in the amount of \$ 9,925.00  
is enclosed.



(Signature)

Robert J. Willert  
Executive Director

(Title)

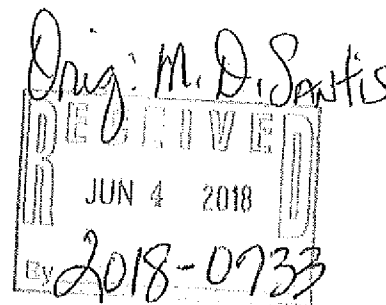
Enclosure

Re 30 (WP)



SOUTHEAST REGIONAL OFFICE

**NOTICE OF VIOLATION**



May 29, 2018

cc: RJW; MJD, Hurst, Piro,  
Dutton, Karch, File

Mr. Michael J. DiSantis  
Delaware County Regional Water Quality Control Authority  
100 E 5<sup>th</sup> Street  
P.O. Box 999  
Chester, PA 19016-0999

Re: TVOP Violations  
TVOP-23-00038  
Chester City  
Delaware County

Dear Mr. DiSantis:

On May 18 and 21, 2018, I performed compliance reviews of DELCORA's 2017 Title V Compliance Certification and Plantwide Applicability Limit Emissions and Monitoring Semiannual Report for July 1 through December 31, 2017. I identified the following violations of the Department of Environmental Protection's (DEP) Air Pollution Rules and Regulations:

Contrary to TVOP, Section D, Condition Nos. 007 for Sewage Sludge Incinerator No. 1 and 2, the 48 dry tons per day sludge throughput limit was exceeded on May 10, 2017 (48.96 tons at Incinerator No. 1), May 28, 2017 (48.96 tons at Incinerator No. 1), and July 27, 2017 (50.40 tons at Incinerator No. 1 and 2). These daily throughput exceedances at the incinerators are violations of 25 Pa. Code Section 127.444.

Any violation of 25 Pa. Code Section 127.444 subjects a person to a variety of enforcement actions, including civil and criminal penalties. Each day the violation continues constitutes a separate offense.

This Notice of Violation is neither an order nor any other final action of DEP. It neither imposes nor waives any enforcement action available to DEP under any of its statutes. If DEP determines that an enforcement action is appropriate, you will be notified of this action.

As corrective action was provided in the Title V Compliance Certification, I do not request a response from DELCORA to this Notice of Violation at this time.

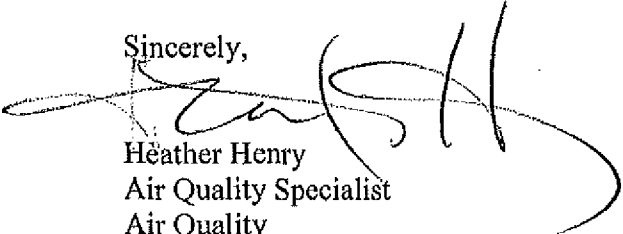
Mr. Michael J. DiSantis

- 2 -

May 22, 2018

If you have any questions concerning this matter, please contact me at the address or telephone number located in the first page footer.

Sincerely,



Heather Henry  
Air Quality Specialist  
Air Quality

cc: Mr. McLemore  
Ms. Gallagher  
Mr. Rebarchak  
Central Office (via email)  
Delaware County Planning Department  
Enforcement File  
Re 30 (TDB18) 149-4



DELAWARE COUNTY REGIONAL WATER QUALITY CONTROL AUTHORITY  
P.O. Box 999 • Chester, PA 19016-0999

September 5, 2019

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

John J. Ranalli  
Compliance Specialist  
Air Quality Program  
PA Department of Environmental Protection  
Southeast Regional Office  
2 East Main Street  
Norristown, PA 19401-4915

RE: Title V Permit  
Notice of Violation dated May 29, 2018  
Daily Throughput Exceedances in May-July 2017  
Consent Assessment of Civil Penalty

Dear Mr. Ranalli:

Per your email of August 30, 2019, enclosed is the executed original of the Consent Assessment of Civil Penalty and DELCORA's check number 68745 in the amount of \$1,320.00 attached to the signed Transmittal of Penalty Payment form.

After PADEP execution of the Consent Assessment, please return one fully executed copy to DELCORA for our file.

Thank you.

