

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

| | | |
|--|---|--|
| In the Matter of |) | |
| Shenandoah Municipal Sewer Authority |) | ADMINISTRATIVE ORDER FOR COMPLIANCE ON CONSENT |
| 15 W. Washington Street |) | Pursuant to 33 U.S.C. § 1319(a) |
| Shenandoah, PA 17976-1708 |) | |
| Respondent. |) | Docket No. CWA 03-2020-0067DN |
| |) | |
| National Pollutant Discharge Elimination System (NPDES) Discharge Permit No. PA0070386 |) | |
| |) | |

I. STATUTORY AUTHORITY

1. This Administrative Order for Compliance on Consent (“AOCC” or “Order”), EPA Docket No. CWA 03-2020-0067DN, is issued to Shenandoah Municipal Sewer Authority (“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.

II. STATUTORY AND REGULATORY BACKGROUND

2. 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.
3. 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.
4. Pursuant to Section 402(b) of the Act, 33 U.S.C. § 1342(b), EPA authorized the Commonwealth of Pennsylvania to issue individual NPDES permits in 1974.
5. Section 309(a) of the Act provides, *inter alia*, that where “the Administrator 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

1342 of this title by [EPA] or by a State, [EPA] shall issue an order requiring such person to comply with such section or requirement". 33 U.S.C. § 1319(a)(3).

6. "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).

III. FINDINGS OF FACT AND JURISDICTIONAL ALLEGATIONS

7. Respondent is a "person" within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5).
8. At all times relevant to this AOCC, Respondent operated a publicly-owned treatment works consisting of a wastewater collection and treatment system, including a wastewater treatment plant. Treated sanitary wastewater is discharged from the wastewater treatment plant to Shenandoah Creek.
9. The Pennsylvania Department of Environmental Protection (PADEP) issued NPDES Discharge Permit No. PA0070386 (NPDES Permit) to Respondent effective January 1, 2012 and reissued the NPDES Permit effective November 1, 2017.
10. Respondent is authorized to discharge pollutants in treated sanitary wastewater from its wastewater treatment plant to waters of the United States only in accordance with the terms and conditions of its NPDES Permit.
11. Shenandoah Creek flows into Mahanoy Creek, which in turn flows to the Susquehanna River, all of which are "waters of the United States" within the meaning of Section 502(7) of the Act, 33 U.S.C. § 1362(7).
12. Respondent discharges sanitary wastewater from the wastewater treatment plant to Shenandoah Creek through a "point source" as that term is defined at Section 502(14) of the Act, 33 U.S.C. § 1362(14).
13. On November 17, 2016, representatives of EPA and PADEP inspected Respondent's wastewater treatment plant. Representatives of PADEP conducted subsequent inspections on August 3, 2017, March 8, 2018, March 28, 2018, April 9, 2018, April 30, 2018, August 21, 2018, December 26, 2018 and May 16, 2019.
14. Part A.1. of Respondent's NPDES Permit requires that Respondent not exceed certain effluent limitations in its discharge for fecal coliform, total suspended solids (TSS), and Carbonaceous Biological Oxygen Demand (CBOD₅). As set forth in greater detail in Attachment A, between July 2016 and February 2019, Respondent has reported periodic exceedances of the effluent limitations for these parameters.
15. NPDES Permit Part A., Additional Requirements, Paragraph 1 prohibits discharges that result in deposits in the receiving water. During the November 17, 2016 site inspection, representatives of EPA and PADEP observed and documented deposits discharged from Respondent's wastewater treatment plant into Shenandoah Creek.

