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

JUL 19 2018

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. David Stewart, P.E., BCEEE
Director of Engineering
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. Stewart:

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 33a 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 October 3, 2017 through March 6, 2018, CRW had seven (7) DWOs and one (1) DWO that discharged 12,780 gallons in violation of Paragraph 33.a. of the Decree, for which a total stipulated penalty of $4,500 is assessed. From August 29, 2017 through April 2, 2018, CRW had five (5) SSOs in violation of Paragraph 27 for which a total stipulated penalty of $2,500 is assessed. The total stipulated penalty demand is $7,000 for these violations.

According to Paragraph 58 of the CD, one half of the stipulated penalty amount, $3,500 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.

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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. Deane Bartlett, Senior Assistant Regional Counsel, at (215) 814-2776.

Sincerely,

Dominique Lueckenhoff
Acting Director
Water Protection Division

Enclosure:

cc: Nancy Flickinger, Esq., U.S. Department of Justice
Steven A. Hann, Esq.
Deane H. Bartlett, 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.
October 3, 2017	Pipe cleaning by CRW contractor caused DWO at CSO 027	111	Paragraph 33.a $500
October 5, 2017	Grease accumulation caused DWO at CSO 029	145	Paragraph 33.a $500
November 29, 2017	Grease blockage - upstream line had been cleaned previous day caused DWO at CSO 055	Unknown	Paragraph 33.a $500
December 21, 2017	Material accumulation caused DWO at CSO 013	296	Paragraph 33.a $500
February 4, 2018	Debris blockage - discharged 3 1/2 hours caused DWO at CSO 039	429	Paragraph 33.a $500
February 14, 2018	Debris blockage - discharged 2 3/4 hours caused DWO at CSO 031	825	Paragraph 33.a $500
March 5, 2018	Silt deposit & blockage - 400 feet of silt caused DWO at CSO 048	12,780	Paragraph 33.a $1,000
March 6, 2018	Silt deposit & blockage - cleaning catch basins cause more silt to enter collection system caused DWO at CSO 048	5,565	Paragraph 33.a $500

Sanitary Sewer Overflows

Date	Violation Description	Overflow Volume Gallons	CD Requirement and Penalty Amount Paragraph 55. a.
August 29, 2017	SSO at 2260-2264 Kensington St caused by FOG	Unknown	Paragraph 27 $500
November 25, 2017	435-455 Hale Avenue, manhole and 10 basement backups caused by FOG	Unknown	Paragraph 27 $500
January 6, 2018	2121 Kensington St. – 5 basement backups bypassing pumping caused by FOG	Unknown	Paragraph 27 $500

Date	Violation Description	Overflow Volume Gallons	CD Requirement and Penalty Amount Paragraph 55. a.
March 4, 2018	2121 Kensington St. – basement backup caused by debris blockage	Unknown	Paragraph 27 $500
April 2, 2018	2543 North 4th St. – Discharged out manhole and basement backup, caused by 1,000 feet of clogged line of grease & sediment.	4,500	Paragraph 27 $500