UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103

May 5, 2017

VIA ELECTRONIC MAIL AND REGULAR MAIL

John M. Lisko, Esquire
P.O. Box 792
Waynesboro, PA 17268

Re: Antrim Township
Consent Agreement and Final Order
EPA Docket No. CWA-03-2017-0101

Dear John:

I have enclosed a copy of the fully-executed Consent Agreement and Final Order (CAFO) in this matter. Instructions for payment of the settlement penalty are set forth in the CAFO. Should you have any questions regarding this, please call me at 215/814-2776.

We appreciate your cooperation in the resolution of this matter.

Sincerely,

Deane H. Bartlett
Senior Assistant Regional Counsel

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103

May 5, 2017

Lydia A. Guy
Regional Hearing Clerk
U. S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103

Re: Antrim Township
Consent Agreement and Final Order
EPA Docket No. CWA-03-2017-0101

Dear Ms Guy:

I have enclosed for filing the original and one copy of the above-referenced Consent Agreement and Final Order. Should you have any questions regarding this, please call me at 215/814-2776.

Sincerely,

Deane H. Bartlett
Senior Assistant Regional Counsel

Enclosure
cc: John M. Lisko, Esquire

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

RECEIVED
2017 MAY 15 PM 3: 04
REGIONAL HEARING CLERK
EPA REGION III PHILA PA

In the Matter of: Antrim Township 10655 Antrim Church Road Greencastle, PA 17225 Respondent.	**CONSENT AGREEMENT AND FINAL ORDER** Docket No. CWA-03-2017-0101

I. STATUTORY AND REGULATORY AUTHORITY

1. Pursuant to Section 309(g) of the Clean Water Act ("CWA" or "Act), 33 U.S.C. § 1319(g), the Administrator of the United States Environmental Protection Agency ("EPA") is authorized to assess administrative penalties against persons who violate Section 301(a) of the Act, *id.* § 1311(a). The Administrator has delegated this authority to the Regional Administrator of EPA Region III, who in turn has delegated this authority to the Director, Water Protection Division (Complainant).

2. This Consent Agreement is entered into by the Complainant and Antrim Township, Pennsylvania (Antrim or Respondent), pursuant to Section 309(g) of the CWA and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. Part 22.

3. The Consolidated Rules, at 40 C.F.R.§ 22.13(b) provide in pertinent part that where the parties agree to settlement of one or more causes of action before the filing of a

complaint, a proceeding may simultaneously be commenced and concluded by the issuance of a consent agreement and final order pursuant to 40 C.F.R. § 22.18(b)(2) and (3). Pursuant thereto, this Consent Agreement and Final Order (CAFO) simultaneously commences and concludes this administrative proceeding against Respondent.

4. Section 309(g)(2)(A) of the Clean Water Act, 33 U.S.C. § 1319(g)(2)(B), authorizes the assessment of administrative penalties against any person who violates any NPDES permit condition or limitation in an amount not to exceed $10,000 per day for each day of violation, up to a total penalty amount of $25,000.

5. Pursuant to the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, and Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), any person who has violated any NPDES permit condition or limitation between January 12, 2009 through November 2, 2015 is liable for an administrative penalty not to exceed $16,000 per day for each day of violation up to a total penalty amount of $37,500, and for violations which occurred after November 2, 2015, and which are assessed after August 1, 2016, an administrative penalty not to exceed $20,628 per day for each day of violation, up to a total penalty amount of $51,570.

6. Pursuant to Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), and 40 C.F.R. § 22.45(b), EPA is providing public notice and an opportunity to comment on the Consent Agreement prior to issuing the Final Order. In addition, pursuant to Section 309(g)(1)(A), EPA has consulted with the Pennsylvania Department of Environmental Protection (PADEP) regarding this action, and will mail a copy of this document to the appropriate PADEP official.

7. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant (other than dredged or fill material) from a point source into waters of the United States except in compliance with a permit issued pursuant to the National Pollutant Discharge Elimination System (NPDES) program under Section 402 of the Act, 33 U.S.C. § 1342.

8. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may issue permits under the NPDES program for the discharge of any pollutant from a point source to the waters of the United States. The discharges are subject to specific terms and conditions as prescribed in the permit. Section 402(b) of the Act, 33 U.S. C. §1342(b) provides that the Administrator may authorize a state to issue NPDES permits.

9. Pursuant to Section 402(b) of the Act, 33 U.S.C. § 1342(b), EPA authorized the Commonwealth of Pennsylvania to issue NPDES permits in 1978.

10. Pursuant to Section 402(i) of the CWA, 33 U.S.C. §1342(i), EPA retains its authority to take enforcement action within the Commonwealth for NPDES permit violations.

II. FINDINGS OF FACT, JURISDICTIONAL ALLEGATIONS AND CONCLUSIONS OF LAW

11. In September 1, 2011 PADEP issued the NPDES Permit No. PA 0080519 to Antrim Township with an effective date of September 1, 2011. The permit expired on August 31, 2016, but has been administratively extended.

12. Section V.A. of the permit, "Industrial Pretreatment Program Implementation," requires: "The permittee shall implement an industrial pretreatment program in accordance with the federal Clean Water Act, The Pennsylvania Clean Streams Law, and the federal General Pretreatment Regulations (40 CFR 403). The program shall also be implemented in accordance with the pretreatment program, and any modifications submitted by the permittee and approved by the Approval Authority." Under the Permit and the regulations EPA is the "Approval Authority." See Permit Section V. H. and 40 C.F.R. § 403.3(c). EPA approved the Antrim pretreatment program on July 23, 2008.

13. The Pretreatment Regulations, at 40 C.F.R. §403.8(f), and therefore the Permit provides: "A pretreatment program must be based on the following legal authority and include the following procedures. These authorities and procedures **shall at all times be fully and effectively exercised and implemented."** (emphasis added). Included in 40 C.F.R. §403.8(f) are requirements to:

a. Identify and locate all possible Industrial Users which might be subject to the POTW Pretreatment Program. See §403.8(f)(2)(i);
b. Notify Industrial Users of applicable Pretreatment Standards and all other requirements applicable to it as a result of its status as Industrial User. See §403.8(f)(2)(iii);
c. Evaluate whether each Significant Industrial User needs a plan or other action to control Slug Discharges. See §403.8(f)(2)(iv);
d. Control through Permit, order or similar means, the contribution to the POTW by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements. In the case of Industrial Users identified as significant under §403.3(v), this control shall be achieved through individual permits or equivalent individual control mechanisms issued to each such User… See §403.8(f)(1)(iii);
e. Permit conditions must include: 1) effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards, categorical pretreatment standards, local limits and state and local law, See §403. 8(f)(1) (iii)(B)(3); 2) self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency and sample type. See §403. 8(f)(1) (iii)(B)(4); and requirements to control Slug Discharges, if determined by the POTW to be necessary. See §403. 8(f)(1) (iii)(B)(6).
f. Carry out all inspection, surveillance, and monitoring procedures necessary to determine, independent of information supplied by Industrial Users, compliance or

noncompliance with applicable Pretreatment Standards and Requirements buy Industrial Users. See §403. 8(f)(1)(v) and §403.8(f)(2)(i); and

g. Develop and implement an enforcement response plan (ERP). See §403.8(f)(5).

14. The Pretreatment Regulations at 40 C.F.R. § 403.3(j) define the term "Industrial User" or "User" (IU) to mean a source of "Indirect Discharge." "Indirect Discharge" is defined to mean the introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(b),(c) or (d) of the Act (referring to the statutory authority for pretreatment regulations and making it unlawful to violate such standards). 40 C.F.R. § 403.3(i). A "Significant Industrial User" (SIU), as defined in the pretreatment regulations includes, in pertinent part: "(i) All Industrial Users subject to Categorical Pretreatment Standards under 40 C.F.R. § 403.6 and 40 C.F.R. chapter I, subchapter N, and (ii) Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment plant; or is designated as such… on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard." 40 C.F.R. § 403.3(v).

