

EXHIBIT O2



pennsylvania

DEPARTMENT OF ENVIRONMENTAL
PROTECTION

SOUTHWEST REGIONAL OFFICE

October 16, 2019

CERTIFIED MAIL NO. 7018 1830 0000 1335 9186

City of Beaver Falls Supervisors
Beaver Falls STP
715 15th Street
Beaver Falls, PA 15010

Re: Unauthorized Discharges
NPDES PA0026883
Beaver Falls STP
Beaver Falls City
Beaver County

Dear Supervisors:

Enclosed is your signed and executed copy of the Consent Assessment of Civil Penalty. If you have any questions regarding this matter, please call me at 412-442-4040 or email me at jkohut@pa.gov

Sincerely,

A handwritten signature in blue ink, appearing to read "JKohut".

Jeffrey T. Kohut
Compliance Specialist

Enclosure

Bc:
File

G. On November 1, 2018, the Department renewed NPDES permit PA0026883 (“NPDES Permit”) authorizing Beaver Falls to discharge treated sewage from the Facility to the Beaver River. The Beaver River is a “water of the Commonwealth,” as that phrase is defined by Section 1 of The Clean Streams Law, 35 P.S. § 691.1.

Violations of Effluent Limitations

H. Part A, Condition I of the NPDES Permit establishes effluent limitations on Beaver Falls’s discharge, from Outfall 101 at the Facility to the Beaver River for, *inter alia*, fecal coliform and total suspended solids.

I. Part A, Condition III of the NPDES Permit requires Beaver Falls to sample its discharges for compliance with the effluent limitations in the NPDES Permit and to submit the results monthly to the Department in the form of Discharge Monitoring Reports (“DMRs”).

J. As evidenced by its DMRs, Beaver Falls failed to comply with effluent limitations in the NPDES Permit on multiple occasions during the period of December 2016, through and including, June 2019. The specific violations of the effluent limitations in the NPDES Permit are listed in Exhibit A, which is attached hereto and fully incorporated by reference.

K. Beaver Falls’ failures to comply with the effluent limitations, as described in Paragraph J, above, constitute violations of the NPDES Permit, Section 92a.1(b) of the Regulations, 25 Pa. Code § 92a.1(b), and Sections 201 and 202 of The Clean Streams Law, 35 P.S. §§ 691.201 and 691.202; constitute statutory nuisances under Sections 3 and 202, of The Clean Streams Law, 35 P.S. §§ 691.3 and 691.202; constitute unlawful conduct under Section 611 of The Clean Streams Law, 35 P.S. § 691.611; and subject Beaver Falls to civil penalty liability under Section 605 of the Clean Streams Law, 35 P.S. § 691.605.

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

1. Assessment. In resolution of the Department’s claim for civil penalties, which the Department is authorized to pursue under Section 605 of The Clean Streams Law, 35 P.S. § 691.605, the Department hereby assesses a civil penalty of EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$8,500.00), which Beaver Falls hereby agrees to pay.

2. Civil Penalty Settlement. Upon signing this CACP, Beaver Falls 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 J and K, above. The payment shall be made payable to the "Commonwealth of Pennsylvania" and sent to the attention of Compliance Specialist, Clean Water Program, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

3. Findings.

a. Beaver Falls agrees that the findings in Paragraphs A through L, above, are true and correct and, in any matter or proceeding involving Beaver Falls and the Department, Beaver Falls 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. Beaver Falls 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.


5. Resolution. Attached hereto as Exhibit B is a resolution of (Beaver Falls) authorizing its signatories below to enter into this CACP on its behalf.


IN WITNESS WHEREOF, the parties hereto have caused this CACP to be executed by their duly authorized representatives. The undersigned representatives of Beaver Falls certify, under penalty of law, as provided by 18 Pa. C.S. § 4904, that they are authorized to execute this CACP on behalf of Beaver Falls; that Beaver Falls consents to the entry of this CACP as an ASSESSMENT of the Department; that Beaver Falls hereby knowingly waives any right to a hearing under the statutes referenced in this CACP; and that Beaver Falls knowingly waives its right to appeal this CACP, which rights may be available under Section 4 of the Environmental Hearing Board Act, Act of July 13, 1988, P.L. 530, 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 Beaver Falls attorney certifies only that the agreement has been signed after consulting with counsel.

