

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

In the Matter of:	:
	:
Borough of Fleetwood	: U.S. EPA Docket No. CWA-03-2022-0070
Fleetwood Sewage	:
Treatment Plant	: Proceeding under Section 309(g) of
110 West Arch Street	: the Clean Water Act
Fleetwood, PA 19530	:

Respondent.

CONSENT AGREEMENT

I. PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Director of the Enforcement & Compliance Assurance Division, U.S. Environmental Protection Agency, Region III (“Complainant”) and Borough of Fleetwood (“Respondent” or “Fleetwood”) (collectively the “Parties”), pursuant to Sections 301 and 307 of the Clean Water Act, 33 U.S.C. §§ 1311, 1317, and 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. Section 309(g) of the Clean Water Act, 33 U.S. § 1319(g), authorizes the Administrator of the U.S. Environmental Protection Agency to assess penalties and undertake other actions required by this Consent Agreement. The Administrator has delegated this authority to the Regional Administrator who, in turn, has delegated the authority to enter into agreements concerning administrative penalties to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the “Consent Agreement and Final Order”) resolve Complainant’s civil penalty claims against Respondent under the Clean Water Act (“CWA” or “the Act”) for the violations alleged herein.
2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

II. JURISDICTION

3. The U.S. Environmental Protection Agency has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(6).

III. GENERAL PROVISIONS

5. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
6. Except as provided in Paragraph 5, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
7. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
8. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order and waives its right to appeal the accompanying Final Order.
9. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
10. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.
11. Pursuant to Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), and 40 C.F.R. § 22.45(b), EPA is providing public notice and an opportunity to comment on the Consent Agreement prior to issuing the Final Order.

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

12. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
13. Section 309(g)(2)(B) of the Act, 33 U.S.C. § 1319(g)(2)(B), authorizes the assessment of administrative penalties against any person who violates any National Pollutant Discharge Elimination System ("NPDES") permit condition or limitation, or who violates Section 307 of the Act, in an amount not to exceed \$10,000 per day for each day of violation, up to a total penalty amount of \$125,000.
14. Pursuant to the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, and Section 309(g)(2)(B) of the Act, 33 U.S.C. § 1319(g)(2)(B), any person who has violated any NPDES permit condition or limitation after November 2, 2015 where the penalty is assessed on or after January 15, 2019, the maximum administrative penalty per day for each day of violation is up to \$21,833, up to a total penalty amount of \$274,150. (Part 19 also specifies the maximum penalties applicable to other time periods).

15. Section 301(a) of the Act, 33 U.S.C. § 1311(a) prohibits the discharge of any pollutant from a point source to waters of the United States by any person, except in compliance with, among other things, a National Pollutant Discharge Elimination System (“NPDES”) permit issued pursuant to Section 402 of the Act.
16. The Borough of Fleetwood is a person within the meaning of the CWA as defined in Section 502(5) of the CWA, 33 U.S.C. §1361(5).
17. The Borough of Fleetwood operates the Fleetwood Borough Sewage Treatment Plant (“STP”), which is a Publicly Owned Treatment Works (“POTW”) as defined in Section 403.3(q) of Title 40 of the C.F.R.
18. The Pennsylvania Department of Environmental Protection (“PADEP”) has EPA authorization to issue NPDES wastewater permits under Section 402(b) of the CWA, 33 U.S.C. §1342(b).
19. Currently, the Fleetwood STP holds NPDES Permit No. PA0021636, issued September 25, 2019, effective October 1, 2019, and which will expire September 30, 2024 (“2019 Permit”). The 2019 Permit authorizes the STP to discharge to Willow Creek, which flows into the Schuylkill River which is navigable in fact. Both Willow Creek and the Schuylkill River are waters of the United States.
20. Prior to the current NPDES permit, discharges from the Fleetwood Borough STP were authorized by NPDES Permit No. PA0021636 effective January 1, 2012. (“2012 Permit”) The 2012 Permit was set to expire in December 2014, but it continued to apply via administrative extension until the 2019 Permit was issued.
21. Sections 307(b) and (c) of the Act, 33 U.S.C. §§ 1317(b) and (c), direct the EPA Administrator to promulgate regulations establishing pretreatment standards for the introduction of pollutants into Publicly Owned Treatment Works (“POTWs”).
22. Section 307(d) of the Act, 33 U.S.C. § 1317(d), prohibits the operation of a source of pollutants in violation of the pretreatment standards.
23. Noncompliance with any pretreatment standard, prohibition or effluent standard is a violation of the Act. 33 U.S.C. § 1317.
24. The General Pretreatment Regulations are located in Title 40 of the Code of Federal Regulations (“C.F.R.”) Part 403.
25. “The term Approval Authority means the Director in an [National Pollutant Discharge Elimination System] NPDES State with an approved State pretreatment program and the appropriate Regional Administrator in a non-NPDES State or NPDES State without an approved State pretreatment program.” 40 C.F.R. § 403.3(c).
26. EPA has not approved Pennsylvania to implement the NPDES pretreatment program, and