Sincerely,

Michael J. DiSantis  
Director of Operations & Maintenance

MJD:bab  
enclosures

cc: via email link w/enclosure  
R. Willert  
C. Hurst  
D. Dutton  
M. Sweeney  
C. Mariani  
File w/encl.

ADMINISTRATION

☐ 610-876-5523

☐ FAX: 610-876-2728

CUSTOMER SERVICE/BILLING

☐ 610-876-5526

☐ FAX: 610-876-1460

PURCHASING & STORES

☐ 610-876-5523

☐ FAX: 610-497-7959

PLANT & MAINTENANCE

☐ 610-876-5523

☐ FAX: 610-497-7950

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**In the Matter of:**

Delaware County Regional Water Quality       : Re: Operating Permit Violations  
Control Authority                               :  
100 East 5<sup>th</sup> Street                               :  
Chester, PA 19016-0999                       :

SEP - 9 2019

**CONSENT ASSESSMENT OF CIVIL PENALTY**

This Consent Assessment of Civil Penalty ("CACP") is entered into this 11<sup>th</sup> day of September, 2019, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection ("DEP"), and Delaware County Regional Water Quality Control Authority ("DELCORA").

DEP has found and determined the following:

A. DEP is the agency with the duty and authority to administer and enforce the Air Pollution Control Act, Act of January 8, 1960, P.L. 2119 (1959), as amended, 35 P.S. §§ 4001 et seq. ("Air Pollution Control Act"), Section 1917-A of the Administrative Code 1929, The Act of April 9, 1929, P.L. 177, as amended, 71 P.S. § 510-17 ("Administrative Code"), and the regulations promulgated thereunder.

B. DELCORA is a Pennsylvania municipal waste treatment plant with headquarters located at 100 East 5<sup>th</sup> Street, Chester City, Delaware County, PA.

C. DELCORA is currently permitted to operate various air contamination sources, as defined under the Air Pollution Control Act, which were approved under Air Quality Title V Operating Permit 23-00038 ("TVOP 23-00038"). This permit was renewed on February 21, 2013, amended on April 18, 2017, renewed again on December 17, 2018, and expires on December 17, 2023.

D. Pursuant to Title 25 Pa. Code § 127.444, "[a] person may not cause or permit the operation of a source subject to this article unless the source and air cleaning devices identified in the application for the plan approval and operating permit and the plan approval issued to the source are operated and maintained in accordance with the specifications in the application and conditions in the plan approval and operating permit issued by the Department. A person may not cause or permit the operation of an air contamination source subject to this chapter in a manner inconsistent with good operating practices."

E. Pursuant to TVOP 23-00038, Section E., Group #1, Source IDs: 001 and 002 - Sewage Sludge Incinerator ("SSI") 1 & 2, Condition #005, "[t]he permittee shall limit the dry solids feed to each incinerator to 48 tons per day."

F. On May 18 and 21, 2018, a DEP representative reviewed DELCORA's 2017 Title V Compliance Certification and Plantwide Applicability Limit Emissions and Monitoring Semiannual Report for July 1 through December 31, 2017 and noted the following:

1. On May 10 and May 28, 2017, the dry solids feed rate was 48.96 tons for SSI 1.



2. On July 27, 2017, the dry solids feed rate was 50.4 tons for SSI 1 and SSI 2.

G. On May 29, 2018, DEP issued a Notice of Violation to DELCORA for the violations indicated in Paragraph I.

H. The facts described in Paragraph F are contrary to TVOP 23-00038 and are violations of 25 Pa. Code § 127.444.

I. The violations described in Paragraph H constitute unlawful conduct under Section 8 of the Air Pollution Control Act, 35 P.S. § 4008 and subject DELCORA to a claim for civil penalties under Section 9.1 of the Air Pollution Control Act, 35 P.S. § 4009.1.