FOR CITY OF BEAVER FALLS

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

Name:
Title:


Name: *George S. Quay III*
Title: *MAYOR*


Shannon L. Steel
Attorney for City of Beaver Falls



Christopher J. Kriley, P.E.
Program Manager
Clean Water Program
Southwest Region

As to form and legality

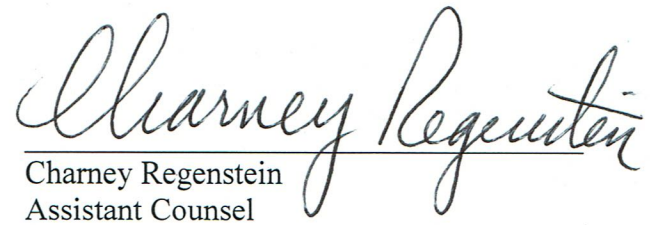

Charney Regensten
Assistant Counsel

EXHIBIT A

Beaver Falls Sewage Treatment Plant Outfall 101 Effluent Limitation Violations

MONITORING END DATE	OUTFALL	PARAMETER	VIOLATION TYPE	PERMIT LIMIT	SAMPLE VALUE	UNIT OF MEASURE
12/31/2016	101	Total Suspended Solids	Weekly Average	1802.5	2346.6	lbs/day
01/31/2017	101	Total Suspended Solids	Weekly Average	45	48	mg/L
05/31/2017	101	Total Suspended Solids	Weekly Average	45	50	mg/L
02/28/2018	101	Total Suspended Solids	Weekly Average	1802.5	2278.7	lbs/day
05/31/2018	101	Total Suspended Solids	Weekly Average	45	53	mg/L
05/31/2018	101	Fecal Coliform	Instantaneous Maximum	1000	2100	CFU/100 ml
05/31/2018	101	Fecal Coliform	Geometric Mean	200	247	CFU/100 ml
09/30/2018	101	Total Suspended Solids	Weekly Average	1802.5	5656.3	lbs/day
09/30/2018	101	Total Suspended Solids	Average Monthly	30	32	mg/L
09/30/2018	101	Total Suspended Solids	Weekly Average	45	77	mg/L
09/30/2018	101	Total Suspended Solids	Average Monthly	1201.7	1811.7	lbs/day
05/31/2019	101	Total Suspended Solids	Weekly Average	1802.5	3542.1	lbs/day
05/31/2019	101	Fecal Coliform	Instantaneous Maximum	1000	1940	No./100 ml
06/30/2019	101	Total Suspended Solids	Weekly Average	45.0	68.0	mg/L
06/30/2019	101	Fecal Coliform	Geometric Mean	200	215	No./100 ml
06/30/2019	101	Total Suspended Solids	Weekly Average	1802.5	3989.7	lbs/day
06/30/2019	101	Total Suspended Solids	Average Monthly	1201.7	1897.5	lbs/day
06/30/2019	101	Total Suspended Solids	Average Monthly	30.0	36.0	mg/L

**EXHIBIT B
RESOLUTION**

City of Beaver Falls

Beaver County, Pennsylvania, 15010

RESOLUTION NUMBER (##)

The undersigned and authorized representatives of City of Beaver Falls, hereby certify that at a meeting held on the 24th day of September, 2019, after due notice, at which a quorum was present, City of Beaver Falls adopted the following Resolution:

NOW, THEREFORE, BE AND IT HEREBY IS RESOLVED, as follows:

George S. Quay III, Mayor and
(name) (title)

Paula J. Durish, City Clerk of
(name) (title)

City of Beaver Falls are hereby authorized to execute the signing of the Consent Assessment of Civil Penalty from the Department of Environmental Protection and to forward the signed Consent Assessment of Civil Penalty to the Department of Environmental Protection in a timely manner.

It is certified that the above Resolution is in full force in effect as of this 24th day of September, 2019.

City of Beaver Falls

(SEAL)

George S. Quay III
(Signature)

(Title) George S. Quay III
Mayor

Paula J. Durish
(Signature)

(Title) Paula J. Durish
City Clerk

