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

REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

IN THE MATTER OF:)

Greater Lebanon Refuse Authority,)

Respondent.)

Greater Lebanon Refuse Authority Landfill)
1610 Russell Road,)
Lebanon, Pa. 17046)

Facility.)

Docket Number
CAA-03-2015-0115

Proceeding Pursuant to
Sections 113(a) and (d)
of the Clean Air Act, as
amended, 42 U.S.C.
§ 7413(a) and (d)

CONSENT AGREEMENT

I. Preliminary Statement

This administrative Consent Agreement (the "Consent Agreement") is entered into by and between the Complainant, the Director of the Air Protection Division, United States Environmental Protection Agency, Region III ("EPA" or "Complainant"), and the Greater Lebanon Refuse Authority (the "Respondent" or "GLRA"), pursuant to Section 113(a) and (d) of the Clean Air Act ("CAA" or "the Act"), 42 U.S.C. § 7413(a) and (d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 C.F.R. Part 22 (the "Consolidated Rules of Practice"). The Consolidated Rules of Practice at 40 C.F.R. § 22.13 provide, in pertinent part, that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be commenced and concluded simultaneously by the issuance of a consent agreement and final order pursuant to 40 C.F.R. § 22.18(b)(2) and (3).

This Consent Agreement and the accompanying Final Order (collectively referred to as the "CAFO") address alleged violations by Respondent of requirements found in Respondent's CAA Title V Operating Permit, Section E, Group Source Restrictions, III, Monitoring

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Requirements and Recordkeeping Requirements concerning quarterly monitoring of surface methane concentrations at Respondent's Landfill, as described below.

II. General Provisions

1. Section 113(a) and (d) of the Act, 42 U.S.C. § 7413(a) and (d), authorizes the Administrator of EPA to issue an administrative order assessing a civil administrative penalty whenever, on the basis of any information available to the Administrator, the Administrator finds that any person has violated, or is in violation of, any requirement, rule, plan, order, waiver, or permit promulgated, issued, or approved under Subchapters I, IV, V and VI [also referred to as Titles I, IV, V and VI] of the Act. The authority to issue the accompanying Final Order has been duly delegated to the Regional Judicial Officer, EPA Region III.
2. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this CAFO and agrees not to contest EPA's jurisdiction with respect to the issuance, execution and enforcement of this Consent Agreement and the accompanying Final Order.
3. Except as provided in paragraph 2 above, Respondent neither admits nor denies the specific findings of fact and the conclusions of law set forth in this Consent Agreement and the accompanying Final Order.
4. Respondent consents to the issuance of this Consent Agreement and the accompanying Final Order, agrees to comply with the terms and conditions set forth therein, and consents to the payment of a civil penalty as set forth in this CAFO.
5. Respondent agrees to pay its own costs and attorney fees.
6. Respondent agrees that this Consent Agreement and the accompanying Final Order shall apply to, and be binding upon, Respondent, its officers, directors, servants, employees, agents, successors and assigns.

III. Findings Of Fact And Conclusions Of Law

In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3), EPA alleges the following findings of fact and conclusions of law:

7. Respondent is a public corporation organized under the laws of Pennsylvania to manage solid waste from Lebanon County, Pa. Respondent owns and operates a landfill for solid waste located at 1610 Russell Road, Lebanon, Pa. 17046 (the "Facility" or "Landfill").
8. Respondent is a "person" as that term is defined in Section 302(e) of the Act, 42 U.S.C.

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§ 7602(e), because it is a corporation. At all times relevant to the violations alleged in this Consent Agreement, Respondent has been the owner and operator of the Facility.

9. Title V of the CAA, 42 U.S.C. § 7661, established an operating permit program for major sources of air pollution. Section 502(d) of the CAA, 42 U.S.C. § 7661(d), provides that each state must submit to the Administrator a permit program meeting the requirements of Title V.
10. Pursuant to Section 502(b) of the CAA, 42 U.S.C. § 7661(b), the Administrator promulgated regulations providing for the establishment of Title V permitting programs at 40 C.F.R. Part 70.
11. Section 502(a) of the CAA, 42 U.S.C. § 7661(a), and 40 C.F.R. § 70.7(b) provides that, after the effective date of any permit program approved or promulgated under Title V of the CAA, no source subject to Title V may operate except in compliance with a Title V permit.
12. EPA granted full approval to the Pennsylvania Title V operating permit program on July 30, 1996 (61 FR 39597), and the program became effective on August 29, 1996. *See also* 40 C.F.R. Part 70, Appendix A.
13. Section 113(d)(1) of the CAA limits the Administrator's authority to matters where the first alleged violation occurred no more than 12 months prior to initiation of an administrative action, except where the Administrator and the Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.
14. The Administrator and the Attorney General, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this CAFO.
15. The Pennsylvania Department of Environmental Protection ("PaDEP") is a Permitting Authority for Title V purposes as defined in Section 501(4) of the CAA, 42 U.S.C. §7661(4).
16. The state regulatory requirements concerning Pennsylvania's Title V CAA permitting program are primarily found at 25 Pa. Code §§ 127.501 through 127.543.