15. The Pretreatment Regulations, and therefore the Permit, require all POTWs with approved pretreatment programs to submit annual reports containing specified information. 40 C.F.R. § 403.12(i).

16. The Pretreatment regulations at 40 C.F.R. § 403.12 set forth reporting requirements for POTWs and IUs. This includes a requirement for POTWs to submit annual reports containing information specified in the regulation. See 40 C.F.R. 403.12(i). In addition, both IUs and POTWs are required to maintain for a minimum of three years any records of required monitoring activities and results and to make such reports available for inspection and copying by EPA. See 40 C.F.R. § 403.12(o).

17. Respondent is a "municipality" within the meaning of Section 502(4) of the Act, 33 U.S.C. § 1362(4).

18. Respondent is therefore a "person" within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5).

19. At all times relevant to this CAFO, Respondent owned and/or operated the Antrim Township Sewage Treatment Facility located in Antrim Township, Franklin County, Pennsylvania (Antrim Township STF).

20. The Antrim Township STF discharges to Conococheague Creek.

21. Conococheague Creek is a "water of the United States" as that term is defined at 40 C.F.R. § 122.2.

22. On July 15, 2014, EPA's duly-authorized representatives conducted a Pretreatment Compliance Audit of Antrim's pretreatment program implementation. A copy of the Pretreatment Compliance Audit Summary Report was sent to Antrim. The Audit Report identified a number of deficiencies in Antrim's implementation of the Pretreatment Program.

23. On March 15, 2016 EPA issued an Information Requirement to Antrim under Section 308 of the Clean Water Act, 33 U.S.C §1318. Antrim responded to the Information Requirement by letter dated May 18, 2016.

24. Based upon the 2014 Audit, and Antrim's responses to the March 15, 2016 Section 308 Information Requirement, EPA has identified the following violations of the CWA as described below.

III. FINDINGS OF VIOLATION

25. At the time of the Audit, the Respondent had not fully and effectively implemented a pretreatment program, as required by the Permit, including the requirements set forth in 40 C.F. R. § 403.8(f), nor had the Respondent submitted annual reports as required by 40 C.F.R. § 403.12(i) nor had it maintained the records required to be maintained by 40 C.F.R. § 403.12.

Count I. Failure to Correctly Issue Permits to Users

26. The PCA revealed that Grove-Manitowoc Crane was permitted as a non-categorical SIU, but that it discharged wastewater (specifically water containing a phosphoric-acid based chemical), which is regulated under the Metal Finishing Point Source Category and is by definition a categorical SIU subject to 40 C.F.R. Part 433.

27. The PCA revealed that Mountain View Landfill, did not have an industrial user permit under the pretreatment program. The Mountain View Landfill is an SIU, which would require it to have a pretreatment permit.

Count II. Failure to Issue Permits That Comply With All Federal Regulations and That are Consistent with Local Limits

28. The Pretreatment Regulations at 40 C.F.R. § 403.8(f)(4) require a POTW to develop specific local limits as required in § 403.5(c) (1), or demonstrate that they are not

necessary. Antrim has developed local pretreatment limits, which are set forth in its Sewer Use Ordinance (SUO), Chapter 111, Pretreatment Ordinance of Antrim Township (2008). Local limits developed by a POTW are deemed to be Pretreatment Standards. 40 C.F.R. § 403.5(d).

29. The Pretreatment Regulations at 40 C.F.R. 403.8(f)(1)(B)(4) require pretreatment permits to include "Self-monitoring, sampling, reporting, notification and recordkeeping requirements, including an identification of the pollutants to be monitored (including the process for seeking a waiver for a pollutant neither present nor expected to be present in the Discharge in accordance with § 403.12(e)(2), or a specific waived pollutant in the case of an individual control mechanism), sampling location, sampling frequency, and sample type, based on the applicable general Pretreatment Standards in part 403 of this chapter, categorical Pretreatment Standards, local limits, and State and local law."