16. NPDES Permit, Part B.1.D. requires that Respondent at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances which are installed or used to achieve compliance with the NPDES Permits. Based on observations by EPA and PADEP representatives during the November 17, 2016 site inspection and/or by representatives of PADEP during subsequent inspections:
- a) As of May 16, 2019, the primary clarifier and sludge thickener were offline and had not been in operation for approximately 17 months.
 - b) As of May 16, 2019, final clarifier number 2 was offline because the valve box is frozen.
 - c) As of November 17, 2016, two of the four influent pumps were stuck in the open position due to the need to replace valves.
 - d) As of November 17, 2016, the telescoping valve in the primary clarifier was not operational.
 - e) As of November 17, 2016, the O&M Manual was not up-to-date or reflective of current plant configurations.
 - f) Since at least November 17, 2016, concrete structures at the wastewater treatment plant were deteriorated and in poor condition.
17. NPDES Permit Part C.VII requires that Respondent develop and implement a Preparedness, Prevention and Contingency Plan ("PPC"). On information and belief, Respondent has not developed or implemented a PPC.
18. Respondent's NPDES Permit requires that Respondent include certain information and forms when submitting its monthly Discharge Monitoring Reports to PADEP. As set forth in the Notice of Violation from PADEP, attached hereto as Attachment B, between April 2018 and February 2019, Respondent submitted Discharge Monitoring Reports to PADEP that did not submit all of the required supplemental forms and information, including the following:
- Supplemental Report-Daily Effluent Monitoring-Form 3800-FM-BPNPSM0435
 - Supplemental Report-Influent and Process Control-Form 3800-FM-BPNPSM0436
 - Supplemental Report-Hauled-In Municipal Waste- Form 3800-FM-BPNPSM0437
 - Supplemental Report-Sewage Sludge/Biosolids Disposal- Form 3800-FM-BPNPSM0438
 - CSO Supplemental Report-Monthly Inspection Report- Form 3800-FM-BPNPSM0441
 - CSO Supplemental Report-Detailed Outfall Report- Form 3800-FM-BPNPSM0442
 - Non-Compliance Reporting Form- Form 3800-FM-BPNPSM0440
 - Supplemental Laboratory Accreditation Form- Form 3800-FM-BPNPSM0189
 - Supplemental Report-Annual Chesapeake Bay Spreadsheet-Annual Nutrient Monitoring

- Supplemental Report-Annual Chesapeake Bay Spreadsheet-Annual Nutrient Budget
19. NPDES Permit Part A.III.a.3 requires that Respondent record the location of samples and the analytical techniques used. As of the November 17, 2016 site investigation, Respondent's laboratory records did not include sample locations or analytical techniques.
 20. NPDES Permit Parts A.I and A.II require that composite samples taken by Respondent be flow-proportional. As of the November 17, 2016 site investigation, Respondent's samples were not flow-proportional.
 21. NPDES Permit Part B.1.E requires that Respondent employ an operator certified in compliance with the Water and Wastewater Systems Operators Certification Act (63 P.S. §§ 1001-1015.1). On information and belief, Respondent did not employ a certified operator as of May 2019.
 22. Respondent neither admits nor denies the findings of fact, conclusions of law, and findings of violation contained or referenced in this AOCC.
 23. Respondent admits that EPA has jurisdiction to issue this AOCC and agrees not to contest EPA's jurisdiction to issue and enforce the terms of this AOCC.

IV. CONCLUSIONS OF LAW AND FINDINGS OF VIOLATION

24. Based on the allegations in Paragraphs 7-14, EPA concludes that Respondent violated Part A.1. of its NPDES Permits on the dates set forth in Attachment A.
25. Based on the allegations in Paragraphs 7-13 and 15, EPA concludes that Respondent was in violation of Part A., Additional Requirements, Paragraph 1 of the NPDES permit as of November 17, 2016. On information and belief, EPA concludes that Respondent continues to be in violation of Part A., Additional Requirements, Paragraph 1 of the NPDES permit.
26. Based on the allegations in Paragraphs 7-13 and 16, EPA concludes that Respondent has violated and continues to violate Part B.1.D of its NPDES Permit.
27. Based on the allegations in Paragraphs 7-13 and 17, EPA concludes that Respondent is in violation of Part C.VII of its NPDES permit.
28. Based on the allegations in Paragraphs 7-13 and 18, EPA concludes that between April 2018 and February 2019, Respondent was in violation of its NPDES Permit because Respondent failed to submit all required information and forms with its monthly Discharge Monitoring Reports.
29. Based on the allegations in Paragraphs 7-13 and 19, EPA concludes that Respondent was in violation of Part A.III.a.3 of its NPDES Permit as of November 17, 2016.
30. Based on the allegations in Paragraphs 7-13 and 20, EPA concludes that Respondent had violated Parts A.I and A.II of its NPDES permit as of November 17, 2016.