17. Pursuant to 25 Pa. Code § 127.512, each permit issued to a Title V facility shall contain the minimum permit terms and conditions set forth in § 127.512, which includes a provision stating that “[t]he permittee shall comply with conditions of the operating permit.” 25 Pa. Code § 127.512(c)(1).
18. The Facility is a “Title V facility” as defined at 25 Pa. Code § 121.1, and was issued a Title V permit by PaDEP, Permit No. 38-05017, on June 21, 2010 (the “Permit”). This Permit was effective July 1, 2010, and was set to expire on June 30, 2015, but Respondent submitted a timely and complete Title V renewal application on December 23, 2014, so the Title V permit terms were therefore automatically extended beyond the June 30, 2015 expiration date. This Permit covers both a closed landfill, identified as source 100, and an active landfill site identified as source 101, both of which are located at the Facility.
19. Section E (Source Group Restrictions) of the Permit applies to both source 100 and source 101. Section E, subsection III (Monitoring Requirements), condition #004(d) of the Title V permit requires that Respondent, as the owner or operator, monitor surface methane concentrations on a quarterly basis using the equipment and following the procedures set forth in the Permit.
20. Section E, subsection IV (Recordkeeping Requirements), condition #005(a) requires, among other things, that the permittee (Respondent) keep records of surface monitoring data in order to show that the collection and control system is operating properly.
21. Section B (General Title V Requirements), condition #024 (Compliance Certification) and Section C (Site Level Requirements), subsection VIII (Compliance Certification) requires that the permittee (Respondent) annually submit to PaDEP and EPA Region III a certificate of compliance with the terms and conditions in this permit, for the previous year, including the emission limitations, standards, and work practices. *See also* 25 Pa. Code § 127.513.
22. By letter dated January 30, 2014, Respondent submitted to EPA Region III and PaDEP a Title V compliance certification form (“compliance certification”), signed by the Executive Director of the GLRA, for the 2013 calendar year. This compliance certification noted two deviations from the terms of Respondent’s Title V permit for the year 2013.
23. The compliance certification noted that Respondent failed to comply with Section E, condition #004, the surface emission monitoring condition, in the first quarter of 2013, at sources 100 and 101, and explained in an attached memorandum signed by the Executive Director that there were no written records or electronic records of the sampling results of the surface emission monitoring performed in the first quarter of 2013.
24. Respondent’s failure to retain a written or electronic copy of the sampling values for the surface emissions monitoring for the first quarter of 2013 is a violation of Section E,

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Subsection IV, condition #005(a) of Respondent's Title V permit and is therefore a violation of the Title V permit and Section 502(a) of the CAA.

25. The compliance certification also noted that Respondent failed to comply with Section E, condition #004 in the third quarter of 2013, and explained in an attached memorandum signed by the Executive Director that the third quarter surface emissions monitoring was not performed by September 30, 2013 due to a malfunctioning monitoring instrument that had to be sent off-site for repairs, but that could then not be calibrated upon return because of an empty calibration gas cylinder.
26. The memorandum suggests that the third quarter 2013 surface emissions monitoring was performed sometime in mid-October by an outside contractor.
27. Respondent's failure to perform the surface emissions monitoring before the end of the third quarter of 2013 is a violation of Section III, condition #004 of Respondent's Title V permit, which requires the monitoring of surface methane concentrations on a quarterly basis.
28. Respondent's failure to timely comply with this term of its Title V permit for the third quarter of 2013 is a violation of Section III, condition #004 of its Title V permit and also a violation of Section 502(a) of the CAA.
29. By letter dated April 23, 2015, Respondent notified William Weaver, the Regional Air Quality Program manager for PaDEP, that Respondent had mistakenly failed to perform the quarterly surface emissions monitoring on Source 100, the closed landfill site, as required by the Title V permit. Respondent had never performed the quarterly surface emission monitoring on Source 100, the closed landfill, because it had interpreted this part of the Title V permit as not being applicable to the closed landfill.
30. Respondent's failures to perform the quarterly surface emissions monitoring on the closed landfill (Source 100), as required by the Title V permit, constitutes multiple violations of Section III, condition #004 of its Title V permit and therefore also multiple violations of Section 502(a) of the CAA.
31. Respondent has corrected the violations noted above.

