

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Philadelphia, Pennsylvania 19103-2029**

In the Matter of:)	
)	
York City Sewer Authority)	ADMINISTRATIVE ORDER FOR
100 East Market Street)	COMPLIANCE ON CONSENT
York, PA 17403)	PURSUANT TO 33 U.S.C. § 1319(a)
)	
And)	Docket No. CWA-03-2021-0044DN
)	
City of York)	
Mayor’s Office)	
101 South George Street)	
York, PA 17401)	
)	
Respondents)	
)	
And)	
)	
Pennsylvania-American Water Company)	
852 Wesley Drive)	
Mechanicsburg, PA 17055)	
)	
Prospective Purchaser Respondent)	
_____)	

I. STATUTORY AUTHORITY AND JURISDICTION

1. This Administrative Order for Compliance on Consent (AOCC or Order) is issued to the York City Sewer Authority (the Sewer Authority) and the City of York (the City) (jointly referred to as York Respondents), and to Pennsylvania-American Water Company (PAWC or Prospective Purchaser Respondent), under the authority vested in the United States Environmental Protection Agency (EPA) by Section 309(a) of the Clean Water Act (CWA or Act), 33 U.S.C. § 1319(a). The Administrator has delegated this authority to the Regional Administrator of EPA Region III, who in turn has delegated it to the Director of the Enforcement & Compliance Assurance Division.
2. Section 309(a) of the Act provides, inter alia, that: “Whenever, on the basis of any information available to [EPA, EPA] finds that any person ... is in violation of any permit condition or limitation implementing [section 1311, 1312, 1316, 1317, 1318, 1328, or 1345 of this title] in a permit issued under section 402 of this Act [33 U.S.C. § 1342, EPA] shall issue an order requiring such person to comply with such section or requirement ...” 33 U.S.C. § 1319(a)(3).

3. EPA has jurisdiction over the above-captioned matter, as described in Paragraphs 1 and 2, above.
4. EPA has consulted with the Commonwealth of Pennsylvania (Pennsylvania) Department of Environmental Protection (PADEP) regarding this action and, subsequent to the Effective Date, EPA will submit a copy of this fully executed AOCC to the appropriate PADEP representative.

II. GENERAL PROVISIONS

5. For the purpose of this proceeding only, each Respondent admits each jurisdictional allegation set forth in this AOCC.
6. Except as provided in Paragraph 5, above, each Respondent neither admits nor denies the specific factual allegations set forth in Section IV (Findings of Fact and Jurisdictional Allegations) of this AOCC, nor does any Respondent, by its consent or otherwise, admit liability or waive defenses as to any third party, or third parties, not a party to this AOCC.
7. Each Respondent agrees not to contest the jurisdiction of EPA with respect to the execution or enforcement of this AOCC.
8. For purposes of this proceeding only, including, but not limited to, any determination of compliance with or administrative or judicial proceeding relating to the enforcement of this AOCC, each Respondent agrees to the terms and issuance of this AOCC and hereby expressly waives any rights such Respondent may have, jointly or severally, to contest the allegations set forth in this AOCC.
9. PAWC is a Pennsylvania corporation and has a mailing address of 852 Wesley Drive, Mechanicsburg, Pennsylvania 17055. PAWC is a public utility company regulated by the Pennsylvania Public Utility Commission that provides water and wastewater services within Pennsylvania.
10. The Sewer Authority (as Seller), together with the City, and PAWC (as Buyer) have entered into an Asset Purchase Agreement dated as of April 6, 2021 (the Purchase Agreement). In accordance with the terms of the Purchase Agreement, subsequent to the satisfaction of certain conditions, PAWC anticipates acquiring the Facility on the Closing Date of the Transaction and thereafter, solely owning, managing, and operating the Facility. For purposes of this AOCC, the phrase “Closing Date of the Transaction” means the date on which title to the Facility is conveyed to PAWC and the first date on which PAWC is the sole owner and operator of the Facility.
11. As set forth in Section XII, (Facility Transfer to Prospective Purchaser Respondent and Subsequent Change of Ownership or Operation of the Facility), prior to the Closing Date of the Transaction, the Authority and City are solely responsible for compliance with the terms of this AOCC. As the Prospective Purchaser Respondent, PAWC’s obligations as a Respondent under the AOCC shall commence on the Closing Date of the Transaction.
12. The provisions of this AOCC shall apply to and be binding upon each Respondent and its officers, directors, employees, contractors, agents, trustees, successors, and assigns of that Respondent. As of the Closing Date of the Transaction, the provisions of this AOCC shall

- apply to and be binding upon PAWC (Prospective Purchaser Respondent) and its officers, directors, employees, contractors, agents, trustees, successors, and assigns.
13. Each Respondent shall bear its own costs and attorney's fees in connection with this proceeding and associated with the implementation or enforcement of this AOCC, including any costs related to resolution of any dispute arising regarding this AOCC.
 14. Issuance of this AOCC is intended to address operations of the Facility related to the violations described herein. EPA reserves the right to commence action against any person, including each Respondent, in response to any condition which EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. EPA also reserves any existing rights and remedies available to it under the CWA, 33 U.S.C. §§ 1311, et seq., the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction. Further, EPA reserves any rights and remedies available to it under the CWA, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this AOCC, following the Effective Date, as defined below.
 15. Except as otherwise provided by the terms of this AOCC, unless or until this AOCC is modified or terminated, in accordance with the terms of this AOCC, any complete shutdown, change of ownership or change in operation of the WWTP shall not relieve any Respondent of any obligations under this AOCC.
 16. To the extent that performance of any obligation under this AOCC requires any Respondent to obtain a federal, state, or local permit or approval, such Respondent is responsible for submitting timely and complete applications and taking all other actions necessary to obtain all such permits or approvals.
 17. This AOCC is not a permit, a modification of any existing permit or a substitution for any permit or permit condition, under any federal, state, or local laws or regulations. Each Respondent is responsible for obtaining any permits relating to ownership or operation of the Facility required pursuant to any federal, state, and local laws or regulations. Each Respondent is responsible for achieving and maintaining complete compliance with all applicable federal, state, and local laws, regulations and permits. Any Respondent's compliance with this AOCC shall be no defense to any action commenced pursuant to any such laws, regulations, or permits, except as set forth herein or otherwise provided by law. EPA does not warrant or aver in any manner that compliance with any aspect of this AOCC will result in compliance with provisions of the CWA, 33 U.S.C. §§ 1251, et seq. or with any other provisions of federal, state, or local laws, regulations, or permits.
 18. This AOCC does not constitute a waiver or modification of the terms or conditions of any permit issued to any Respondent. Nothing in this Order shall relieve any Respondent of its obligation to comply with all applicable provisions of federal, state, or local laws and regulations, nor shall it restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state, or local permit. This Order does not constitute a waiver, suspension, or modification of the requirements of the Act, 33 U.S.C. §§ 1251 et seq., or any regulations promulgated thereunder.

19. With respect to this AOCC, including any investigation or proceeding relating to EPA's determination of compliance with or administrative or judicial enforcement of this AOCC, each Respondent waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that such Respondent may have with respect to any issue of fact or law set forth in this AOCC, including any right of judicial review pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.
20. EPA reserves all existing inspection and permitting authority otherwise available to EPA pursuant to Sections 308 and 402 of the CWA, 33 U.S.C. §§ 1318 and 1342, or pursuant to any other statute or law.
21. The undersigned representative of each Respondent certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this AOCC and to execute and legally bind the party.
22. By signing this AOCC, each Respondent acknowledges that this AOCC may be available to the public and represents that, to the best of Respondent's knowledge and belief, this AOCC does not contain any confidential business information or personally identifiable information from Respondent.
23. Each Respondent certifies that: a) any information or representation it has supplied or made to EPA concerning this matter was, at the time of submission, true, accurate, and complete and b) there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. EPA shall have the right to institute further actions to recover appropriate relief if EPA obtains evidence that any information provided and/or representations made by any Respondent to the EPA regarding matters relevant to this AOCC are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Each Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

III. STATUTORY AND REGULATORY BACKGROUND

24. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person except in compliance with sections 301, 302, 306, 307, 318, 402, and 404 of the Act.
25. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may issue permits under the National Pollutant Discharge Elimination System (NPDES) program for the discharge of pollutants from point sources to 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 for the authorization of state programs to issue NPDES permits.
26. "Discharge of a pollutant" means "[a]ny addition of any 'pollutant' or combination of pollutants to 'waters of the United States' from any 'point source'." 40 C.F.R. § 122.2. See also 33 U.S.C. § 1362(12).

27. Pursuant to Section 402(b) of the Act, 33 U.S.C. § 1342(b), during 1978, EPA first authorized Pennsylvania to issue NPDES permits and such authority was re-authorized during 1991.