31. Based on the allegations in Paragraph 21 above, Respondent was in violation of Part B.1.E of its NPDES Permit as of May 2019.
32. Accordingly, for the reasons stated in Paragraphs 1-31 above, Respondent has failed to comply with the terms and conditions of its NPDES Permit and therefore has violated Section 301 of the CWA, 33 U.S.C. § 1311.

V. COMPLIANCE ORDER

Therefore, Respondent is hereby ORDERED, pursuant to Section 309(a) of the CWA, 33 U.S.C. § 1319(a), and consents to conduct the following activities:

33. Within 180 days of the effective date of this AOCC, the Respondent shall certify to EPA and PADEP that it has retained the services of at least one certified operator holding appropriate certifications to operate the treatment plant, the pump station and the collection system holding at a minimum "E" class and "4" subclass certifications and has made arrangements to ensure coverage by a certified operator at all times. Copies of all certified sewage treatment plant operators' certificates also shall be submitted to EPA and PADEP within 180 days of the effective date of this AOCC.
34. Within sixty (60) days of the effective date of this AOCC, submit to EPA and PADEP for approval a plan to correct ongoing violations of effluent limitations and ensure that discharges from the wastewater treatment plant meet all effluent limitations set forth in Part A of the NPDES permit. Such plan must identify specific actions to be taken by Respondent and a schedule for completion, including quarterly interim milestones. Compliance with all effluent limitations set forth in Part A of the NPDES Permit must be achieved no later than one year from the effective date of this AOCC.
 - a) After review of the plan required by this paragraph, EPA will: (i) approve the plan; (ii) approve the plan upon specified conditions; (iii) modify the plan to cure any deficiencies; (iv) disapprove the plan and provide comments; or (v) any combination of the foregoing.
 - b) If EPA disapproves all or part of the plan, Respondent shall, within fourteen (14) days of receipt of EPA's disapproval, correct the deficiencies and resubmit the plan for approval. EPA retains the right, if the plan is not approved, to develop its own plan in lieu of one developed and submitted by Respondent.
 - c) Upon approval by EPA of Respondent's plan or development by EPA of its own plan per this paragraph, the plan, including all schedules, approved by or developed by EPA is incorporated into this AOCC by reference and shall be implemented by Respondent.
35. Commencing the effective date of this AOCC:
 - a) Submit timely to PADEP all required information and documentation required by the NPDES Permit as part of its monthly discharge monitoring reports as applicable, including, but not limited to:

Supplemental Report – Daily Effluent Monitoring – Form 3800-FM-BPNPSM0435
 Supplemental Report – Influent and Process Control – Form 3800-FM-BPNPSM0436
 Supplemental Report – Hauled-In Municipal Waste – Form 3800-FM-BPNPSM0437
 Supplemental Report – Sewage Sludge/Biosolids Disposal – Form 3800-FM-BPNPSM0438
 CSO Supplemental Report – Monthly Inspection Report – Form 3800-FM-BPNPSM0441
 CSO Supplemental Report – Detailed Outfall Report – Form 3800-FM-BPNPSM0442
 Non-Compliance Reporting Form – Form 3800-FM-BPNPSM0440
 Supplemental Laboratory Accreditation Form - Form 3800-FM-BPNPSM0189
 Supplemental Report – Annual Chesapeake Bay Spreadsheet – Annual Nutrient Monitoring
 Supplemental Report – Annual Chesapeake Bay Spreadsheet – Annual Nutrient Budget.