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IV. Settlement Recitation, Settlement Conditions, and Civil Penalty

32. Complainant and Respondent enter into this Consent Agreement and the accompanying Final Order in order to settle the violations specifically set forth in Section III of this Consent Agreement.
33. In settlement of the alleged violations enumerated above in Section III of this Consent Agreement, Respondent consents to the assessment and agrees to pay a civil penalty in the amount of \$ 17,000.00 within the time and manner specified herein.
34. The settlement amount of \$ 17,000.00 is based upon Complainant's consideration of and application of the statutory penalty factors set forth in Section 113(e) of the Act, 42 U.S.C. §7413(e), which include the size of the business, economic impact of the penalty, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence, the economic benefit of noncompliance, the payment of penalties previously assessed for same violation, the seriousness of violation and such other matters as justice may require, and EPA's Clean Air Act Stationary Source Civil Penalty Policy (dated October 25, 1991), as indexed for inflation in keeping with 40 C.F.R. Part 19 (Adjustment to Civil Monetary Penalties for Inflation). Complainant has determined that Respondent's payment of this civil penalty shall resolve the violations set forth in Section III of this Consent Agreement.
35. Respondent shall pay the civil penalty of \$ 17,000.00 no later than thirty (30) days after the effective date of this Consent Agreement and accompanying Final Order in order to avoid the assessment of interest, administrative costs, and late payment penalties in connection with such civil penalty as described in this Consent Agreement and accompanying Final Order.
36. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment or to comply with the conditions in this Consent Agreement and Final Order shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.
37. Interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the date that a copy of this executed Consent Agreement and Final Order is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

38. The cost of EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue. 40 C.F.R. §13.11(b). Pursuant to Appendix 2 of EPA's Resources Management Directives - Cash Management, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.
39. A penalty charge of six percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent for more than ninety (90) calendar days. 40 C.F.R. §13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).
40. Thus, in accordance with the above provisions, to avoid the assessment of interest, late payment penalties, and handling charges on the penalty set forth herein, Respondent must pay the full amount of the civil penalty, in the manner directed, within thirty (30) days of the effective date of this Consent Agreement and accompanying Final Order.
41. Payment of the penalty in Paragraph 33 shall be made by cashier's check, certified check, or electronic wire transfer, Automated Clearing House ("ACH"), or an on line, internet payment as specified below. All payments are payable to "Treasurer, United States of America" and shall reference the above case caption and docket number (CAA-03-2015-0115).
42. Instructions for submitting payment of the penalty using the methods, or combination of methods, described above are provided at the following EPA website addresses:
<http://www2.epa.gov/financial/additional-instructions-making-payments-epa>
<http://www2.epa.gov/financial/makepayment>
43. Any payment made by any method must reference the above case caption and docket number, CAA-03-2015-0115. Within 24 hours of payment of any penalty amount, Respondent shall send copies of any corresponding check, or written notification confirming any electronic transfer through wire transfer, ACH, or internet payment, to Lydia A. Guy, Regional Hearing Clerk (3RC00), U.S. EPA, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, to Douglas Snyder, Esq., Senior Assistant Regional Counsel (3RC10), U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029, and to Chip Hosford (3AP20), U.S. EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania, 19103-2029.

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44. Respondent agrees not to deduct for federal tax purposes the civil penalty specified in, and any civil penalty amount paid pursuant to, this Consent Agreement and accompanying Final Order.
45. Payment of the penalty specified in Paragraph 33 in the manner set forth in this Consent Agreement and payment of any applicable interest, handling costs and/or late payment charges as set forth above shall constitute satisfaction of all civil claims for penalties for the specific violations alleged in Section III of this Consent Agreement. Compliance with this Consent Agreement and accompanying Final Order shall not be a defense to any action commenced at any time for any other violation of any federal laws and regulations administered by EPA.
46. Respondent's failure to make timely payment of the civil penalty or any portion of the civil penalty provided herein may result in referral of this matter to the United States Attorney for enforcement of this Consent Agreement and the accompanying Final Order in the appropriate United States District Court, in accordance with Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5)

V. Reservation of Rights

47. This Consent Agreement and the accompanying Final Order resolve only the civil penalty claims for the specific violations alleged in Section III of this Consent Agreement. EPA reserves the right to commence action against any person, including 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. Nor shall anything in this Consent Agreement and Final Order be construed to limit the United States' authority to pursue criminal sanctions. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in 40 C.F.R. § 22.18(c). Further, Complainant reserves any rights and remedies available to it under the Act, the regulations promulgated thereunder, and any other federal laws or regulations for which Complainant has jurisdiction, to enforce the provisions of this Consent Agreement and accompanying Final Order following its filing with the Regional Hearing Clerk.

VI. Effective Date

48. The effective date of this Consent Agreement and the accompanying Final Order is the date on which the Consent Agreement and Final Order, following signature by the Regional Judicial Officer or Regional Administrator of Region III, is filed with the Regional Hearing Clerk of EPA Region III.

