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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOV 2 6 2019

Charlotte Katzenmoyer
Chief Executive Officer
Capital Region Water
212 Locust Street, Suite 500
Harrisburg, Pennsylvania 17101

Re: **U. S., et al v. Capital Region Water, et al**
Civil Action No. 1:15-cv-00291-WWC (M.D. Pa)
Demand for Stipulated Penalties

Dear Mr. Katzenmoyer:

The United States Environmental Protection Agency (EPA), in consultation with the Pennsylvania Department of Environmental Protection (PADEP) hereby demand the payment of stipulated penalties by Capital Region Water (CRW) for violations of the above-referenced Consent Decree (CD). Section X of the Consent Decree provides for the assessment of stipulated penalties and sets forth the amounts which may be assessed for each specific CD violation.

Paragraph 27 of the CD prohibits sanitary sewer overflows (SSOs). Paragraph 33.a. of the CD prohibits dry weather overflows (DWOs) from the Combined Sewer System. CRW has violated each of these CD provisions, on the dates shown in the attached Violations Chart.

From May 10, 2018 through August 6, 2019, CRW had 19 DWOs in violation of Paragraph 33.a. of the Decree, for which total stipulated penalties of $14,500 may be assessed. From July 11, 2018 through March 21, 2019, CRW had six (6) SSOs in violation of Paragraph 27 for which total stipulated penalties of $3,000 may be assessed.

EPA and PADEP have determined that we will pursue penalties for 11 of the 19 DWOs for the sum of $10,500 and for two (2) of the six (6) SSOs for a penalty of $1,000 for a total amount of $11,500. See the enclosed penalty chart below.

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According to Paragraph 58 of the CD, one half of the stipulated penalty amount, $5,750 is to be paid to the United States and one half to the PADEP, within thirty (30) days this demand, in the manner specified in Paragraphs 58 a. and b.

Your cooperation in this matter is appreciated. If you have technical questions, please contact Mr. Steve Maslowski, Enforcement Officer at (215) 814-2371. If you have legal questions, please contact Ms. Pamela Lazos, Senior Assistant Regional Counsel, at (215) 814-2658.

Sincerely,

Karen Melvin, Director
Enforcement & Compliance Assurance Division

Enclosure:

cc: Nancy Flickinger, Esq., U.S. Department of Justice
Fredric Andes, Esq.
Pamela Lazos, Esq. EPA
Janna Williams, Esq., PADEP
Victor Landis, PADEP

Summary of Consent Decree Violations by Capital Region Water

Dry Weather Overflows

Date	Violation Description	Overflow Volume Gallons	CD Requirement and Penalty Amount Paragraph 55. a.
May 10, 2018	Water hydrant flushing that discharged out CSO 010	Unknown	Paragraph 33.a $500
June 27, 2018	Contractor working on Paxton Creek Interceptor project caused DWO at CSO 022	464	Paragraph 33.a $500
June 30, 2018	Contractor working on Paxton Creek Interceptor project caused DWO at CSO 022	10,855	Paragraph 33.a $1,000
July 1, 2018	Contractor working on Paxton Creek Interceptor project caused DWO at CSO 022	16,032	Paragraph 33.a $1,000
July 2, 2018	Contractor working on Paxton Creek Interceptor project caused DWO at CSO 022	7,181	Paragraph 33.a $500
July 30, 2018	Debris blockage - caused DWO at CSO 013	Unknown	Paragraph 33.a No penalty
August 24, 2018	Water hydrant flushing that caused DWO at CSO 005	Unknown	Paragraph 33.a $500
August 27, 2018	Regs discharged into the collection system from Harrisburg Hospital caused DWO at CSO 057. This is a recurrent overflow caused by the hospital	Unknown	Paragraph 33.a $500
September 6, 2018	Related to construction with Market Street rehab project caused DWO at CSO 034.	Unknown	Paragraph 33.a No penalty
September 24, 2018	Related to construction with Market Street rehab project caused DWO at CSO 034.	800	Paragraph 33.a No penalty
September 29, 2018	Power failure at Front Street Pump State that caused a DWO at CSOs 002, 042, 043, 044, 045, 046, 048, 059	Unknown	Paragraph 33.a $4,500
October 1, 2018	Caused by City Island pump stations not running caused DWO at CSO 017 Front & Market.	Unknown	Paragraph 33.a No penalty
October 2, 2018	Related to construction with Market Street rehab project caused DWO at CSO 034	Unknown	Paragraph 33.a No penalty

Date	Violation Description	Overflow Volume Gallons	CD Requirement and Penalty Amount Paragraph 55. a.
October 24, 2018	Regs discharged into the collection system from Harrisburg Hospital caused DWO at CSO 057	Unknown	Paragraph 33.a $500
December 6, 2018	Regs discharged into the collection system from Harrisburg Hospital caused DWO at CSO 057	Unknown	Paragraph 33.a $500
December 10, 2018	Regs discharged into the collection system from Harrisburg Hospital caused DWO at CSO 057	Unknown	Paragraph 33.a $500
December 12, 2018	Gate blocked by mat of grease and rags	74	Paragraph 33.a No penalty
March 18, 2019	Blockage on Cameron Street, exfiltrated to stormwater inlet.	>32	Paragraph 33.a No penalty
August 6, 2019	Mud, silt, brick accumulation	371	Paragraph 33.a No penalty

Sanitary Sewer Overflows

Date	Violation Description	Overflow Volume Gallons	CD Requirement and Penalty Amount Paragraph 55. a.
July 11, 2018	Cameron and Industrial Road (next to Farm Show Complex). Penn Dot contractor hit unmarked sanitary sewer line	Unknown	Paragraph 27 No penalty
November 16, 2018	Near Wilson Taylor Park caused by blockage, broken manhole	>1,000	Paragraph 27 $500
February 9, 2019	2318 Berryhill Street caused by grease blockage	Unknown	Paragraph 27 No penalty
February 11, 2019	2468 and 2472 Market Street caused a basement back-up caused by grease blockage	Over a foot of sewage in basement of 2472 Berryhill Street	Paragraph 27 $500
March 19, 2019	Dauphin and Wallace Streets caused by 2 clean-outs overflowed from surcharged sewage line with grease/rag blockage.	Unknown	Paragraph 27 No Penalty
March 21, 2019	1607 Derry Street. During line replacement in 2018, lateral was never reconnected.	Unknown	Paragraph 27 No Penalty