IV. FINDINGS OF FACT AND JURISDICTIONAL ALLEGATIONS

28. At all times relevant to this AOCC, the Authority owned and the City operated the York Wastewater Treatment Plant (the WWTP or Facility), a publicly owned wastewater treatment plant located in Manchester Township, York County, PA. Treated domestic, commercial, and industrial wastewater is discharged from the WWTP to Codorus Creek.
29. At all times relevant to this AOCC, the operation of the WWTP has been subject to the Pennsylvania Department of Environmental Protection (PADEP) issued NPDES Discharge Permit No. PA0026263 (the Permit), which became effective on September 1, 2017.
30. At all times relevant to this AOCC, including the Effective Date, York Respondents are authorized to discharge pollutants and wastewater from the WWTP to waters of the United States only in accordance with the terms and conditions of the Permit.
31. Each Respondent is a “person” within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5).
32. Codorus Creek is a tributary of the Susquehanna River in York County, Pennsylvania, and both Codorus Creek and the Susquehanna River are “waters of the United States” within the meaning of Section 502(7) of the Act, 33 U.S.C. § 1362(7).
33. At all times relevant to this AOCC, wastewater was discharged from the WWTP into Codorus Creek through a “point source” as that term is defined at Section 502(14) of the Act, 33 U.S.C. § 1362(14).
34. On May 29, 2019, representatives of EPA inspected the WWTP for purposes of determining compliance with the Permit (the Inspection).
35. Part A.I.A. of the Permit defines effluent limitations, monitoring, recordkeeping, and reporting requirements for discharges from Outfall 001 of the WWTP. During January 1, 2017 through August 31, 2020, the WWTP experienced fifty (50) effluent limit exceedances from Outfall 001 during bypass events. A summary of the fifty (50) Outfall 001 exceedances at issue is set forth in Table 1, below.

Monitoring Period Start Date	Monitoring Period End Date	Parameter Name	DMR Value	Permit Limit	Units	Statistical Base Code
8/1/2020	8/31/2020	Dissolved Oxygen	3.8	5.0	mg/L	Minimum
8/1/2020	8/31/2020	Total Residual Chlorine (TRC)	0.56	0.13	mg/L	Average Monthly
8/1/2020	8/31/2020	Total Residual Chlorine (TRC)	1.12	0.44	mg/L	Instantaneous Maximum
8/1/2020	8/31/2020	Carbonaceous Biochemical Oxygen Demand (CBOD5)	15.0	13.0	mg/L	Average Monthly

Table 1. Outfall 001 Effluent Exceedances (January 1, 2017 through August 31, 2020)						
Monitoring Period Start Date	Monitoring Period End Date	Parameter Name	DMR Value	Permit Limit	Units	Statistical Base Code
8/1/2020	8/31/2020	Total Suspended Solids (TSS)	62.0	30.0	mg/L	Average Monthly
8/1/2020	8/31/2020	Total Suspended Solids (TSS)	62.0	45.0	mg/L	Weekly Average
8/1/2020	8/31/2020	Ammonia-Nitrogen	5.3	1.7	mg/L	Average Monthly
8/1/2020	8/31/2020	Total Phosphorus	6.0	2.0	mg/L	Average Monthly
3/1/2019	3/31/2019	Ammonia-Nitrogen	3.9	2.1	mg/L	Average Monthly
3/1/2019	3/31/2019	Carbonaceous Biochemical Oxygen Demand (CBOD5)	33.0	30.0	mg/L	Weekly Average
3/1/2019	3/31/2019	Carbonaceous Biochemical Oxygen Demand (CBOD5)	33.0	20.0	mg/L	Average Monthly
3/1/2019	3/31/2019	Dissolved Oxygen	3.6	5.0	mg/L	Minimum
3/1/2019	3/31/2019	Total Phosphorus	3.5	2.0	mg/L	Average Monthly
3/1/2019	3/31/2019	Total Residual Chlorine (TRC)	1.00	0.44	mg/L	Instantaneous Maximum
3/1/2019	3/31/2019	Total Residual Chlorine (TRC)	0.56	0.13	mg/L	Average Monthly
3/1/2019	3/31/2019	Total Suspended Solids	65.0	45.0	mg/L	Weekly Average
3/1/2019	3/31/2019	Total Suspended Solids	65.0	30.0	mg/L	Average Monthly
11/1/2018	11/30/2018	Ammonia-Nitrogen	3.3	2.1	mg/L	Average Monthly
11/1/2018	11/30/2018	Dissolved Oxygen	3.3	5.0	mg/L	Minimum
11/1/2018	11/30/2018	Total Phosphorus	2.5	2.0	mg/L	Average Monthly
11/1/2018	11/30/2018	Total Residual Chlorine (TRC)	0.97	0.13	mg/L	Average Monthly
11/1/2018	11/30/2018	Total Residual Chlorine (TRC)	2.52	0.44	mg/L	Instantaneous Maximum
9/1/2018	9/30/2018	Ammonia-Nitrogen	7.2	1.7	mg/L	Average Monthly
9/1/2018	9/30/2018	Carbonaceous Biochemical Oxygen Demand (CBOD5)	28.5	13.0	mg/L	Average Monthly
9/1/2018	9/30/2018	Carbonaceous Biochemical Oxygen Demand (CBOD5)	28.5	19.0	mg/L	Weekly Average
9/1/2018	9/30/2018	Dissolved Oxygen	2.4	5.0	mg/L	Minimum
9/1/2018	9/30/2018	Total Phosphorus	5.5	2.0	mg/L	Average Monthly
9/1/2018	9/30/2018	Total Residual Chlorine (TRC)	1.22	0.13	mg/L	Average Monthly
9/1/2018	9/30/2018	Total Residual Chlorine (TRC)	2.58	0.44	mg/L	Instantaneous Maximum

Table 1. Outfall 001 Effluent Exceedances (January 1, 2017 through August 31, 2020)						
Monitoring Period Start Date	Monitoring Period End Date	Parameter Name	DMR Value	Permit Limit	Units	Statistical Base Code
9/1/2018	9/30/2018	Total Suspended Solids	32.5	30.0	mg/L	Average Monthly
8/1/2018	8/31/2018	Ammonia-Nitrogen	2.8	1.7	mg/L	Average Monthly
8/1/2018	8/31/2018	Carbonaceous Biochemical Oxygen Demand (CBOD5)	27.0	19.0	mg/L	Weekly Average
8/1/2018	8/31/2018	Carbonaceous Biochemical Oxygen Demand (CBOD5)	27.0	13.0	mg/L	Average Monthly
8/1/2018	8/31/2018	Dissolved Oxygen	2.6	5.0	mg/L	Minimum
8/1/2018	8/31/2018	Fecal Coliform	201	200	No./100 ml	Geometric Mean
8/1/2018	8/31/2018	Total Phosphorus	2.4	2.0	mg/L	Average Monthly
8/1/2018	8/31/2018	Total Residual Chlorine (TRC)	0.24	0.13	mg/L	Average Monthly
8/1/2018	8/31/2018	Total Residual Chlorine (TRC)	0.76	0.44	mg/L	Instantaneous Maximum
8/1/2018	8/31/2018	Total Suspended Solids	61.0	45.0	mg/L	Weekly Average
8/1/2018	8/31/2018	Total Suspended Solids	61.0	30.0	mg/L	Average Monthly
7/1/2018	7/31/2018	Ammonia-Nitrogen	5.3	1.7	mg/L	Average Monthly
7/1/2018	7/31/2018	Carbonaceous Biochemical Oxygen Demand (CBOD5)	34.5	13.0	mg/L	Average Monthly
7/1/2018	7/31/2018	Carbonaceous Biochemical Oxygen Demand (CBOD5)	34.5	19.0	mg/L	Weekly Average
7/1/2018	7/31/2018	Dissolved Oxygen	2.9	5.0	mg/L	Minimum
7/1/2018	7/31/2018	Fecal Coliform	48392	1000	No./100 ml	Instantaneous Maximum
7/1/2018	7/31/2018	Fecal Coliform	12869	200	No./100 ml	Geometric Mean
7/1/2018	7/31/2018	Total Phosphorus	6.3	2.0	mg/L	Average Monthly
7/1/2018	7/31/2018	Total Suspended Solids	49.3	30.0	mg/L	Average Monthly
7/1/2018	7/31/2018	Total Suspended Solids	49.3	45.0	mg/L	Weekly Average
7/1/2017	7/31/2017	Ammonia-Nitrogen	7.1	1.7	mg/L	Average Monthly

36. Part A.I.B. of the Permit defines effluent limitations, monitoring, recordkeeping, and reporting requirements for Outfall 002 discharges. During September 1, 2017 through November 1, 2020, the WWTP experienced seventeen (17) effluent limit exceedances from

Outfall 002. A summary of the seventeen (17) Outfall 002 exceedances at issue is set forth in Table 2, below.