- b) Perform all sampling and testing, including Whole Effluent Toxicity testing, required by the NPDES permit. Documentation of such sampling and testing shall be maintained at the offices of the Respondent and made available to EPA and PADEP upon request. Reporting of such monitoring results shall be in compliance with NPDES Permit No. PA0070386.
36. Within sixty (60) days of the effective date of this AOCC:
- a) Certify to EPA and PADEP that Respondent is implementing standard operating procedures for ensuring that appropriate management in Shenandoah Borough and the Shenandoah Municipal Sewer Authority are timely notified of inspections, inspection reports, notices of violation, and other instances of potential violations identified at the plant. The certification shall describe the procedures being implemented.
 - b) Submit to EPA and PADEP, a “Sewage Sludge Management Inventory” that summarizes the amount of sewage sludge and/or biosolids produced and the amount disposed during the 2018 and 2019 calendar years from the system. This summary shall include the expected sewage sludge production (estimated using the methodology described in the U.S. EPA handbook, “Improving POTW Performance Using the Composite Correction Approach” (EPA-625/6-84-008)), compared with the actual amount disposed during the year. Sludge quantities shall be expressed as dry weight in addition to gallons or other appropriate units. The volume of sludge, age of sludge, utilized storage capacity, and available unused storage capacity within the individual sludge drying/Reed beds bays, anaerobic/aerobic digester(s) shall be provided in table format.
 - c) Respond in writing, to PADEP Notices of Violation dated February 15, 2019 and April 16, 2019.
 - d) Certify to EPA and PADEP that it has installed and is operating a programmable flow

proportional influent composite sampler.

37. Within sixty (60) days of the effective date of this AOCC:
- a) Certify to EPA and PADEP that Respondent is in compliance with Section C.III.B. of NPDES Permit No. PA0070386.
 - b) Certify to EPA and PADEP that Respondent is implementing a Preventative Maintenance/Work Order System including emergency procurement and installation. A copy of the procedures/work order system shall be attached to the certification.
 - c) Certify that Respondent is implementing a Combined Sewer Overflow (CSO) monitoring plan which addresses CSO monitoring on a daily basis. A copy of the plan shall be attached to the certification.
38. Within ninety (90) days of the effective date of this AOCC:
- a) Submit to PADEP all missing supplemental Discharge Monitoring Reports as described in PADEP Notice of Violation dated February 15, 2019.
 - b) Submit to EPA and PADEP for review a plan and schedule for developing and implementing a pretreatment program.
 - c) Certify to EPA and PADEP that Respondent is implementing the following. Copies of the manuals, procedures, and plans described below shall accompany the certification:
 - (1) An Operations and Maintenance Manual for ensuring that appropriate preventive maintenance is conducted and all portions of the treatment train at the current wastewater treatment plant are properly maintained and operational at all times.
 - (2) Standard Operating Procedures for identifying sampling locations and taking samples at the current wastewater treatment plant.
 - (3) Standard Operating Procedures for all laboratory analysis performed by the Respondent.
 - (4) A Preparedness, Prevention and Contingency Plan.
 - (5) Any contracts with any laboratory for performance of sample analysis.
39. Within 180 days of the effective date of this AOCC:
- a) Submit to EPA and PADEP documentation that the primary clarifier, the sludge thickener and final clarifier no. 2 have been repaired and are operational.
 - b) Certify to EPA and PADEP that all portions of the wastewater plant that are used for the treatment of influent (including, but not limited to, the Comminutor, Barscreen,

Grit Chamber) are operational and in good working order.