30. The PCA revealed that Antrim's 2012 compliance inspection report for the Grove Manitowoc Crane facility indicated that a slug discharge control plan was needed. However, the Grove-Manitowoc Crane pretreatment permit did not include a requirement to develop a slug discharge control plan, as required by 40 C.F.R. § 403.8(f)(1)(B)(6).

31. The Pretreatment Regulations at 40 C.F.R. § 403.8(f)(1)(B)(6) require that pretreatment permits include a requirement to control Slug Discharges, if determined by the POTW to be necessary.

32. The PCA revealed that the effluent limits for total suspended solids (TSS) in the Grove-Manitowoc Crane and Eldorado Stone pretreatment permits were not consistent with local limits established in the Antrim Sewer Use Ordinance (SUO).

33. The PCA revealed that the Eldorado Stone permit did not include monitoring requirements for carbonaceous biochemical oxygen demand (CBOD). The Antrim SUO includes a local limit for CBOD, and as such a monitoring requirement should be required in the facility pretreatment permit.

34. The PCA revealed that neither the Eldorado Stone nor the Grove-Manitowoc Crane pretreatment permit included complete sampling requirement descriptions (e.g. pollutants to be monitored, sampling location and frequency, sample type), as required by 40 C.F.R. § 403.8(f)(1)(B)(4).

Count III. Failure to Conduct All Required Compliance Sampling and to Conduct All Required Compliance Inspections at SIUs

35. The Pretreatment Regulations at 40 C.F.R. § 403.8(f)(2)(v) require POTWs with pretreatment programs to "Randomly sample and analyze the effluent from Industrial Users and conduct surveillance activities in order to identify, independent of information supplied by

Industrial Users, occasional and continuing noncompliance with Pretreatment Standards. Inspect and sample the effluent from each Significant Industrial User at least once a year, except as otherwise specified by 40 C.F.R. 403.8(f)(2)(v)(A)."

36. The Pretreatment Regulations at 40 C.F.R. § 403.12 (h) require that sampling and analysis shall be performed "in accordance with the techniques described in [40 C.F.R.] part 136 and amendments thereto."

37. The PCA revealed that Antrim did not conduct compliance sampling at its permitted SIUs in 2013.

38. The PCA revealed that Antrim, in conducting sampling of its SIUs, used sample analysis methods for cyanide and phenolics that are not consistent with the requirements of 40 C.F.R. Part 136.

39. The PCA revealed that in 2010 and 2014 the compliance sampling results for Eldorado Stone did not contain results for biochemical oxygen demand (BOD) or pH, two of the pollutants limited in the Eldorado Stone permit.

40. The PCA revealed that in 2012 and 2014 the compliance sampling results for Grove-Manitowoc Crane did not contain results for oil and grease, two of the pollutants limited in the Grove-Manitowoc Crane permit.

41. The PCA revealed that Antrim was unable to provide documentation of any 2013 compliance inspections at Grove-Manitowoc Crane.

42. The PCA revealed that the compliance inspection forms were lacking in the detail required by and were not fully completed in order to meet the criteria of 40 C.F.R. § 403.8(f)(2)(vii).

43. The PCA revealed that the inspection reports for the Eldorado Stone facility were not complete in that they did not indicate whether the facility would require a slug discharge control plan.

Count IV. Failure to Implement an Enforcement Response Plan

44. The Pretreatment Regulations at 40 C.F.R. § 403.8(f)(5) provide that "The POTW shall develop and implement an enforcement response plan. This plan shall contain detailed procedures indicating how a POTW will investigate and respond to instances of industrial user noncompliance. The plan shall, at a minimum:

(i) Describe how the POTW will investigate instances of noncompliance;

(ii) Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place;

(iii) Identify (by title) the official(s) responsible for each type of response;

(iv) Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 C.F.R. § 403.8 (f)(1) and (f)(2)."