VII. Waiver of Hearing

49. For the purposes of this proceeding only, Respondent hereby expressly waives its right to a hearing pursuant to Section 113(d)(2)(A) of the Act, 42 U.S.C. § 7413(d)(2)(A), with respect to any issue of law or fact set forth in this CAFO. Respondent also waives its right to appeal the accompanying Final Order.

VIII. Entire Agreement

50. This Consent Agreement and the accompanying Final Order constitute the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Consent Agreement and the accompanying Final Order. Nothing in this Consent Agreement or the accompanying Final Order shall be construed to affect or limit in any way the obligation of Respondent to comply with all federal, state and local laws and regulations governing any activity required by this Consent Agreement and the accompanying Final Order.

IX. Execution

51. The person signing this Consent Agreement on behalf of Respondent acknowledges and certifies by his/her signature that he/she is fully authorized to enter into this Consent Agreement and to legally bind Respondent, to the terms and conditions of this Consent Agreement and the accompanying Final Order.

For the Respondent:

15 July 2015
Date

Lawrence D. Taylor
Lawrence D. Taylor, P.E.
Executive Director
Greater Lebanon Refuse Authority

For the Complainant:

7/27/15
Date

Douglas J. Snyder
Douglas J. Snyder
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency, Region III

Accordingly, the Air Protection Division, United States Environmental Protection Agency, Region III, recommends that the Regional Administrator of EPA Region III or his designee, the Regional Judicial Officer, ratify this Consent Agreement and issue the accompanying Final Order (CAA-03-2015-0115). The amount of the recommended civil penalty assessment is \$17,000.00.

7/28/2015
Date

Diana Esher
Diana Esher, Director
Air Protection Division
U.S. Environmental Protection Agency, Region III

Docket No. CAA-03-2015-0115

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

IN THE MATTER OF:)

Greater Lebanon Refuse Authority,)

Respondent.)

Greater Lebanon Refuse Authority Landfill)
1610 Russell Road,)
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Facility.)

Docket Number)
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Proceeding Pursuant to)
Sections 113(a) and (d))
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§ 7413(a) and (d))

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FINAL ORDER

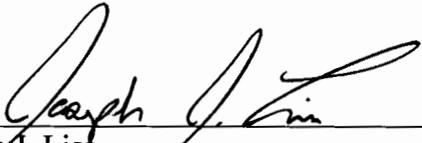
Complainant, the Director of the Air Protection Division, U.S. EPA Region III, and Respondent, the Greater Lebanon Refuse Authority, have executed a document entitled "Consent Agreement" which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated herein as if set forth at length.

NOW, THEREFORE, PURSUANT TO Section 113 of the Clean Air Act, 42 U.S.C. §7413, and 40 C.F.R. § 22.18(b)(3) of the Consolidated Rules of Practice, and having determined, based on the representation of the parties in the attached Consent Agreement, that the civil penalty therein was based upon a consideration of the factors set forth in Section 113(e) of the Clean Air Act, 42 U.S.C. § 7413(e), **IT IS HEREBY ORDERED** that Respondent, Greater Lebanon Refuse Authority, pay a civil penalty of seventeen thousand dollars (\$17,000.00) in accordance with the payment provisions set forth in the attached Consent Agreement.

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The effective date of this Final Order and the accompanying Consent Agreement is the date on which the Final Order, signed by the Regional Administrator of EPA Region III or the Regional Judicial Officer, is filed with the Regional Hearing Clerk of EPA Region III.

Date: July 28, 2015



Joseph J. Lisa
Regional Judicial Officer
U.S. EPA, Region III

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Philadelphia, Pennsylvania 19103-2029**

IN THE MATTER OF:

Greater Lebanon Refuse Authority,

Respondent.

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Sections 113(a) and (d)
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§ 7413(a) and (d)**

Certificate of Service

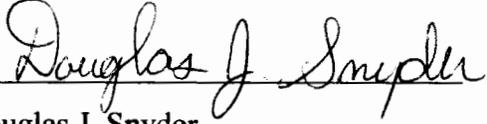
The undersigned hereby certifies that on the date shown below, the original of the fully-executed Consent Agreement and Final Order (CAFO) in this matter was filed with the Regional Hearing Clerk of EPA Region 3, and that a copy of the CAFO was sent to the following persons by certified mail, return receipt requested, and by e-mail, to the addresses shown below:

Samuel Weiss, Jr., Esq.
Weiss, Weiss & Weiss
802 Walnut St.
Lebanon, Pa. 17042
sweiss3435@aol.com

and

Lawrence D. Taylor, P.E.
Executive Director
Greater Lebanon Refuse Authority
1610 Russell Road
Lebanon, Pa. 17046
ldt@gogtra.org

Date 7/29/15


Douglas J. Snyder
Assistant Regional Counsel