thus the EPA Regional Administrator is the Approval Authority in Pennsylvania.

27. “The term Control Authority refers to: (1) The POTW if the POTW’s Pretreatment Program Submission has been approved in accordance with the requirements of § 403.11; or (2) The Approval Authority if the Submission has not been approved.” 40 C.F.R. § 403.3(f).
28. POTWs are required to establish an approved pretreatment program if (1) the POTW has a design flow greater than 5 million gallons per day or (2) the Approval Authority requires the POTW to obtain an approved program due to specific circumstances. 40 C.F.R. § 403.8(a).
29. The Fleetwood Borough operates the Fleetwood STP which is rated for 0.7 million gallons per day and has an approved pretreatment program.
30. The “Control Authority” as defined in 40 C.F.R. § 403.3(d) is the Fleetwood Borough because the Fleetwood WWTP has an approved POTW pretreatment program.
31. The term Indirect Discharge or Discharge means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c), or (d) of the Act. ” 40 C.F.R. § 403.3(i).
32. Industrial User or User means a source of Indirect Discharge. 40 C.F.R. § 403.3(j).
33. Sunsweet Growers, Inc. (“Sunsweet”) is the sole Industrial User of the Fleetwood WWTP.
34. Sunsweet owns and/or operates a juice manufacturing facility in Pennsylvania that is located at 105 South Buttonwood Street, Fleetwood, PA19522
35. Sunsweet is an “Industrial User” as defined in Section 403.3 of Title 40 of the C.F.R. because it discharges pollutants to the Fleetwood STP and it is not a domestic source.
36. Sunsweet is subject to certain monitoring and reporting requirements under the National Pretreatment Program.
37. As an Industrial User, Sunsweet is subject to certain monitoring and reporting requirements as specified in the industrial user permit issued by Fleetwood to Sunsweet.
38. Sections 403.12(e) and (g) of Title 40 of the C.F.R. require that any industrial user subject to categorical Pretreatment Standards submit “periodic reports on continued compliance,” also called “Self-Monitoring Reports” (“SMRs”) on the nature and concentrations of the pollutants in its effluent and to include the results of any sampling.
39. As the Control Authority, Fleetwood set the monitoring requirements specific to each parameter in accordance with 40 C.F.R. § 403.12(g)(3) (“The Control Authority shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements.”).

Count 1
Discharge of Pollutants Exceeding Applicable Copper Limits

40. The information and allegations in the proceeding Paragraphs of this Consent Agreement are incorporated herein by reference.
41. In Fleetwood's STP 2012 Permit, the monthly average discharge limit for copper was 0.024 milligrams per liter "mg/L".
42. During March 2017, Fleetwood's STP discharged copper with a concentration of 0.027 mg/L which exceeded the monthly average copper limit.
43. In Fleetwood's 2019 Permit, the monthly average limit for copper was 0.022mg/L.
44. During July 2020 Fleetwood discharged copper with a concentration of 0.046mg/L, which exceeded the monthly average copper limit.
45. The monthly average copper limit exceedances of the 2012 Permit and 2019 Permit are violations of the 2012 and 2019 Permits and Sections 301 and 402 of the Act, 33 U.S.C. §§ 1311, 1342.