45. The PCA revealed that while Antrim had developed an Enforcement Response Plan (ERP), none of the personnel responsible for administering the pretreatment program were familiar with the ERP.

46. The PCA revealed that Antrim had not taken any enforcement actions for reporting violations, effluent violations, or failure to conduct repeat sampling after permit limits are exceeded, although the SIU reports submitted and reviewed during the PCA indicated that there were such violations.

47. During the PCA several SIU self-monitoring reports were reviewed. None of the reports reviewed contained the certification statement or signature required by 40 C.F.R. § 403.12 (l). Antrim failed to require that the certifications be provided.

48. For the Eldorado Stone self-monitoring reports, Antrim did not investigate or act upon the following reporting or effluent violations: no self-monitoring for BOD and TSS in 2013 as required by the facility's permit; failure to conduct pH monitoring of the treated effluent discharged to the sewer for more than one month in 2013; and effluent exceedances of pH.

49. For the Grove-Manitowoc Crane self-monitoring reports, Antrim did not investigate or act upon the following reporting or effluent violations: CBOD, TSS, total phosphorous, and oil and grease local limit violations from January 2013-June 2014; failure to conduct total phosphorous self-monitoring during the third quarter of 2013; failure to conduct temperature and pH monitoring during December 2013; pH of 1.91 in June 2014; and failure to conduct resampling of total phosphorous after notice of violation for self-monitoring samples collected on April 4, 2013 and March 13, 2014.

50. The PCA revealed that although Antrim's annual reports reflected that there were no SIUs that met the criteria for significant non-compliance (SNC) set forth in 40 C.F.R. § 403.8 (f)(2)(viii), a review of Antrim's records reflected that 1) Grove-Manitowoc Crane was in SNC in 2013 based on effluent violations of CBOD, total phosphorous, and TSS, and the facility's failure to meet all self-monitoring reporting requirements and sampling requirements; and 2) Eldorado Stone was in SNC in 2013 based on failure to sample for BOD and TSS, and the facility's failure to meet all self-monitoring reporting requirements.

Count V. Failure to Maintain all Required Documentation

51. The Pretreatment Regulations at 40 C.F.R. 403.12(o) provide that; "Any Industrial User and POTW subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section, including documentation associated with Best Management Practices."

52. During and after the PCA Antrim was unable to provide copies of the Enforcement Response Plan, chain-of-custody forms, or Grove-Manitowoc Crane's compliance inspection reports.

53. Respondent's failure to fully and effectively develop and implement a pretreatment program as required by its NPDES permit violates the Permit and Section 301 of the Act, 33 U.S.C. § 1311.

IV. CIVIL PENALTY

54. In full and final settlement of the Complainant's claims for civil penalties for the alleged violations identified herein, Respondent consents to the assessment of, and agrees to pay, in accordance with the terms set forth herein, the total administrative civil penalty of twenty thousand dollars ($20,000) within thirty (30) days of the effective date of this CAFO pursuant to 40 C.F.R. § 22.31(c).

55. The civil penalty amount set forth in Paragraph 54 above is based on a number of factors, including the nature, circumstances, extent and gravity of the violation(s), Respondent's ability to pay, prior history of compliance, degree of culpability, economic benefit or savings resulting from the violations, and such other matters as justice may require pursuant to the authority of Section 309(g) of the Act, 33 U.S.C. § 1319(g).

