Exhibit J

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

April 27, 2020

Electronic Mail

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

RE: U. S and PADEP v. Capital Region Water and City of Harrisburg
Civil Action No. 1:15-cv-00291-WWC

Dear Ms. Katzenmoyer:

On behalf of the Environmental Protection Agency (EPA) and the Pennsylvania Department of Environmental Protection (PADEP), we write in connection with the August 24, 2015 Partial Consent Decree (PCD), specifically Section V. E., Paragraph 14, that requires Capital Region Water (CRW) to submit for review and approval a revised and updated Long-Term Control Plan (LTCP) conforming to the requirements of EPA's 1994 Combined Sewer Overflow Control Policy (CSO Policy) and EPA's September 1995 Guidance for Long-Term Control Plan.

EPA has previewed CRW's City Beautiful H2O Program Plan LTCP dated March 29, 2018 and provided written comments on July 6, 2018 and July 18, 2019. PADEP also provided comments. We met with CRW in person on April 18, 2018, August 7, 2018, September 10, 2019, October 17, 2019, December 3, 2019, January 15, 2020, and February 26, 2020 regarding the LTCP, and had conference calls on February 13, 2018, November 18, 2019, and March 19, 2020 with CRW to flesh out the LTCP requirements and assist in developing a strategy to move this matter forward. After two years of very little progress, the LTCP still does not meet the requirements specified in the PCD, and despite the lengthy discussions and analyses undertaken by the parties, CRW still seems to be struggling with the concept of the LTCP plan.

As stated above, on July 6, 2018, EPA sent CRW its first set of comments on the LTCP. In accordance with the PCD, Paragraph 37.d., CRW had forty-five days to correct deficiencies in response to those comments and resubmit its report. Under Paragraph 37.f. ii. of the PCD, EPA and PADEP may seek stipulated penalties for CRW's failure to meet CD milestones, one of which is submission of an approvable LTCP. Despite the myriad discussions between the parties over the past two years, and the delivery of our last set of comments during our March 19, 2020 technical call, CRW continues to provide cost estimates for small scale remediation projects with contingency costs built in and then adding contingency costs to a project's cost estimate for a second time, thereby inflating the overall cost estimate of each project and CRW's ability to pay. In addition, CRW has failed to provide actual CSO projects that will reduce volume and frequency of overflows.

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As required under the 1994 CSO Policy and Section 402(q) of the Clean Water Act, the LTCP must include selected CSO controls designed to meet the overarching goals of bringing all CSO discharge points into full compliance with the technology-based and water quality-based requirements of the CWA, and to minimize the impacts of CSOs on water quality, aquatic biota and human health. The LTCP should include review of all available CSO control technologies and CRW must identify and adequately evaluate an appropriately broad range of technically feasible CSO controls, regardless of the cost of each, so a reasonable determination can be made, and the best technologies chosen. Excluding certain technologies because of cost misapplies the CSO policy.

In 2019, CRW discharged more than 900 million gallons of combined sewage to the waters of the United States, impacting human health and the environment. Given the time lapse, the continuing violations of the CWA, and CRW's claim that it is still gathering data to support elements of the LTCP, EPA and PADEP request that CRW develop a list of short-term CSO control projects that will reduce a significant amount of the volume and frequency of CSOs occuring in the CRW system to further the goal of the CD which is to bring CRW's system into compliance during the data gathering process.

To that end, we are requesting that CRW prepare of list of projects that it will undertake as interim/short term measures that can be completed within next six to twelve months of the date of this letter. CRW will undertake these projects pursuant to one or a series of administrative orders on consent that will eventually be memorialized in the next iteration of a consent decree, meaning, whatever succeeds the current PCD. Completion of these short-term projects will result in more immediate pollution reduction impacts to waters of the U.S. and the Commonwealth, including those in the Chesapeake Bay Watershed.

In addition, EPA requests that CRW develop a reasonable schedule to complete and submit an approvable LTCP that conforms with the CSO Policy and EPA's guidance on LTCPs. If these two conditions are met, EPA and PADEP will consider waiving stipulated penalties for the period of July 6, 2018 to present for CRW's failure to complete and submit an approvable LTCP. However, should you not wish to pursue this course of action, the agencies may pursue available enforcement action(s).

We request that you respond, via email to Maslowski.Steven@epa.gov and Lazos.Pamela@epa.gov, with your intent to comply with this proposal **within 30 days of the date of this letter**. In the interim, should you have technical questions regarding this matter, please contact Mr. Steve Maslowski, Enforcement Officer at (215) 814-2371. If you have legal questions, please contact Ms. Pamala Lazos, Senior Assistant Regional Counsel, at (215) 814-2658.

Sincerely,

Stacie Pratt

Stacie Pratt, Chief
NPDES Section
Enforcement and Compliance Assurance Division

cc: Fred Andes, Esq.
Maria D. Bebenek, PADEP
Pamela Lazos, EPA ORC
Sushila Nanda, EPA OECA