Table 2. Outfall 002 Effluent Exceedances (January 1, 2017 through November 1, 2020)						
Monitoring Period Start Date	Monitoring Period End Date	Parameter Name	DMR Value	Permit Limit	Units	Statistical Base Code
11/1/2020	11/30/2020	Total Phosphorus	2.2	2.0	mg/L	Average Monthly
8/1/2020	8/31/2020	Fecal Coliform	4640	1000	No./100 ml	Instantaneous Maximum
7/1/2020	7/31/2020	Fecal Coliform	1307	1000	No./100 ml	Instantaneous Maximum
7/1/2020	7/31/2020	Total Phosphorus	2.6	2.0	mg/L	Average Monthly
7/1/2020	7/31/2020	Ammonia-Nitrogen	3.8	1.7	mg/L	Average Monthly
5/1/2020	5/31/2020	Fecal Coliform	2420	1000	No./100 ml	Instantaneous Maximum
8/1/2019	8/31/2019	Carbonaceous Biochemical Oxygen Demand (CBOD5)	24.5	19.0	mg/L	Weekly Average
8/1/2019	8/31/2019	Fecal Coliform	24196	1000	No./100 ml	Instantaneous Maximum
5/1/2019	5/31/2019	Fecal Coliform	2420	1000	No./100 ml	Instantaneous Maximum
9/1/2018	9/30/2018	Fecal Coliform	12100	1000	No./100 ml	Instantaneous Maximum
8/1/2018	8/31/2018	Fecal Coliform	12098	1000	No./100 ml	Instantaneous Maximum
7/1/2018	7/31/2018	Carbonaceous Biochemical Oxygen Demand (CBOD5)	24.6	19.0	mg/L	Weekly Average
7/1/2018	7/31/2018	Fecal Coliform	48392	1000	No./100 ml	Instantaneous Maximum
5/1/2018	5/31/2018	Ammonia-Nitrogen	4.9	1.7	mg/L	Average Monthly
4/1/2018	4/30/2018	Ammonia-Nitrogen	3.4	2.1	mg/L	Average Monthly
1/1/2018	1/31/2018	Ammonia-Nitrogen	2.8	2.1	mg/L	Average Monthly
9/1/2017	9/30/2017	Fecal Coliform	3873	1000	No./100 ml	Instantaneous Maximum

37. Part B.I.E.2. states: “The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the terms of and conditions of this permit.” As described more fully in the Inspection Report, during the Inspection, EPA Inspectors observed the following incidents of operational malfunction of the Facility, which affected York Respondents’ compliance with the terms of and conditions of the Permit.

- a. Several pieces of equipment that contribute to the full treatment capacity of the WWTP were either out of service or partially functioning, including: i) an influent channel, ii) Primary Clarifiers No. 1, 3 and 5, iii) one of three screw pumps that convey effluent from the Train #2 secondary clarifiers to the sand filters, iv) the sand filters, v) the automatic chlorine injection system and vi) the Facility supervisory control and data acquisition (SCADA) system.
 - b. The systems of treatment and control, or related appurtenances were not operated or maintained in a manner that achieved compliance with the permit terms and conditions, based upon the allegations herein and presence of: a) scum and floatable solids accumulated in the secondary clarifiers of Train #2, b) foam in the anoxic basins at the effluent of the BNR systems for Trains #2 and #3 and c) algae and vegetation on and around the step aerator at Outfall 002.
 - c. Deficiencies in the tracking of maintenance activities, through the computerized maintenance management system, including failure to complete work orders generated during the past year.
38. Part C.VI.E. of the Permit states, “At an influent flow rate of 53 MGD or higher, the Train #2 Secondary Clarifier effluent, bypassing existing sand filters and UV disinfection system, may be discharged to Codorus Creek via Outfall 001, contingent upon compliance with effluent limitations and monitoring requirements identified in Part A of this permit. Except for the Train #2 Secondary Clarifier effluent and stormwater, discharge of other wastewaters via Outfall 001 is prohibited.” At least four times from July 2018 through June 2021, during periods of time when the influent flow rate was less than 53 MGD, Train #2 Secondary Clarifier effluent: a) was diverted to piping leading to Outfall 001 and thereby bypassed existing sand filters and UV disinfection system and b) mixed with stormwater prior to being discharged through Outfall 001 to Codorus Creek. During the Inspection, EPA Inspectors were informed that to protect the biota in the biological nutrient removal systems, these systems were typically taken offline (i.e. there was no treatment of the influent, only flow through of the influent occurred) during wet weather events as influent flows increased near to 25 to 26 million gallons per day (MGD).

V. CONCLUSIONS OF LAW AND FINDINGS OF VIOLATION

39. The allegations set forth in Paragraphs 1-38, above, are incorporated herein.
40. Based on the above assertions and allegations, EPA concludes that the City and Sewer Authority violated Part A.I.A. of the Permit on the dates set forth in Table 1, above.
41. Based on the above assertions and allegations, EPA concludes that the City and Sewer Authority violated Part A.I.B. of the Permit on the dates set forth in Table 2, above.
42. Based on the above assertions and allegations, EPA concludes that the City and Sewer Authority violated Part B.I.E.2. of the Permit prior and subsequent to May 29, 2019.
43. Based on the above assertions and allegations, EPA concludes that the City and Sewer Authority violated Part C.VI.E. of the Permit prior and subsequent to May 29, 2019.

44. Based on the above assertions and allegations in Paragraphs 1-38, above, the City and Sewer Authority have failed to comply with the terms and conditions of the Permit and, therefore, have violated Section 301 of the CWA, 33 U.S.C. § 1311.

VI. COMPLIANCE ORDER

Therefore, York Respondents are hereby ORDERED, pursuant to Section 309(a) of the CWA, 33 U.S.C. § 1319(a), and York Respondents and Prospective Purchaser Respondent consent to conduct the following activities:

45. WWTP Operator Certification: Within 60 calendar days of the Effective Date and on an annual basis thereafter, York Respondents or PAWC, to the extent such Respondent is subject to this AOCC, shall submit a Certification of Certified WWTP Operator(s) at the Facility (WWTP Operator Certification) to EPA. Such WWTP Operator Certification shall certify that: a) the owner or operator has retained the services of at least one certified operator, who has been granted the authority to make process control decisions at the Facility, b) such certified operator is Board-certified with a valid certificate with the appropriate class and subclassifications for the Facility and is designated by the Respondent WWTP owner as an available operator, in accordance with 25 Pa. Code § 302.104 (Certification Requirements) and c) the owner or operator has made arrangements to ensure oversight of the Facility by such certified operator(s) at all times. The owner or operator shall include a copy of each certified sewage treatment plant operator's certificate as an attachment to each Certification of Certified WWTP Operator(s) at the Facility.
46. York AOCC Compliance Projects: On or prior to the dates set forth below, York Respondents or PAWC, to the extent such Respondent is subject to this AOCC, shall: a) submit a Compliance Project Implementation Plan, if required, and b) complete each of the following WWTP improvement projects (York AOCC Compliance Projects) in accordance with this AOCC, including the EPA approved York AOCC General Implementation Plan and any relevant York AOCC Compliance Project Implementation Plan and c) submit a York AOCC Compliance Project Completion Notification to EPA in accordance with this AOCC:

- a. York AOCC Compliance Projects #1 and 2: Work Order System Training Projects

Summary of York AOCC Compliance Project #1: The City utilizes a work order system called Hach JOB Cal® Plus. The City shall ensure that all management and staff employees, whose job responsibilities include using such system, complete training to ensure proper use and operation of such system.

Deadline for submission of York AOCC Compliance Project #1 Completion Notification: On or prior to 90 calendar days after the Effective Date.

Summary of York AOCC Compliance Project #2: Subsequent to the Closing Date of the Transaction, PAWC shall install a work order management system referred to as "MapCall" and shall ensure that all management and staff employees, whose job responsibilities include using such system, complete training to ensure proper use and operation of such system.

Deadline for submission of York AOCC Compliance Project #2 Completion Notification: Within 60 calendar days of installation of the work order management

system referred to as “MapCall” and no later than 12 months following the Closing Date of the Transaction.

- b. York AOCC Compliance Project #3: Flow Rate Monitoring, Analysis & Reporting of Diverted Train #2 Effluent and Stormwater Flows to Outfall 001 Project

Summary: Study to determine appropriate monitoring and measuring equipment and methods and installation of monitoring, measuring and recording equipment and implementation of procedures, as appropriate, to ensure monitoring, measuring, recording and reporting of: (i) the influent flow rate into the Facility; (ii) the flow rate of Train #2 Secondary Clarifier effluent diverted to the Facility’s stormwater piping leading to Outfall 001 (Diverted Train #2 Effluent) prior to such effluent mixing with any stormwater; (iii) the flow rate of stormwater within piping leading to Outfall 001 prior to mixing with any Diverted Train #2 Effluent (York Respondents or PAWC, to the extent that they are subject to this AOCC, may propose to EPA that it is appropriate to indirectly calculate such flow rate); and (iv) the flow rate of any mixture of Diverted Train #2 Effluent and stormwater to and within the lines leading to Outfall 001. Such flow rate shall be measured by million gallons per day (MGD) units, unless otherwise agreed to by the relevant Respondent(s) and EPA. This project shall include reporting of each incident whereby Train #2 Secondary Clarifier effluent was diverted towards Outfall 001 (i.e., Diverted Train #2 Effluent) during a time period when the influent flow rate to the WWTP was less than 53 MGD, in noncompliance with the Permit, or any other value set forth in any other applicable NPDES Permit governing allowance of such diversion. For each area of flow rate monitoring and measurement, subsequent to installation of the necessary equipment, in accordance with the York AOCC Compliance Project #3 Implementation Plan, required flow data shall be reported in each Quarterly Progress Report and such reporting shall continue until the below date for Deadline for submission of York AOCC Compliance Project #3 Completion Notification. Any automated monitoring or measurement system improvements or installations shall be connected to the Facility’s current SCADA System and/or any upgraded SCADA System described in this Section, as appropriate given the operational status of each such SCADA System at the time that such improvements or installations are completed at each area of flow rate monitoring and measurement. Among other information, the initial proposed York AOCC Compliance Project #3 Implementation Plan, submitted in accordance with this AOCC, shall include the initial proposed deadlines for: i) installation and operation of flow rate monitoring, measuring, and recording equipment and implementation of relevant procedures for each area described above and ii) initial reporting of flow data for each area described above.