- c) Submit to EPA and PADEP for review, an Inflow and Infiltration abatement plan. Copies of any inflow and infiltration investigations conducted since November 2016 shall be attached to the plan.
40. In connection with Respondent's plans to construct a new wastewater treatment plant:
- a) Within 270 days of the effective date of this AOCC, the Respondent shall submit a PADEP Part II Water Quality Management Permit Application, for the new construction of facilities proposed to comprise the Respondent's new waste water treatment plant.
 - b) Within 90 days from the date of issuance of the Part II Permit, the Respondent shall solicit bids for construction of all wastewater, collection, conveyance and treatment facilities as specified in the Part II Permit.
 - c) At the end of the first fiscal quarter following the effective date of this AOCC, Respondent shall commence submitting to EPA and PADEP a certified quarterly status report as to progress in the construction of a new wastewater treatment plant each March 30, June 30, September 30 and December 30. Each such quarterly status report shall be certified consistent with Paragraph 44 and shall describe all actions taken toward completion of a new wastewater treatment plant during the preceding three-month period and all actions planned for the following three-month period.
 - d) Respondent shall notify EPA and PADEP in writing within 14 days of completion of construction of all wastewater, collection, conveyance and treatment facilities as specified in the Part II permit. If construction of the facilities specified in the Part II permit is not completed within four years from the date Respondent solicits bids for construction, Respondent shall certify to EPA and PADEP the reasons why construction is not complete.
 - e) Within three months of Respondent's notification that construction is complete as described subparagraph 40(d) above, Respondent shall certify to EPA and PADEP that Respondent is implementing the following and attach copies to the certification:
 - (1) An Operations and Maintenance Manual for ensuring that appropriate preventive maintenance is conducted and all portions of the treatment train at the new wastewater treatment plant are properly maintained and operational at all times.
 - (2) Standard Operating Procedures for identifying sampling locations and taking samples at the new wastewater treatment plant.
41. If EPA disapproves all or part of any submitted plan, Respondent shall, within fourteen (14) days of receipt of EPA's disapproval, correct the deficiencies and resubmit the plan for approval. EPA retains the right, if the plan is not approved as provided in this AOCC, to develop its own plan in lieu of one developed and submitted by Respondent.

42. Respondent's failure to complete or comply with any requirement of this AOCC shall be deemed a violation of this Order.
43. All notices and submissions required under this AOCC shall be sent either via mail or electronically to:

Ms. Kaitlin McLaughlin
NPDES Section (3ED32)
Enforcement and Compliance Assurance Division
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
McLaughlin.Kaitlin@epa.gov

44. All submissions provided pursuant to this Order shall be signed by a person authorized to sign on behalf of the Respondent and shall include the following certification pursuant to 40 C.F.R. section 122.22:

"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."

VI. GENERAL PROVISIONS

45. Respondent waives any and all claims for relief and otherwise available rights or remedies to judicial or administrative review of this Order which Respondent may have with respect to any allegation of fact or law set forth in this Order, including but not limited to, any right of judicial review under the Administrative Procedure Act, 5 U.S.C. §§ 701-708 of an order issued pursuant to CWA Section 309.
46. Issuance of this Order shall not be deemed an election by EPA to forego any administrative, civil, or criminal action to seek penalties, fines, or any other appropriate relief under the Act for the violations cited herein. EPA reserves the right to seek any remedy available under the law that it deems appropriate for the violations cited.
47. This AOCC addresses only the violations described herein. EPA reserves the right to commence action against any person, including Respondent, in response to any condition not described herein that EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment.
48. This Order does not constitute a waiver or modification of the terms or conditions of any NPDES permit. Compliance with the terms and conditions of this Order does not relieve

Respondent of its obligations to comply with any applicable federal, state, or local law or regulation.

49. EPA reserves any rights and remedies available to it under the CWA, 33 U.S.C. §§ 301 *et seq.*, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Order.
50. Violations of the terms of this Order may result in further EPA enforcement action for violations of this Order, and may subject Respondent to the imposition of administrative and/or civil penalties pursuant to 33 U.S.C. § 1319.
51. EPA reserves all existing authority otherwise available to EPA pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, or pursuant to any other statute or law.
52. The undersigned representative of Respondent certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this AOCC and to execute and legally bind that party to it.
53. All of the terms and conditions of this AOCC together comprise one agreement, and each of the terms and conditions is in consideration of all of the other terms and conditions. In the event that this AOCC, or one or more of its terms and conditions, is held invalid, or is not executed by all of the signatories in identical form, or is not approved in such identical form by the Regional Administrator or his designee, then the entire AOCC shall be null and void.