Count II
Failure to Enforce Industrial User Sampling Requirements

46. The information and allegations in the proceeding Paragraphs of this Consent Agreement are incorporated herein by reference.
47. Pursuant to Section 307 of the CWA, 33 U.S.C. §1317(b), EPA has promulgated regulations for the introduction of pollutants into POTWs. The regulations at 40 C.F.R. 403.8 require POTWs subject to the regulations to establish a pretreatment program. The pretreatment program must comply with the requirements of 40 C.F.R. 403.8(f) and must be implemented to ensure compliance by the industrial users. 40 C.F.R. 403.8(b). The regulations at 40 C.F.R. 403.8(f) require that the specified pretreatment program legal authorities and procedures "be fully and effectively exercised and implemented." Pursuant to 40 C.F.R. 403.8(f)(5), as part of the pretreatment program, POTWs are required to implement an enforcement response plan to respond to noncompliance by industrial users. The plan must specify detailed procedures for the POTW to investigate and respond to industrial user noncompliance. 40 C.F.R. 403.8(f)(5).
48. Part C.II.A of the 2012 Permit and 2019 Permit requires that Fleetwood operate the POTW in accordance with the federal pretreatment regulations.
49. As alleged above, Sunsweet is an industrial user introducing pollutants into the Fleetwood POTW. Pursuant to the requirements of federal pretreatment regulations Sunsweet must conduct sampling and report on its discharges to the POTW, and Fleetwood must require such sampling and reporting from Sunsweet.
50. Pursuant to Fleetwood's approved POTW pretreatment program, Fleetwood issued an industrial permit to Sunsweet which required sampling and reporting of several parameters

including:

Parameter	Frequency	Reporting
Flow (GPD)	Daily	Average & maximum
BOD5 (5-day Biochemical Oxygen Demand)	Weekly	Monthly average
pH	Daily	Min. & Max.
Zinc	Monthly	Average

51. Sunsweet failed to monitor and submit sampling results to Fleetwood in 2017, 2018, and the first three quarters of 2019 as required. While Sunsweet did submit some monitoring information it did not monitor as frequently as required and did not provide the required reporting information for pH, BOD5, pH and zinc.
52. In response to the noncompliance by its sole industrial user, Sunsweet, Fleetwood took no action, sent no correspondence regarding compliance nor findings of violations of enforcement notifications between January 2017 until at least June 15, 2020 Fleetwood failed to enforce the industrial user monitoring requirements against Sunsweet.
53. Fleetwood’s failure to enforce the industrial user monitoring requirements against Sunsweet is a failure to implement its approved POTW program as required by the 2012 Permit and the 2019 Permit, which is a violation of the 2012 and 2019 Permits, 40 C.F.R. 403 and of Sections 301, 307 and 402 of the Act, 33 U.S.C. §§ 1311, 1317, and 1342.

V. CIVIL PENALTY

54. In settlement of EPA’s claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **FIFTEEN THOUSAND DOLLARS (\$15,000)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
55. The civil penalty is based upon EPA’s consideration of a number of factors including the nature, circumstances, extent and gravity of the violation(s), Respondent’s ability to pay, prior history of compliance, degree of culpability, economic benefit or savings resulting from the violations, and such other matters as justice may require. These factors were applied to the particular facts and circumstances of this case with specific reference to the statutory penalty criteria and factors set forth at Section 309(g) of the Act, 33 U.S.C. § 1319(g), the appropriate *Adjustment of Civil Monetary Penalties for Inflation* pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA’s civil penalty policies to account for inflation.
56. Payment of the civil penalty amount, and any associated interest, administrative fees, and late payment penalties owed, shall be made by either cashier’s check, certified check or electronic wire transfer, in the following manner:

All payments by Respondent shall include reference to Respondent's name and address, and the Docket Number of this action, *i.e.*, **CWA-03-2022-0070**

- (i) All checks shall be made payable to the "United States Treasury."
- (ii) All payments made by check and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

- (iii) For additional information concerning other acceptable methods of payment of the civil penalty amount see:

<https://www.epa.gov/financial/makepayment>

- (iv) A copy of Respondent's check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously via email to:

Ami Antoine
Sr. Assistant Regional Counsel
U.S. EPA, Region III
antoine.ami@epa.gov

and

U.S. EPA Region III
Regional Hearing Clerk
R3_Hearing_Clerk@epa.gov

- 57. 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 of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.
- 58. Payment of the civil penalty is due and payable immediately upon the effective date of this Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed as of the effective date of this Consent Agreement and Final Order by Respondent in accordance with 40 C.F.R. § 13.9(a).
- 59. Interest on the civil penalty assessed in this Consent Agreement and Final Order will begin

to accrue on the effective date of this Consent Agreement and Final Order. However, EPA will not seek to recover interest on any amount of the civil penalties that is paid within thirty (30) calendar days after the effective date of this Consent Agreement and Final Order. 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).