York AOCC Compliance Project #3 Implementation Plan Submission Deadline: On or prior to 90 calendar days after the Effective Date.

Deadline for submission of York AOCC Compliance Project #3 Completion Notification: The date of the final Quarterly Progress Report required pursuant to this Section.

- c. York AOCC Compliance Project #4: Hydraulic Capacity and Non-Wastewater Infiltration/Inflow to Outfall 001 Evaluation and Report Project

Summary: (i) Completion of an on-going CCTV inspection of a significant portion of the lines leading to Outfall 001; (ii) completion of an analysis of the hydraulic capacity of the piping, chlorine contact tank, and pumps associated with Outfall 001, compared to appropriate design storm flows anticipated based on historical experience and reasonably anticipated future conditions (i.e., considering currently available information on rainfall frequency and intensity trends projected by credible scientific sources); and (iii) on or prior to March 31, 2022, submission to EPA of a study report summarizing the results of such evaluations and analyses, including a determination of whether or not there are any significant breaks in lines requiring correction or hydraulic capacity deficiencies that would materially inhibit operation of any chlorination or dechlorination system associated with York AOCC Compliance Project #8 (the Outfall 001 System Study Report).

York AOCC Compliance Project #4 Implementation Plan Submission Deadline: On or prior to 60 calendar days after the Effective Date.

Deadline for submission of York AOCC Compliance Project #4 Completion Notification: Fourteen (14) calendar days after Respondent's receipt of EPA's approval of the Outfall 001 System Study Report.

- d. York AOCC Compliance Project #5: Outfall 001 System Corrective Action and Maintenance Plan Project

Summary: Submission to EPA of an Outfall 001 Corrective Action and Maintenance Plan (Outfall 001 CAMP) and implementation of an EPA-approved Outfall 001 CAMP. The Outfall 001 CAMP shall, at a minimum, include: (i) identification of strategic projects, including proposed design and construction schedules, to address any adverse conditions described in the EPA-approved Outfall 001 System Study Report with the objective of managing flows to assure effective performance of any chlorination or dechlorination system associated with York AOCC Compliance Project #8 (Replacements and Improvements to Disinfection Systems for Outfall 001) and (ii) a plan for monitoring, operation and maintenance of the Outfall 001 System through the date of the Certification of Compliance and Request for Termination, required to be submitted in accordance with this AOCC, to confirm that no significant breaks, hydraulic capacity deficiencies or other conditions or deficiencies exist that would materially inhibit operation of any chlorination or dechlorination system associated with York AOCC Compliance Project #8. This project shall include implementation of any corrective action(s) or maintenance project(s) and implementation of any plan(s) for monitoring, operation, and maintenance of the Outfall 001 System to confirm that no significant breaks, hydraulic capacity deficiencies or other conditions or deficiencies exist that would materially inhibit operation of any chlorination or dechlorination system associated with York AOCC Compliance Project #8, as identified in the EPA-approved Outfall 001 CAMP. Monitoring, operation, and maintenance of the Outfall 001 system pursuant to the EPA-approved Outfall 001 CAMP shall continue until the date on which the Certification of Compliance and

Request for Termination is submitted in accordance with Paragraph 73 of this AOCC.

York AOCC Compliance Project #5 Implementation Plan Deadline: 90 calendar days following EPA's Approval of the Outfall 001 System Study Report, described in York AOCC Compliance Project #4, above.

Deadline for submission of York AOCC Compliance Project #5 Completion Notification: To be submitted concurrent with submission of the Certification of Compliance and Request for Termination in accordance with this AOCC.

e. York AOCC Compliance Project #6: Screw Pump #3 Replacement Project

Summary: This project will include the replacement of the existing 7 mgd Lakeside Screw Pump No. 3 and Motor.

York AOCC Compliance Project #6 Implementation Plan Deadline: March 31, 2022.

Deadline for submission of York AOCC Compliance Project #6 Completion Notification: September 30, 2023.

f. York AOCC Compliance Project #7: New SCADA System Project

Summary: Design and installation of a partial or total replacement and/or upgrade of the existing Facility supervisory control and data acquisition (SCADA) System, including installation of new screens; development and implementation of a new database connecting such screens to new programmable logic controller units (PLCs) associated with key equipment and processes at the Facility; installation of new PLC processors; determination of alarm priorities; installation of new computer servers to provide a dual redundant server configuration and development of operation manuals and training plan. Subsequent to the installation of such SCADA System, operator training will be provided to all Facility management and employees whose job responsibilities include operation or oversight of such SCADA system.

York AOCC Compliance Project #7 Implementation Plan Submission Deadline: June 30, 2022

Deadline for submission of York AOCC Compliance Project #7 Completion Notification: September 30, 2023.

g. York AOCC Compliance Project #8: Improvements to Outfall 001 Disinfection Systems

Summary: Design, permitting, construction and operation of improvements to the chlorination system, including as appropriate installation of new equipment, that is associated with Outfall 001 to efficiently and appropriately disinfect Diverted Train #2 Effluent which has been blended with stormwater from the WWTP. Improvements shall involve installation of an automated Chlorine Disinfection System and a Dechlorination System, which at a minimum ensure compliance with any applicable or relevant NPDES Permit limitations or requirements. The system shall include new equipment to ensure control of any chlorination feed and

dechlorination system operations, and new process analyzers for chlorine residual monitoring control, that shall be connected to the Facility SCADA System in operation. Flow rate monitoring, measurement and analysis data associated with York AOCC Compliance Project #3 (Flow Rate Monitoring, Analysis & Reporting of Diverted Train #2 Effluent and Stormwater Flows to Outfall 001 Project) shall be taken into consideration as part of this project.

York AOCC Compliance Project #8 Implementation Plan Submission Deadline: June 30, 2022

Deadline for submission of York AOCC Compliance Project #8 Completion Notification: November 30, 2025.

h. York AOCC Compliance Project #9: Evaluation of Current and Future Monitoring and Treatment Systems for Diverted Train #2 Effluent

Summary: Identification and evaluation of current monitoring and treatment systems and operating procedures for Diverted Train #2 Effluent and identification and evaluation of modifications and improvements to such systems and procedures, including:

- (i) An evaluation of existing monitoring systems (if any) and new monitoring systems for measuring pollutants in Diverted Train #2 Effluent, as measured before such Diverted Train #2 Effluent mixes with stormwater;
- (ii) An evaluation of existing monitoring systems (if any) and new monitoring systems for measuring pollutants in Diverted Train #2 Effluent after such Diverted Train #2 Effluent mixes with stormwater;
- (iii) Preparation and submission to EPA of a plan addressing modifications and improvements to existing pollutant measurement and monitoring systems for Diverted Train #2 Effluent, prior to and subsequent to such effluent mixing with stormwater (Diverted Train #2 Pollutant Monitoring Systems Improvement Plan). Such Diverted Train #2 Pollutant Monitoring Systems Improvement Plan shall include design and installation of new or improvements to current monitoring systems to provide effective monitoring of pollutants in Diverted Train #2 Effluent, as measured before and after such Diverted Train #2 Effluent mixes with stormwater;
- (iv) Implementation of the EPA-approved Diverted Train #2 Pollutant Monitoring Systems Improvement Plan;
- (v) An evaluation of the performance of the existing treatment applied to Diverted Train #2 Effluent, as measured before and after such Diverted Train #2 Effluent mixes with stormwater, including: (1) the identification and evaluation of any deficiencies in the ability of current treatment systems and operating procedures that are applied to Diverted Train #2 Effluent prior to and after such Diverted Train

#2 Effluent mixes with stormwater, to comply with (a) relevant effluent limitations and requirements of any applicable NPDES Permit both prior to and after such Diverted Train #2 Effluent mixes with stormwater, except for requirements for disinfection and dechlorination, and (b) the requirements for disinfection and dechlorination after such effluent mixes with stormwater as addressed in AOCC Project No. 8 (Improvements to Outfall 001 Disinfection Systems) ((a) and (b) collectively referred to as the Relevant NPDES Permit Effluent Limitations and Requirements); and (2) preparation and submission of a report to EPA, for review approval, detailing such identification and evaluation (the Diverted Train #2 Effluent Treatment Effectiveness Evaluation Report);

- (vi) An identification and evaluation of appropriate modifications to treatment systems and operating procedures that are applied to Diverted Train #2 Effluents prior to and after such Diverted Train #2 Effluent mixes with stormwater, to assure adequate treatment of such Diverted Train # 2 Effluent to ensure compliance with Relevant NPDES Permit Effluent Limitations and Requirements;
- (vii) Preparation and submission to EPA of a plan: a) detailing the identifications and evaluations set forth in subparagraphs 46.h.v and vi, above, and b) proposing modifications to such treatment systems and operating procedures that are applied to Diverted Train #2 Effluent prior to and after such Diverted Train #2 Effluent mixes with stormwater, to assure adequate treatment of such Diverted Train # 2 Effluent to ensure compliance with relevant NPDES Permit Effluent Limitations and Requirements (the Diverted Train #2 Effluent Treatment Corrective Action Plan). Respondents may submit the Diverted Train #2 Effluent Treatment Corrective Action Plan prior to March 31, 2024; however, EPA agrees that Respondent shall not be required to submit such plan prior to March 31, 2024.