VII. EFFECTIVE DATE

54. This Order will become effective upon the Respondent's receipt of a fully-executed copy of this Order.

VIII. TERMINATION

55. This Order shall terminate when all conditions of this Order have been met.

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FOR SHENANDOAH MUNICIPAL SEWER AUTHORITY

By: Andrew J. Szczygla
Name: Andrew J. Szczygla
Title: Chairman
Date: 8/5/2020

SO ORDERED:

FOR U.S. ENVIRONMENTAL PROTECTION AGENCY

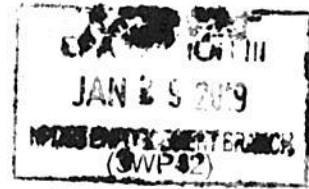
By: **KAREN MELVIN**  Digitally signed by KAREN MELVIN
Date: 2020.09.24 16:35:57 -04'00'

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

Date: 9/24/20

Attachment A.

| Shenandoah Sewage Treatment Facility PA0070386 | | | | | | | |
|--|---------------------------------|--------------|-----------|----------------|------------------------------------|-----------|--------------------|
| Monitoring Period End Date | Parameter Description | Permit Value | Unit | Frequency | Statistical Base Short Description | DMR Value | Percent Exceedance |
| 07/31/2016 | BOD, carbonaceous [5 day, 20 C] | 40. | mg/L | Twice per Week | WKLY AVG | 45. | 13 |
| 08/31/2016 | Coliform, fecal general | 1000. | CFU/100mL | Twice per Week | INST MAX | 1220. | 22 |
| 12/31/2017 | BOD, carbonaceous [5 day, 20 C] | 25. | mg/L | Twice per Week | MO AVG | 25.7 | 3 |
| 12/31/2017 | BOD, carbonaceous [5 day, 20 C] | 40. | mg/L | Twice per Week | WKLY AVG | 43.2 | 8 |
| 02/28/2018 | BOD, carbonaceous [5 day, 20 C] | 25. | mg/L | Twice per Week | MO AVG | 143. | 472 |
| 02/28/2018 | BOD, carbonaceous [5 day, 20 C] | 40. | mg/L | Twice per Week | WKLY AVG | 177. | 343 |
| 02/28/2018 | BOD, carbonaceous [5 day, 20 C] | 417. | lb/d | Twice per Week | MO AVG | 1035. | 148 |
| 02/28/2018 | BOD, carbonaceous [5 day, 20 C] | 667. | lb/d | Twice per Week | WKLY AVG | 1277. | 91 |
| 03/31/2018 | Solids, total suspended | 30. | mg/L | Twice per Week | MO AVG | 40.3 | 34 |
| 03/31/2018 | Solids, total suspended | 45. | mg/L | Twice per Week | WKLY AVG | 54. | 20 |
| 03/31/2018 | BOD, carbonaceous [5 day, 20 C] | 25. | mg/L | Twice per Week | MO AVG | 143. | 472 |
| 03/31/2018 | BOD, carbonaceous [5 day, 20 C] | 40. | mg/L | Twice per Week | WKLY AVG | 170. | 325 |
| 03/31/2018 | BOD, carbonaceous [5 day, 20 C] | 417. | lb/d | Twice per Week | MO AVG | 1074.3 | 158 |
| 03/31/2018 | BOD, carbonaceous [5 day, 20 C] | 667. | lb/d | Twice per Week | WKLY AVG | 1386. | 108 |
| 04/30/2018 | Solids, total suspended | 30. | mg/L | Twice per Week | MO AVG | 40.5 | 35 |
| 04/30/2018 | Solids, total suspended | 45. | mg/L | Twice per Week | WKLY AVG | 46.6 | 4 |
| 04/30/2018 | Coliform, fecal general | 10000. | #/100mL | Twice per Week | INST MAX | 17000. | 70 |
| 04/30/2018 | BOD, carbonaceous [5 day, 20 C] | 25. | mg/L | Twice per Week | MO AVG | 95.5 | 282 |
| 04/30/2018 | BOD, carbonaceous [5 day, 20 C] | 40. | mg/L | Twice per Week | WKLY AVG | 147. | 268 |