After full and complete negotiation of all matters set forth in this CACP and upon mutual exchange of covenants contained herein, the parties desiring to avoid litigation and intending to be legally bound, it is hereby **ASSESSED** by DEP and **AGREED** to by DELCORA as follows:

1. **Assessment.** In resolution of DEP's claim for civil penalties, which DEP is authorized to pursue under Section 9.1 of the Air Pollution Control Act, 35 P.S. § 4009.1, DEP hereby assesses a civil penalty of **ONE THOUSAND THREE HUNDRED AND TWENTY DOLLARS (\$1,320)**, which DELCORA hereby agrees to pay.
2. **Civil Penalty Settlement.** Within 15 days of receipt of a signed copy of this CACP, DELCORA shall pay the civil penalty assessed in Paragraph 1. This payment is in settlement of DEP's claim for civil penalties for the violations set forth in Paragraph H, above, for the dates set forth in Paragraph F, above. The payment shall be by corporate check or the like, made payable to the "COMMONWEALTH OF PENNSYLVANIA, CLEAN AIR FUND" and sent to the Air Quality Compliance Specialist, Pennsylvania Department of Environmental Protection, Air Quality, 2 East Main Street, Norristown, PA 19401. Payment shall be accompanied by a Transmittal of Penalty Payment Form (form No. ER-AQ-3), a copy of which is enclosed.
3. **Findings.**
  - a. DELCORA agrees that the findings in Paragraphs A through I are true and correct and, in any matter or proceeding involving DELCORA and DEP, DELCORA shall not challenge the accuracy or validity of these findings
  - b. The parties do not authorize any other persons to use the findings in this CACP in any matter or proceeding.
4. **Reservation of Rights.** DEP reserves all other rights with respect to any matter addressed by this CACP, including the right to require abatement of any conditions resulting from the events described in the Findings. DELCORA reserves the right to challenge any action which DEP may take, but waives the right to challenge the content or validity of this CACP.

**IN WITNESS WHEREOF**, the parties have caused this CACP to be executed by their duly authorized representatives. The undersigned representatives of DELCORA certify, under penalty of law, as provided by 18 Pa. C.S. § 4904, that they are authorized to execute this CACP on behalf of DELCORA; that DELCORA consents to the entry of this CACP as an **ASSESSMENT** of DEP; that

DELCORA hereby knowingly waives any right to a hearing under the statutes referenced in this CACP, which right may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, No. 1988-94, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provision of law. (Signature by DELCORA's attorney certifies only that the agreement has been signed after consulting with counsel.)

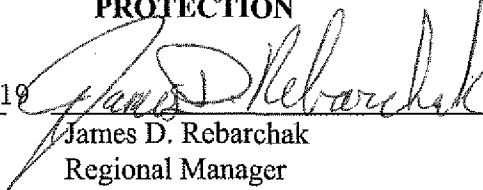
**FOR DELAWARE COUNTY  
REGIONAL WATER QUALITY  
CONTROL AUTHORITY**

**FOR THE COMMONWEALTH OF  
PENNSYLVANIA**


**DEPARTMENT OF ENVIRONMENTAL  
PROTECTION**

  
Name Robert J. Willert  
Title Executive Director

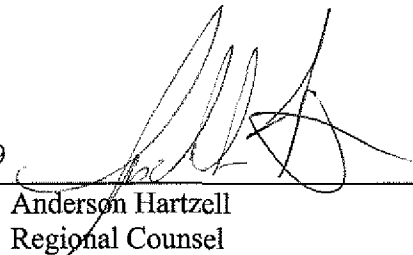
9/5/2019  
Date

  
James D. Rebarchak  
Regional Manager  
Air Quality

9/10/19  
Date

  
Name Paul D. McNichol, Esq. Date  
Attorney for Delaware County Regional  
Water Quality Control Authority

9/5/2019

  
Anderson Hartzell  
Regional Counsel

9/11/19  
Date

September 5 2019

**TRANSMITTAL OF PENALTY PAYMENT**

PAYABLE TO: COMMONWEALTH OF PENNSYLVANIA - CLEAN AIR FUND

**MAILING ADDRESS:**

Department of Environmental Protection  
Bureau of Air Quality  
Air Quality Compliance Specialist  
2 East Main St.  
Norristown, PA 19401

**FROM:** DELCORA  
P. O. BOX 999  
CHESTER, PA 19016-0999

**COPY**

**RE:** Settlement Agreement with --

Ref: TVOP Violations  
May & July 2017  
Daily throughput exceedances  
NOV dated 5/29/2018

**Company** DELCORA  
**Plant** WESTERN REGIONAL  
TREATMENT PLANT  
**Township** CITY OF CHESTER  
**County** DELAWARE  
**Date** (leave blank)  
(Agreement Entered Into)

As required by the above agreement, a payment in the amount of \$ 1,320.00  
is enclosed.

**COPY**  
(Signature)

Robert J. Willert  
Executive Director  
(Title)

Enclosure

Re 30 (WP)