York AOCC Compliance Project #9 Implementation Plan Submission Deadline: Ninety (90) calendar days after the Effective Date.

Deadline for submission of York AOCC Compliance Project #9 Completion Notification: Fourteen (14) calendar days subsequent to Respondents' (or Respondent's) receipt of EPA approval of the Diverted Train #2 Effluent Treatment Corrective Action Plan.

- i. York AOCC Compliance Project #10: Improvement of Monitoring and Treatment Systems for Train #2 Effluent Diverted to Outfall 001

Summary: Implementation of the Diverted Train #2 Effluent Treatment Corrective Action Plan, including design, permitting, and construction of approved improvement projects and implementation of approved operating procedures identified in the EPA-approved Diverted Train #2 Effluent Treatment Corrective

Action Plan to assure that Diverted Train #2 Effluent complies with the Relevant NPDES Permit Effluent Limitations and Requirements. Any automated system improvements or installations will be connected to the SCADA System described in this Section.

York AOCC Compliance Project #10 Implementation Plan Submission Deadline: 60 calendar days following EPA approval of the Diverted Train #2 Effluent Treatment Corrective Action Plan as described in York AOCC Compliance Project #9 (Evaluation of Current and Future Monitoring and Treatment Systems for Diverted Train #2 Effluent), above.

Deadline for submission of York AOCC Compliance Project #10 Completion Notification: December 31, 2027.

47. York AOCC General Implementation Plan: Within ninety (90) calendar days of the Effective Date, York Respondents shall submit to EPA for review a York AOCC General Implementation Plan (York AOCC General Implementation Plan), which meets the requirements set forth in this AOCC. The York AOCC General Implementation Plan shall include, at a minimum, the following information:

- a. A detailed summary of each York AOCC Compliance Project identified in this Section, including, to the extent that the information is available, a general description of: i) planned or necessary changes to the Facility and ii) primary work steps required to implement each project, including relevant completed studies, anticipated studies, general design information, anticipated federal, state, or local permits, procurement, construction, and training, and the general schedule for such steps. To the extent that information is not available, at the time of initial submission of such plan, to provide a reasonably detailed summary of a York AOCC Compliance Project, Respondents shall identify such information and provide a time frame for submitting a revised York AOCC General Implementation Plan, or portion thereof, which includes such information. Any request for revision to any EPA-approved York AOCC General Implementation Plan shall be subject to the procedures set forth in Section VII (Procedures for Submissions) of this AOCC, below. The York AOCC General Implementation Plan, including modifications thereto, submitted to EPA shall provide sufficient detail for each Respondent subject to this AOCC and EPA to reasonably understand and have a reasonable basis to discuss and reach agreement on the general description of: (1) planned or necessary changes to the Facility, and (2) primary work steps required to implement each project, including relevant completed studies, anticipated studies, general design information, anticipated federal, state or local permits, procurement, construction, and training, and the general schedule for such steps.
- b. A general schedule for completion of each York AOCC Compliance Project listed in this AOCC (i.e. York AOCC Compliance Projects ## 1-10) (Implementation Plan General Schedule), including proposed initiation and completion timelines and interim milestones for each York AOCC Compliance Project. Such Implementation Plan General Schedule shall depict on a timeline the proposed initiation date, each significant interim milestone, and the proposed completion date for each York

AOCC Compliance Project. Each applicable Respondent shall review the EPA-approved Implementation Plan General Schedule, at a minimum, on a quarterly basis prior to submission of any Quarterly Progress Report, required pursuant to this AOCC. In accordance with Paragraph 53 (York AOCC Compliance Projects Quarterly Progress Reports) of this AOCC, below, York Respondents or PAWC, to the extent that such Respondent is subject to this AOCC, may submit a proposed revision(s) to the EPA-approved Implementation Plan General Schedule. Any request for revision to any EPA-approved Implementation Plan General Schedule shall be subject to the procedures set forth in Section VII (Procedures for Submissions) of this AOCC, below.

- c. A proposed format for the following submissions required pursuant to this AOCC:
 - i) York AOCC Compliance Projects Quarterly Progress Reports and ii) York AOCC Compliance Project Completion Notifications.
48. For York AOCC Compliance Projects ## 3, 4, 5, 6, 7, 8, 9 and 10, as identified in this Section, York Respondents or PAWC, to the extent such Respondent is subject to this AOCC, shall submit a Compliance Project Implementation Plan for such project no later than the deadline set forth in Paragraph 46 (York AOCC Compliance Projects), above.
49. York AOCC Compliance Project Implementation Plans: Each Compliance Project Implementation Plan shall, at a minimum, include the following information relating specifically to the relevant project:
 - a. A detailed description of such York AOCC Compliance Project, including a detailed description of all planned or necessary changes to the Facility and, as appropriate maps and/or diagrams depicting such changes. A detailed project management process for completing such York AOCC Compliance Project, including an identification and description of any compliance project related training, permits required by PADEP or local authorities, planned or completed studies, proposed interim reports, monitoring and sampling analysis reports.
 - b. A current project specific detailed schedule for completion of such York AOCC Compliance Project, including proposed timelines and interim milestones (York AOCC Project Detailed Schedule). Each Respondent subject to this AOCC shall review each York AOCC Project Detailed Schedule on a quarterly basis prior to submission of any Quarterly Progress Report, required pursuant to this AOCC. In accordance with Paragraph 53 (York AOCC Compliance Projects Quarterly Progress Reports) of this AOCC, below, a Respondent subject to this AOCC may submit a proposed revised York AOCC Project Detailed Schedule for EPA's review. Any request for revision to any EPA-approved York AOCC Project Detailed Schedule shall be subject to the procedures set forth in Section VII (Procedures for Submissions) of this AOCC, below.
 - c. A schedule for providing and completing training for staff and management for any new system or process related to such York AOCC Compliance Project (York AOCC Project Training Schedule). Any initial or revised York AOCC Project Training Schedule may indicate conditions precedent that York Respondents or PAWC, to the extent such Respondent is subject to this AOCC, assert must occur prior to imitating training relating to any such new system or process related to such

York AOCC Compliance Project. Such schedule shall be sufficiently detailed to allow EPA to reach agreement with York Respondents or PAWC, to the extent such Respondent is subject to this AOCC, as to an enforceable time frame for implementation of such training and a deadline for concluding such training.

50. Each Respondent subject to this AOCC shall comply with, fully implement, and undertake all work described in any EPA-approved York AOCC General Implementation Plan and York AOCC Compliance Project Implementation Plans.
51. York Respondents or PAWC, to the extent such Respondent is subject to this AOCC, may submit a written request to modify any portion of the EPA-approved York AOCC General Implementation Plan or an EPA-approved York AOCC Compliance Project Implementation Plan, including revisions to any EPA-approved schedule. Any request to modify any portion of the EPA-approved York AOCC General Implementation Plan or an EPA-approved York AOCC Compliance Project Implementation Plan shall be subject to the terms and procedures set forth in Section VII (Procedures for Submissions), below. A written request for modification to any portion of any EPA-approved York AOCC General Implementation Plan or EPA-approved York AOCC Compliance Project Implementation Plan shall not relieve any Respondent of any obligation under this AOCC and shall have no effect on EPA's statutory or regulatory authority to enforce the terms of this AOCC, in its sole and unreviewable discretion.
52. Progress Reports General Requirement and Timing: York Respondents or PAWC, to the extent such Respondent is subject to this AOCC, shall submit to EPA progress reports (York AOCC Compliance Projects Quarterly Progress Reports) in accordance with this AOCC. Subsequent to the Effective Date, York Respondents or PAWC, to the extent such Respondent is subject to this AOCC, shall submit each York AOCC Compliance Projects Quarterly Progress Report on a calendar quarterly basis no later than each subsequent January 15th, April 15th, July 15th, and October 15th, prior to termination of this AOCC.
53. York AOCC Compliance Projects Quarterly Progress Reports
 - a. Each York AOCC Compliance Projects Quarterly Progress Report (Quarterly Progress Report) shall include sufficient information to document compliance with this AOCC, including the EPA-approved York AOCC General Implementation Plan and each York AOCC Compliance Project Implementation Plan. For each York AOCC Compliance Project, each Quarterly Progress Report shall include, at a minimum: (i) a listing of submissions to EPA during the reporting period and (ii) a clearly stated indication of compliance or noncompliance with the EPA-approved York AOCC General Implementation Plan and the relevant York AOCC Compliance Project Implementation Plan, including, if applicable, (a) any compliance project-related training, (b) any NPDES Permit application submitted to EPA or PADEP related to ownership or operation of the Facility, (c) any permit application related specifically to such project, (d) studies undertaken or completed, interim reports undertaken or submitted to EPA, (e) project summary reports submitted to EPA, (f) photographs relevant to documenting compliance with this AOCC, including the EPA-approved York AOCC General Implementation Plan and the relevant York AOCC Compliance Project Implementation Plan, (g) a description of monitoring undertaken and (h) sampling analysis reports submitted to EPA.