| 04/30/2018 | BOD, carbonaceous [5 day, 20 C] | 417. | lb/d | Twice per Week | MO AVG | 885.7 | 112 |
| 04/30/2018 | BOD, carbonaceous [5 day, 20 C] | 667. | lb/d | Twice per Week | WKLY AVG | 1159. | 74 |
| 05/31/2018 | Coliform, fecal general | 1000. | #/100mL | Twice per Week | INST MAX | 7000. | 600 |
| 05/31/2018 | BOD, carbonaceous [5 day, 20 C] | 40. | mg/L | Twice per Week | WKLY AVG | 45. | 13 |
| 07/31/2018 | Solids, total suspended | 750. | lb/d | Twice per Week | WKLY AVG | 1247.8 | 66 |
| 09/30/2018 | Solids, total suspended | 500. | lb/d | Twice per Week | MO AVG | 551.1 | 10 |
| 09/30/2018 | Solids, total suspended | 750. | lb/d | Twice per Week | WKLY AVG | 1182.5 | 58 |
| 10/31/2018 | BOD, carbonaceous [5 day, 20 C] | 25. | mg/L | Twice per Week | MO AVG | 41.7 | 67 |
| 10/31/2018 | BOD, carbonaceous [5 day, 20 C] | 40. | mg/L | Twice per Week | WKLY AVG | 65. | 63 |
| 10/31/2018 | BOD, carbonaceous [5 day, 20 C] | 417. | lb/d | Twice per Week | MO AVG | 673.2 | 61 |
| 10/31/2018 | BOD, carbonaceous [5 day, 20 C] | 667. | lb/d | Twice per Week | WKLY AVG | 841.5 | 26 |
| 11/30/2018 | Solids, total suspended | 30. | mg/L | Twice per Week | MO AVG | 33.3 | 11 |
| 11/30/2018 | BOD, carbonaceous [5 day, 20 C] | 25. | mg/L | Twice per Week | MO AVG | 40.8 | 63 |
| 11/30/2018 | BOD, carbonaceous [5 day, 20 C] | 40. | mg/L | Twice per Week | WKLY AVG | 44.5 | 11 |
| 11/30/2018 | BOD, carbonaceous [5 day, 20 C] | 417. | lb/d | Twice per Week | MO AVG | 532.1 | 28 |
| 12/31/2018 | BOD, carbonaceous [5 day, 20 C] | 40. | mg/L | Twice per Week | WKLY AVG | 42.5 | 6 |
| 01/31/2019 | Coliform, fecal general | 10000. | #/100mL | Twice per Week | INST MAX | 90000. | 800 |
| 01/31/2019 | BOD, carbonaceous [5 day, 20 C] | 25. | mg/L | Twice per Week | MO AVG | 32.3 | 29 |
| 01/31/2019 | BOD, carbonaceous [5 day, 20 C] | 40. | mg/L | Twice per Week | WKLY AVG | 49.5 | 24 |
| 01/31/2019 | BOD, carbonaceous [5 day, 20 C] | 417. | lb/d | Twice per Week | MO AVG | 428.5 | 3 |
| 01/31/2019 | BOD, carbonaceous [5 day, 20 C] | 667. | lb/d | Twice per Week | WKLY AVG | 703.2 | 5 |
| 02/28/2019 | BOD, carbonaceous [5 day, 20 C] | 40. | mg/L | Twice per Week | WKLY AVG | 42.5 | 6 |



January 23, 2019

NOTICE OF VIOLATION

CERTIFIED MAIL NO. 7018 0360 0002 1494 3299

Shenandoah Municipal Sewer Authority
15 W. Washington Street
Shenandoah, PA 17976-1708

Attention: Mr. Leo Pietkiewicz, Chairman

Re: Sewage
Shenandoah Municipal WWTP
NPDES Permit No. PA0070386
Shenandoah Borough, Schuylkill County

Dear Mr. Pietkiewicz:

An administrative file review of the Shenandoah Municipal Sewer Authority's (Shenandoah) Discharge Monitoring Reports (DMRs) reveals that, since April 2018 to date, the DMRs submitted have not included the supplemental forms required by NPDES Permit No. PA0070386 and are therefore considered incomplete. Failure to submit monitoring reports or properly complete monitoring reports is a violation of 25 Pa Code 92a.41(a)(12) and NPDES Permit No. PA0070386.