56. Respondent shall pay the civil penalty amount described in Paragraph 54, above, plus any interest, administrative fees, and late payment penalties owed, in accordance with the instructions set forth below, by either cashier's check, certified check, or electronic wire transfer, in the following manner:

a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action;

b. All checks shall be made payable to "**United States Treasury**";

c. All payments made by check and sent by regular mail shall be addressed to:

U.S. Environmental Protection Agency
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Primary Contact: Craig Steffen, (513) 487-2091
Secondary Contact: Molly Williams, (513) 487-2076

d. All payments made by check and sent by overnight delivery service shall be addressed for delivery to:

U.S. Environmental Protection Agency
Cincinnati Finance Center
P.O. Box 979077
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101

Primary Contact: Craig Steffen, (513) 487-2091
Secondary Contact: Molly Williams, (513) 487-2076

e. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance
US EPA, MS-NWD
26 W. M.L. King Drive
Cincinnati, OH 45268-0001

f. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read:
"D 68010727 Environmental Protection Agency"

g. All electronic payments made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

Contact: John Schmid, (202) 874-7026
Remittance Express (REX): (866) 234-5681

h. On-Line Payment Option:

WWW.PAY.GOV/paygov/

Enter **sfo 1.1** in the search field. Open and complete the form.

i. Additional payment guidance is available at:

http://www.epa.gov/financial/makepayment

j. Payment by Respondent shall reference Respondent's name and address, and the EPA Docket Number of this CAFO.

A copy of Respondent's check or a copy of Respondent's electronic fund transfer shall be sent simultaneously to:

Ms. Deane H. Bartlett
Senior Assistant Regional Counsel
U.S. EPA, Region III (3RC20)
1650 Arch Street
Philadelphia, PA 19103-2029

and

Ms. Lydia Guy
Regional Hearing Clerk
U.S. EPA, Region III (3RC00)
1650 Arch Street
Philadelphia, PA 19103-2029

57. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment as specified herein shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.

58. Interest on the civil penalty assessed in this CAFO will begin to accrue on the date that a true and correct copy of this CAFO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

59. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's Resources Management Directives - Cash Management, Chapter 9, EPA will assess a $15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional $15.00 for each subsequent thirty (30) days the penalty remains unpaid.

60. A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

61. The penalty specified in Paragraph 40 shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal taxes.

IV. GENERAL PROVISIONS

62. For the purpose of this proceeding, Respondent admits the jurisdictional allegations set forth in this CAFO.

63. Respondent neither admits nor denies the Findings of Fact set forth in this CAFO.

64. Respondent waives any defenses it might have as to jurisdiction and venue, its right to contest the allegations through hearing or otherwise; and its right to appeal the proposed final order accompanying the Consent Agreement.

65. Respondent shall bear its own costs and attorney fees.

VIII. PARTIES BOUND

71. This CAFO shall apply to and be binding upon the EPA, Respondent, and Respondent's officers, employees, agents, successors and assigns. The undersigned representative of Respondent certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this CAFO and to execute and legally bind that party to it.

X. ENTIRE AGREEMENT

72. This CAFO constitutes the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this CAFO.

IX. EFFECTIVE DATE

73. Pursuant to 40 C.F.R. § 22.45(b), this CAFO shall be issued after a 40-day public notice period is concluded. This CAFO will become final and effective thirty (30) days after it is filed with the Regional Hearing Clerk, pursuant to Section 309(g)(5) of the Act, 33 U.S.C. § 1319(g)(5), or until a public comment process pursuant to 40 C.F.R. § 22.45(b) is concluded.

FOR RESPONDENT:

Date: 2-14-17

Name: Richard Baer
Title: Chairman, Antrim Township

XI. FINAL ORDER

SO ORDERED, pursuant to 33 U.S.C. 1319(g), and 40 C.F.R. Part 22,

this 3rd day of May, 2017

Dominique Lueckenhoff, Acting Director
Water Protection Division
U.S.EPA Region III

CERTIFICATE OF SERVICE

I certify that on this date the foregoing Consent Agreement and Final Order, EPA Docket No. CWA-03-2017-0101 was delivered to the following persons in the manner indicated:

Hand Delivery of original and one copy:

Regional Hearing Clerk (3RC00)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Electronic and Regular Mail

John M. Lisko, Esquire
P.O. Box 792
Waynesboro, PA 17268
jmlisko@embarqmail.com

Date: May 5, 2017

Deane H. Bartlett
Senior Assistant Regional Counsel