- b. Subsequent to EPA's approval of the York of AOCC Compliance Project #3 Implementation Plan, each Quarterly Progress Report shall include available flow rate data as required to be monitored, measured, and recorded pursuant to this Section. Such reporting shall include identification of any incident whereby wastewater was diverted towards Outfall 001 when the influent flow rate at the Facility is less than 53 MGD or any other applicable NPDES Permit limitation.
 - c. Each Quarterly Progress Report shall confirm, or provide an update for, the name and contact information (mailing and email addresses and direct dial phone number) for the person assigned as the primary point of contact, who represents and is authorized to communicate on behalf of each Respondent subject to the terms of this AOCC for all EPA communications regarding this AOCC.
 - d. For each York AOCC Compliance Project for which York Respondents or PAWC, to the extent such Respondent is subject to this AOCC, have/has not submitted a York AOCC Compliance Project Completion Notification, each Quarterly Progress Report shall include either: (i) confirmation of compliance with the EPA-approved Implementation Plan General Schedule and the respective EPA-approved York AOCC Project Detailed Schedule or (ii) relevant proposed revisions to the EPA-approved Implementation Plan General Schedule and the relevant EPA-approved York AOCC Project Detailed Schedule for EPA's review for such York AOCC Compliance Project. Any request for revision to any EPA-approved Implementation Plan General Schedule or EPA-approved York AOCC Project Detailed Schedule shall be subject to the procedures set forth in Section VII (Procedures for Submissions) of this AOCC, below.
54. Project Completion Notifications: For each York AOCC Compliance Project identified in this Section, York Respondents or PAWC, to the extent such Respondent is subject to this AOCC, shall submit to EPA for review and approval a notification of completion of such project (York AOCC Compliance Project Completion Notification) in accordance with this AOCC. Each York AOCC Compliance Project Completion Notification shall include sufficient information to document compliance with this AOCC and completion of such York AOCC Compliance Project in accordance with the terms of this AOCC, including the EPA-approved York AOCC General Implementation Plan and any York AOCC Compliance Project Implementation Plan applicable to such project.

VII. PROCEDURES FOR SUBMISSIONS

55. All documents required to be submitted by this Order and any Request for Termination shall be accompanied by a certification signed by a responsible officer, as defined in 40 C.F.R. § 122.22(d), that reads as follows:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signed _____

Title: _____

Date: _____

56. Each Respondent, who is subject to the terms of this AOCC, may assert a business confidentiality claim covering part or all of the information which this AOCC requires it to submit to EPA, but only to the extent and only in the manner described in Part 2 Subpart B of Title 40 of the C.F.R (Confidentiality of Business Information) (40 C.F.R. Part 2, Subpart B). The EPA will disclose information submitted under a confidentiality claim only as provided in Part 2 Subpart B of Title 40 of the C.F.R. If, at the time any information is submitted to EPA, the Respondent submitting such information does not assert a confidentiality claim in accordance with the procedures set forth at 40 C.F.R. Part 2, Subpart B, EPA may make the submitted information available to the public without further notice to either Respondent.
57. No later than fourteen (14) calendar days following the Effective Date, the City and the Sewer Authority shall each notify EPA as to a primary point of contact for each entity, who represents and is authorized to communicate for such entity, for all EPA communications regarding this AOCC (Primary Contact Notification). Each such Primary Contact Notification shall include such person's: name, title, mailing and email addresses and direct dial phone number. York Respondents' assigned primary point of contact shall not be reviewable by EPA and shall not be subject to EPA approval or disapproval. Such Primary Contact Notification may also identify one additional point of contact and request that EPA copy such additional contacts as recipients of communications regarding this AOCC.
58. Unless otherwise directed, York Respondents or PAWC, to the extent such Respondent is subject to this AOCC, shall submit any submission or written communication, including any accompanying data, relating to this AOCC to EPA via electronic mail, unless electronic mail service is not reasonably available. The subject line of all email correspondence to EPA must include the following: "York WWTP AOCC, CWA-03-2021-0044DN" and the subject or title of the relevant deliverable. Unless otherwise notified by EPA, any submission or written communication relating to this AOCC, shall be submitted to: Kaitlin McLaughlin, McLaughlin.Kaitlin@epa.gov (EPA Project Manager).

If any specific submission cannot be sent via electronic mail to EPA, York Respondents or PAWC, to the extent such Respondent is subject to this AOCC, shall contact the EPA Project Manager to make arrangements for alternative delivery.
59. Any information submitted electronically to EPA shall be submitted in a widely recognized electronic format.
60. Regardless of method of submission, each mailing by EPA or any Respondent shall be deemed submitted on the date such communication is either electronically transmitted or postmarked.
61. Regardless of method of submission (electronic or other mailing), each Respondent shall maintain records of each notification or communication with EPA for the duration of this AOCC.

62. Any York AOCC Compliance Projects Progress Report, or portion thereof, that does not include or relate to a request for revision to any EPA-approved Implementation Plan General Schedule or EPA-approved York AOCC Project Detailed Schedule shall not be subject to the procedures set forth in Paragraph 64, below.
63. Any request for revision to any EPA-approved Implementation Plan General Schedule or EPA-approved York AOCC Project Detailed Schedule shall be subject to the procedures set forth in Paragraph 64, below.
64. Review of Submissions:
 - a. For each submission required or permitted pursuant to this AOCC, including any submission required pursuant to any EPA-approved York AOCC Implementation Plan, EPA, in its sole and unreviewable discretion, may in writing: (i) approve such submission in whole or in part; (ii) approve such submission upon specified conditions; (iii) modify such submission to cure any deficiencies; (iv) disapprove such submission, in whole or in part, or (v) any combination of the above.
 - b. If such submission is approved in its entirety with no conditions or revisions, York Respondents or PAWC, to the extent such Respondent is subject to this AOCC, shall take all actions required by the EPA-approved submission, in accordance with the schedules and requirements set forth in such approved submission or EPA's written notification of approval.
 - c. If such submission is conditionally approved, approved with minor revisions or approved only in part, York Respondents or PAWC, to the extent such Respondent is subject to this AOCC, shall, upon written direction from EPA, take all actions required by any EPA-approved portion of such submission that EPA determines is technically severable from any portion requiring further EPA review or that was disapproved by EPA.
 - d. If EPA disapproves such submission in whole or in part, York Respondents or PAWC, to the extent such Respondent is subject to this AOCC, shall, within thirty (30) calendar days or such other time as EPA determines appropriate, correct all deficiencies, and resubmit such disapproved portion of such submission for approval, in accordance with this AOCC.
 - e. After review of any document resubmitted in accordance with Paragraph. 64.d., above, EPA will notify York Respondents or PAWC, to the extent such Respondent is subject to this AOCC, in writing that such resubmission is approved, disapproved, or revised in whole or part. If the resubmission is approved or approved with minor revisions, in whole or in part, York Respondents or PAWC, to the extent such Respondent is subject to this AOCC, shall proceed in accordance with Paragraph 64.b. or c., as applicable, above. If any portion of such resubmission is disapproved, EPA may again require York Respondents or PAWC, to the extent such Respondent is subject to this AOCC, to correct any deficiencies, in accordance with Paragraph 64.d., above, or EPA may revise such document and correct any deficiencies and notify York Respondents or PAWC, to the extent such Respondent is subject to this AOCC, to take all actions required by such revised resubmission.

65. Subsequent to EPA approval of any plan, schedule or other document required to be submitted to EPA, pursuant to the Section VI (Compliance Order) of this AOCC, or otherwise submitted pursuant to this AOCC, York Respondents or PAWC, to the extent such Respondent is subject to this AOCC, may seek EPA's review of revisions to such previously EPA-approved document.
66. The provisions of this Section shall apply to any request for any revision of any EPA-approved document and any revised submission.

VIII. TAX IDENTIFICATION

67. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 162-21(b)(2), performance of Sections VI (Compliance Order), VII (Procedures for Submissions) and X (Certification of Compliance and Request for Termination of AOCC) is restitution, remediation, or required to come into compliance with the law.