The following forms are required to be submitted by NPDES Permit No. PA0070386 with every DMR (Monthly, Quarterly or Annual) when applicable:

Supplemental Report - Daily Effluent Monitoring – Form 3800-FM-BPNPSM0435
Supplemental Report - Influent and Process Control – Form 3800-FM-BPNPSM0436
Supplemental Report – Hauled-In Municipal Waste – Form 3800-FM-BPNPSM0437
Supplemental Report - Sewage Sludge/Biosolids Disposal – Form 3800-FM-BPNPSM0438
CSO Supplemental Report - Monthly Inspection Report – Form 3800-FM-BPNPSM0441
CSO Supplemental Report - Detailed Outfall Report – Form 3800-FM-BPNPSM0442
Non-Compliance Reporting Form – Form 3800-FM-BPNPSM0440
Supplemental Laboratory Accreditation Form – Form 3800-FM-BPNPSM0189
Supplemental Report – Annual Chesapeake Bay Spreadsheet - Annual Nutrient Monitoring
Supplemental Report – Annual Chesapeake Bay Spreadsheet - Annual Nutrient Budget

January 23, 2019

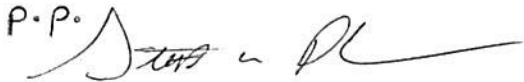
Please be advised that failure to comply with the terms and conditions of your NPDES Permit are violations of said Permit and the Clean Streams Law of Pennsylvania, Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. Section 691.1 et seq. ("The Clean Streams Law") and subjects Shenandoah Municipal Sewer Authority to appropriate enforcement action including, but not limited to, civil penalty assessment.

The Department requests that Shenandoah Municipal Sewer Authority respond in writing to this notice within 15 days of its receipt. Said response should indicate the cause of the violations as well as the steps that will be taken to eliminate such violations in the future. Additionally, within 15 days of receipt of this NOV, you are requested to upload the appropriate supplemental forms into the eDMR online system, for each month, starting April 2018 through current.

This Notice of Violation is neither an order nor any other final action of the Department. It neither imposes nor waives any enforcement action available to the Department under its statutes. If the Department determines that an enforcement action is appropriate, you will be notified of the action.

If you have any questions concerning this correspondence, you may contact me at 570.621.3458.

Sincerely,

P.P. 

Jared Sabitsky
Water Quality Specialist
Clean Water Program

cc: Shenandoah Borough
Bureau of Clean Water, Division of Municipal Facilities
U.S. EPA, Water Protection Division

CERTIFICATE OF SERVICE

I hereby certify that on this date I caused the original to be filed and caused a copy of the foregoing Administrative Order for Compliance on Consent in *Matter of Shenandoah Municipal Sewer Authority*, Dkt. No. 03-2020-0067DN to be served in the following manner:

By Electronic Mail:

Regional Hearing Clerk
U.S. Environmental Protection Agency
Region III 3RC00
1650 Arch Street
Philadelphia, Pennsylvania 19103

By Electronic Mail & First Class Mail

William L.J. Burke, Esquire
Burke & Burke
23 East Centre Street
P.O. Box 248
Shenandoah, Pennsylvania 17976-0248

COUNSEL FOR RESPONDENT

By UPS

Shenandoah Municipal Sewer Authority
ATTN: Chairman
15 W. Washington Street
Shenandoah, Pennsylvania 17976-1708

Dated: Sept. 28, 2020

STEFANIA
SHAMET

Digitally signed by STEFANIA
SHAMET
Date: 2020.09.28 07:55:28 -04'00'

Stefania D. Shamet