- 60. ADMINISTRATIVE COSTS: The costs of the EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives – Case 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.
- 61. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent 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).
- 62. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.

VI. GENERAL SETTLEMENT CONDITIONS

- 63. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
- 64. Respondent certifies that 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 that 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 Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, **including information about respondent's ability to pay a penalty**, 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. 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.

VII. CERTIFICATION OF COMPLIANCE

- 65. Respondent certifies to EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement.

VIII. OTHER APPLICABLE LAWS

66. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and 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 Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of the CWA, 33 U.S.C. §§ 1251 *et seq.*, or any regulations promulgated thereunder.

IX. RESERVATION OF RIGHTS

67. This Consent Agreement and Final Order resolves only EPA's claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. 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. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). EPA reserves any rights and remedies available to it under the Clean Water Act, 33 U.S.C. § 301 *et seq.*, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

X. EXECUTION /PARTIES BOUND

68. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

XI. EFFECTIVE DATE

69. Pursuant to 40 C.F.R. § 22.45(b), this Consent Agreement and Final Order shall be issued only after a 40-day public notice and comment period is concluded. This Consent Agreement and Final Order will become final and effective thirty (30) days after having been signed by the Regional Administrator or his or her delegate, the Regional Judicial Officer, and filed with the Regional Hearing Clerk.

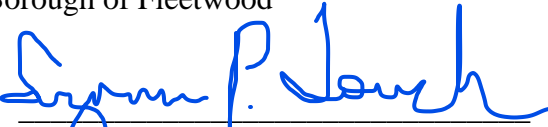
XII. ENTIRE AGREEMENT

70. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

For Respondent:

Borough of Fleetwood

Date: 9/26/22

By: 
Suzanne Touch
Borough Council President

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Director of the Enforcement & Compliance Assurance Division of the United States Environmental Protection Agency, Region III, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or his/her designee, the Regional Judicial Officer, issue the attached Final Order.

By: _____
Karen Melvin, Director
Enforcement & Compliance Assurance Division
U.S. EPA – Region III

Attorney for Complainant:

By: _____
Ami Antoine, Esq.
Sr. Assistant Regional Counsel
U.S. EPA – Region III

In the matter of: Fleetwood

EPA Docket No. CWA-03-2022-0070

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

In the Matter of:	:
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	: U.S. EPA Docket No. CWA-03-2022-0070
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Borough of Fleetwood	: Proceeding under Section 309(g) of
Fleetwood Sewage	: the Clean Water Act
Treatment Plant	:
110 West Arch Street	:
Fleetwood, PA 19530	:
 Respondent.	

FINAL ORDER

Complainant, the Director of the Enforcement & Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and Respondent, Borough of Fleetwood, 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 Sections 22.13(b) and 22.18(b)(2) and(3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of the statutory factors set forth in at Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g).

NOW, THEREFORE, PURSUANT TO Section 309(g) of the Clean Water Act, 33 U.S.C. Section 1319(g), and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of ***Fifteen Thousand Dollars (\$15,000.00)***, in accordance with the payment provisions set forth in the Consent Agreement and in 40 C.F.R. § 22.31(c), and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent’s obligation to comply with all applicable provisions of the Clean Water Act and the regulations promulgated thereunder.

The Consent Agreement and this Final Order will become final and effective thirty (30) days after it is signed by the Regional Administrator or the Regional Administrator's delegate, the Regional Judicial Officer, and filed with the Regional Hearing Clerk.

By: _____
Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA Region III

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

In the Matter of:	:
	:
Borough of Fleetwood Sewage Treatment Plant 110 West Arch Street Fleetwood, PA 19530	: U.S. EPA Docket No. CWA-03-2022-0070
	:
	: Proceeding under Section 309(g) of
	: the Clean Water Act
	:
Respondent.	

CERTIFICATE OF SERVICE

I certify that on _____, the foregoing *Consent Agreement and Final Order*, were filed with the EPA Region III Regional Hearing Clerk. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copy served via E-mail to:

Andrew S. George, Esq.
Kozloff Stoudt
Professional Corporation
2640 Westview Drive
Wyomissing, PA 19610
ageorge@kozloffstoudt.com

Ami Antoine, Esq.
Sr. Assistant Regional Counsel
U.S. EPA, Region III
Philadelphia, PA 19103
antoine.ami@epa.gov

Date

Regional Hearing Clerk
U.S. EPA, Region III