IX. DISPUTE RESOLUTION

68. Disputes or disagreements concerning any written decision, including any approval or disapproval of a submission, issued by EPA pursuant to the terms set forth in the following Sections of this AOCC shall be subject to the procedures of this Section IX (Dispute Resolution): Sections VII (Procedures for Submissions), X (Certification of Compliance and Request for Termination of AOCC), XI (Extension of Time Request Based on Force Majeure Event), XII (Facility Transfer to Prospective Purchaser Respondent and Subsequent Change of Ownership or Operation of the Facility) and XIII (Modification of AOCC).
69. Informal Dispute Resolution: The parties shall use their best efforts to resolve all disputes or disagreements through informal negotiations and discussion (Informal Dispute Resolution Negotiations). York Respondents or PAWC, to the extent such Respondent is subject to this AOCC, shall initiate Informal Dispute Resolution Negotiations by submitting to EPA a written notification initiating Informal Dispute Resolution (Informal Dispute Resolution Initiation Notification). Each such Informal Dispute Resolution Initiation Notification shall, at a minimum, identify: a) the specific EPA decision subject to Informal Dispute Resolution negotiations, b) the basis for such Respondents'/Respondent's objection to, or disagreement with, such decision and c) such Respondents'/Respondent's specific proposed resolution of such objection to such decision. If a dispute, or disagreement, is resolved through Informal Dispute Resolution Negotiations and the parties deem it appropriate, the resolution may be reduced to writing, signed by representatives of each party, and incorporated into this AOCC, and any requirements or schedules therein shall become enforceable requirements of this AOCC. In the event that the parties cannot resolve a dispute by informal negotiations under this Paragraph within sixty (60) calendar days of EPA's receipt of an Informal Dispute Resolution Initiation Notification, or such longer period as EPA, in its sole and unreviewable discretion, deems appropriate, (Informal Dispute Resolution Period), Respondent may initiate Formal Dispute Resolution in accordance with this Section. Unless EPA determines otherwise, the invocation of Informal Dispute Resolution procedures under this Section shall not extend, postpone, or affect in any way any

obligation of York Respondents or PAWC, to the extent such Respondent is subject to this AOCC, under this AOCC.

70. Formal Dispute Resolution: If York Respondents or PAWC, to the extent such Respondent is subject to this AOCC, disagree(s), in whole or in part, with any disapproval, modification or other decision or directive made by EPA in writing pursuant to Section VII (Procedures for Submissions) of this AOCC and the parties cannot resolve such dispute through Informal Dispute Resolution Negotiations, EPA's decision shall be considered a binding and enforceable requirement of this AOCC, until and unless such Respondents/Respondent submit(s) a written request to initiate formal dispute resolution in accordance with the procedures outlined below. The invocation of formal dispute resolution procedures under this Section shall not extend, postpone, or affect in any way any obligation of York Respondents or PAWC, to the extent such Respondent is subject to this AOCC, under this AOCC, unless EPA determines otherwise.
- a. Initiation of Formal Dispute Resolution: If York Respondents or PAWC, to the extent such Respondent is subject to this AOCC, disagree, in whole or in part, with EPA's decision concerning a disapproval, modification or other decision made pursuant to Section VII (Procedures for Submissions), which has been the subject of Informal Dispute Resolution Negotiations, as set forth in this Section, such Respondents / Respondent shall submit to EPA a request to initiate formal dispute resolution (Formal Dispute Resolution Initiation Notification). Any Formal Dispute Resolution Initiation Notification must contain: i) Respondents'/Respondent's specific objection(s) to the EPA decision in dispute; ii) the bases for each of Respondents'/Respondent's objections, including but not limited to any factual data, analysis, or opinion supporting such objection and any supporting documentation relied upon by Respondents and iii) Respondents'/Respondent's proposed resolution for each objection. York Respondents or PAWC, to the extent such Respondent is subject to this AOCC, must submit any Request for Formal Dispute Resolution within ten (10) business days after either: a) the conclusion of the Informal Dispute Resolution Period or b) such Respondents'/Respondent's receipt of the EPA's Informal Dispute Determination. EPA may, in its sole and unreviewable discretion, decline any Request for Formal Dispute Resolution submitted to EPA subsequent to ten (10) business days after Respondents' receipt of the EPA's Informal Dispute Determination.
 - b. Formal Dispute Resolution Period: After EPA receives a Request for Formal Dispute Resolution, in accordance with this AOCC, the parties shall have ten (10) business days, or such longer period as EPA, in its sole and unreviewable discretion, deems appropriate, to attempt to agree upon a resolution relating to such written objection(s) and requested resolution(s). During such formal dispute resolution period, York Respondents or PAWC, to the extent such Respondent is subject to this AOCC, may request a meeting with the Chief, Water Branch, Enforcement and Compliance Assurance Division, EPA, Region III, in order to make an oral presentation of its position(s). If, during such formal dispute resolution period, agreement is reached resolving any or all of such objections, such resolution(s) shall be reduced to writing, signed by representatives of each party,

and incorporated into this AOCC, and any requirements or schedules therein shall become enforceable requirements of this AOCC.

- c. EPA Formal Dispute Determination: If EPA and York Respondents or PAWC, to the extent such Respondent is subject to this AOCC, are unable to reach resolution as to any or all written objections, as set forth in such Request for Formal Dispute Resolution, within the period specified in Paragraph 70.b., above, the Chief, Water Branch, Enforcement and Compliance Assurance Division, EPA, Region III, shall notify York Respondents or PAWC, to the extent such Respondent is subject to this AOCC, in writing, of his or her decision regarding each unresolved objection set forth by such Respondents, or Respondent (hereinafter referred to as "EPA's Formal Dispute Determination"). Each such determination shall be final and incorporated into this AOCC and any requirements or schedules set forth therein, or incorporated by reference therein, shall become enforceable requirements of this AOCC.

71. Notwithstanding any other provisions of this AOCC, no action or decision by EPA, including, without limitation, decisions of the Chief, Water Branch, Enforcement and Compliance Assurance Division, EPA, Region III, pursuant to this AOCC, shall constitute a final agency action giving rise to any right to judicial review prior to EPA's initiation of judicial action to compel any Respondent's compliance with, or otherwise enforce, this AOCC.

72. In the event that EPA initiates a judicial action for purposes of enforcing any requirement of this AOCC, each Respondent reserves any claims or defenses such Respondent may otherwise have in relation to any actions or decisions by EPA related to the obligations which are the subject of such judicial action(s); and in any such judicial action, the phrase "sole and unreviewable discretion" as used in this AOCC shall not affect any authority or rights that the court may otherwise have to review any such EPA action or decision.

X. CERTIFICATION OF COMPLIANCE AND REQUEST FOR TERMINATION OF AOCC

73. Upon completion of all York AOCC Compliance Projects required pursuant to this AOCC and submission of all required York AOCC Compliance Project Completion Notifications, including sufficient information to document compliance with this AOCC and completion of each York AOCC Compliance Project in accordance with the terms of this AOCC, York Respondents or PAWC, to the extent such Respondent is subject to this AOCC, shall submit to EPA a Certification of Compliance and Request for Termination of this AOCC. Such certification and request shall include:

- a. a certification that such Respondents have, or Respondent has, maintained compliance with this AOCC and
- b. all necessary documentation, including photo documentation as appropriate, to support a finding that such Respondents have, or Respondent has, complied with Section VI (Compliance Order) of this AOCC.

74. If, following review of any Certification of Compliance and Request for Termination of this AOCC, EPA agrees that the requirements of this AOCC have been satisfied, then EPA

may, in its unreviewable discretion, provide written notification of termination of this AOCC.

XI. EXTENSION OF TIME REQUEST BASED ON FORCE MAJEURE EVENT

75. "Force Majeure Event", for purposes of this AOCC, is defined as any event arising from causes beyond the control of the relevant Respondent(s), of any entity controlled by any such Respondent(s) subject to this AOCC or any contractor of such Respondent(s), that delays or prevents the performance of any obligation under this AOCC subsequent to such Respondent(s) exercising best efforts to fulfill the obligation(s) at issue. The requirement that any Respondent, subject to this AOCC, exercise "best efforts to fulfill the obligation" includes using best efforts to anticipate any Force Majeure Event and best efforts to address the effects of any such event: (a) as it is occurring and (b) after it has occurred, to prevent or minimize any resulting delay. Unanticipated or increased costs or expenses associated with the performance of any Respondent's obligations under this AOCC or any Respondent's financial inability to perform any obligation under this AOCC shall not constitute circumstances beyond any Respondent's control nor serve as the basis for an extension of time under this AOCC.
76. If at any time during the implementation of this AOCC, any Force Majeure Event occurs that may delay the completion of any York AOCC Compliance Project by the applicable deadline for submission of a relevant York AOCC Compliance Project Completion Notification, including implementation of an EPA-approved plan or schedule, Respondent(s) shall, within fourteen (14) calendar days of determining that such event may delay the performance of such obligation, provide to EPA a written request for an extension of time to comply with any such obligation (Force Majeure Extension of Time Request). Such Extension of Time Request shall include, at a minimum, the following information for each specific obligation(s) for which an extension of time is sought.
- a. The specific obligation(s) for which an extension of time is sought, including each applicable deadline.
 - b. A detailed explanation and description of the Force Majeure Event at issue and the reasons for the requested extension of time, including all supporting documentation.
 - c. The amount of time for which an extension of time is sought.
 - d. A detailed description of all actions taken to prevent or minimize the amount of time for which an extension of time is sought, including a detailed description of each Respondent's best efforts to fulfill the obligation.
 - e. A detailed description, including a schedule for implementation, of all actions to be taken to prevent or mitigate the amount of time for which an extension is sought and the effect of any delay on any other obligation pursuant to this AOCC.
 - f. A statement as to whether, in the opinion of the relevant Respondent(s), the Force Majeure Event at issue may cause or contribute to an endangerment to public health, welfare, or the environment.
77. Each Respondent, who is subject to the terms of this AOCC, shall be deemed to know of the occurrence of, or reasonable likelihood of an occurrence of, any circumstance or event

that may delay the performance of any obligation under this AOCC of which such Respondent, any entity controlled by such Respondent, or any contractor of such Respondent knew or reasonably should have known.

78. Any Force Majeure Extension of Time Request shall be submitted in accordance with this AOCC and EPA may, in its unreviewable discretion, approve or disapprove any Extension of Time Request.
79. EPA's approval, including conditional approval, of any Force Majeure Extension of Time Request shall not, of itself extend the time for performance of any other obligation not explicitly addressed in such approval.
80. Failure to comply with the above requirements may preclude any Respondent from asserting any claim of Force Majeure or other related defense for non-compliance with the terms of this AOCC for the time period such non-compliance is related to a reportable event.

XII. FACILITY TRANSFER TO PROSPECTIVE PURCHASER RESPONDENT AND SUBSEQUENT CHANGE OF OWNERSHIP OR OPERATION OF THE FACILITY

Facility Ownership and Operation Transfer to Prospective Purchaser Respondent

81. Prior to the Closing Date of the Transaction, until or unless this AOCC is modified or terminated, in accordance with the terms of this AOCC, York Respondents shall, jointly and severally, remain responsible for compliance with the terms of this AOCC.
82. In the event that the Closing Date of the Transaction has not occurred on or prior to March 31, 2022, then no later than April 8, 2022, York Respondents shall provide EPA with: a) notice that the Closing Date of the Transaction has not occurred, b) a summary of York Respondents' current plans for any potential sale of the Facility and c) a summary of York Respondents' current plans to submit an AOCC Project Scope and Deadline Modification Request in accordance with Section XIII (Modification of AOCC), below.
83. On and subsequent to the Closing Date of the Transaction, for all purposes relating to compliance with this AOCC, PAWC: a) shall be substituted as the sole Respondent for the City and the Sewer Authority and b) as sole Respondent, PAWC shall be responsible for all obligations arising under and compliance with the AOCC on and after the Closing Date of the Transaction. Effective upon Closing Date of the Transaction, the City and Authority shall be released from all obligations and liabilities under this AOCC for obligations to be performed or violations occurring on or after the Closing Date of the Transaction.
84. Within one business day following the Closing Date of the Transaction, the PAWC shall submit a notification of transfer of ownership of the Facility (Transfer of Facility Ownership Notification) to EPA that: a) notifies EPA that title to the Facility has been conveyed to PAWC; PAWC is the owner and operator of the Facility and, pursuant to this Section, PAWC is the sole Respondent subject to the terms of this AOCC and b) informs EPA as to the primary point of contact, who represents and is authorized to communicate for PAWC for all EPA communications regarding this AOCC (PAWC Primary Contact Notification). The PAWC Primary Contact Notification shall include such primary point of contact's: name, title, mailing and email addresses and direct dial phone number.

PAWC's primary point of contact shall not be reviewable by EPA and shall not be subject to EPA approval or disapproval.

Transfer of Ownership or Operation of the Facility by York Respondents to Any Party Other Than PAWC

85. In the event that York Respondents enter into an Asset Purchase Agreement with any party other than PAWC, then York Respondents shall comply with the following notification procedures:
- a. At least ninety (90) days prior to any transfer of ownership or operation of the WWTP, York Respondents shall submit a written notification to EPA of any such anticipated change in ownership or operation of the WWTP (Respondents' Notification of Change of York WWTP Ownership or Operation). Each such Respondents' Notification of Change of York WWTP Ownership or Operation shall include, at a minimum, a detailed summary of the anticipated change in ownership or operation, contact information for the proposed new owner or operator of the WWTP, a schedule for such anticipated change and a schedule for the transfer of any federal, state, or local permits.
 - b. York Respondents shall, in writing, condition any sale or transfer of ownership or operation of the WWTP, in whole or in part, upon the execution by such Prospective Third Party Purchaser, or Transferee, of an agreement, which creates an obligation that shall survive the closing of such sale or transfer, of the WWTP, whereby such Prospective Third Party Purchaser or Transferee agrees to comply with and be bound by the terms of this AOCC.

Transfer of Ownership or Operation of the Facility by PAWC

86. Subsequent to the Closing Date of the Transaction, in the event that PAWC enters into negotiations for purposes of transferring ownership or operation of the Facility, PAWC shall complete the following procedures:
- a. At least ninety (90) days prior to any transfer of ownership or operation of the WWTP, PAWC shall submit a written notification to EPA of any such anticipated change in ownership or operation of the WWTP (Notification of Change of York WWTP Ownership or Operation). Each such Notification of Change of York WWTP Ownership or Operation shall include, at a minimum, a detailed summary of the anticipated change in ownership or operation, contact information for the proposed new owner or operator of the WWTP, a schedule for such anticipated change and a schedule for the transfer of any federal, state, or local permits.
 - b. PAWC shall, in writing, condition any sale or transfer of ownership or operation of the WWTP, in whole or in part, upon the execution by such Prospective Third Party Purchaser, or Transferee, of an agreement, which creates an obligation that shall survive the closing of such sale or transfer, of the WWTP, whereby such Prospective Third Party Purchaser or Transferee agrees to comply with and be bound by the terms of this AOCC.

XIII. MODIFICATION OF AOCC

87. Prior to the Closing Date of the Transaction, this AOCC may only be modified by mutual agreement of EPA and the York Respondents in accordance with this Section. Subsequent to the Closing Date of the Transaction, this AOCC may only be modified by mutual agreement of EPA and PAWC. Any agreed-upon modification of any term of this AOCC shall be in writing, be signed by each Respondent, shall be effective on the date on which they are signed by EPA, and shall be incorporated into this AOCC.
88. In the event that the Closing Date of the Transaction does not occur on or before March 31, 2022, then, prior to May 31, 2022, the York Respondents may submit a written request to propose: i) an alternative schedule for completing the York AOCC Compliance Projects set forth in Section VI (Compliance Order), above, or ii) additional projects or modify the names of the projects and related deadlines set forth in Section VI (Compliance Order), above, to propose alternative projects, which individually or cumulatively accomplish the same goals of a project identified herein or are otherwise designed to achieve compliance with the Permit or subsequently issued NPDES Permit (AOCC Project Scope and Deadline Modification Request). Any AOCC Project Scope and Deadline Modification Request shall include, at a minimum: a) the specific revisions requested to Paragraph 46 (York AOCC Compliance Projects), above, b) requested revisions to all relevant portions of any EPA-approved York AOCC General Implementation Plan and York AOCC Compliance Project Implementation Plan, as required pursuant to Paragraphs 47 and 49, above, c) a proposed deadline for the relevant Proposed York AOCC Compliance Project Completion Notification, to be submitted in accordance with Paragraph 54 (Project Completion Notifications), above, and d) a detailed explanation and justification supporting such requested revisions. Any request for modification of this AOCC or any portion of the EPA-approved AOCC General Implementation Plan or any portion of any EPA-approved York AOCC Compliance Project Implementation Plan shall be subject to the procedures set forth in Section VII (Procedures for Submissions), above.
89. Any request to modify the terms of, or parties to, this AOCC shall: a) be submitted in writing to EPA, b) specifically identify the terms subject to the request and the proposed revision(s) and c) shall be subject to review and approval by EPA, in its sole and unreviewable discretion and in accordance with Section VII (Procedures for Submissions), above. A written request for modification of this AOCC shall not relieve any Respondent of any obligation under this AOCC and shall have no effect on EPA's statutory or regulatory authority to enforce the terms of this AOCC, in its sole and unreviewable discretion.

XIV. EFFECTIVE DATE

90. This AOCC is effective on the date that York Respondents receive, via either overnight delivery service or United States Postal mail service (return receipt requested) a fully-executed copy of this AOCC (Effective Date). York Respondents shall confirm such date to EPA in writing.

Matter of York City Sewer Authority and City of York, Docket No. CWA 03-2021-0044DN

FOR YORK CITY SEWER AUTHORITY, Respondent

Name: Philip W. Briddell

Title: Chairman

Certificate-Based Digital Signature: _____

FOR CITY OF YORK, PENNSYLVANIA, Respondent

Name: Michael Helfrich

Title: Mayor

Certificate-Based Digital Signature: _____

Name: AliceAnne D. Frost

Title: City Controller

Certificate-Based Digital Signature: _____

FOR PENNSYLVANIA-AMERICAN WATER COMPANY, Prospective Purchaser Respondent

Name: F. Michael Doran

Title: President

Certificate-Based Digital Signature: _____

SO ORDERED:

FOR U.S. ENVIRONMENTAL PROTECTION AGENCY

By: _____

Karen Melvin, Director
Enforcement & Compliance Assurance Division
U.S. Environmental Protection Agency Region III