

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 ARCH STREET
PHILADELPHIA, PA 19103-2029**

**EXPEDITED PENALTY
ACTION AND
CONSENT AGREEMENT
DOCKET NO. CAA-03-2007-0306**

RESPONDENT

Lycoming County Water & Sewer Authority
216 Old Cement Road
Montoursville, PA 17754

FACILITY

Montoursville Regional Sewer System WWTP
216 Old Cement Road
Montoursville, PA 17754

On June 27, 2007, an authorized representative of the EPA conducted an inspection of the subject facility to determine compliance with the Risk Management Plan (RMP) regulations promulgated at 40 C.F.R. Part 68 under Section 112(r) of the Clean Air Act (the Act or CAA). EPA found that the Respondent had violated regulations implementing Section 112(r) of the Act by failing to comply with the regulations, as more fully alleged in the attached RISK MANAGEMENT PROGRAM, INSPECTION FINDINGS, ALLEGED VIOLATIONS AND PROPOSED PENALTY SHEET (FORM), which is hereby incorporated by reference.

The parties enter into this Expedited Penalty Action to settle the civil violations set forth above for a penalty of \$600. This Expedited Penalty Action commences and concludes this action pursuant to Sections 22.13(b), and 22.18(b)(2), and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules of Practice), 40 C.F.R. §§ 22.13(b), and 22.18(b)(2), and (3). This Expedited Penalty Action and Consent Agreement is being entered into by the United States Environmental Protection Agency, Region 3 (EPA), by its duly delegated official, the Director, Hazardous Site Cleanup Division, and by Respondent pursuant to Section 113(a)(3) and (d) of the Act, 42 U.S.C. § 7413(a)(3) and (d). On November 30, 2006, EPA obtained the concurrence of the U.S. Department of Justice, pursuant to Section 113(d)(1) of the Act, 42 U.S.C. §7413(d)(1), to pursue this type of administrative enforcement action. Issuance of this Expedited Penalty Action and Consent Agreement satisfies the notice requirement set forth in 40 C.F.R. § 22.34(b).

The settlement is subject to the following terms and conditions.

The Respondent certifies that it has corrected the violation(s) set forth in the Risk Management Program, Inspection Findings, Alleged Violations and Proposed Penalty Sheet. The Respondent also certifies that, since its last Risk Management Plan update required pursuant to 40 C.F.R. § 68.190, it has not done either of the following: (a) introduced a new regulated substance at the facility in an amount greater than its threshold quantity; or (b) introduced a new process which uses a regulated substance in an amount greater than its threshold quantity. Further, the Respondent agrees that it shall, within 15 calendar days of receipt of an executed copy of this Expedited Penalty Action, send a certified check for \$600 payable to the "Treasurer, United States of America" to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 079078
St. Louis, MO 63197-9000

The Respondent shall also send a copy of the check to:

Mikal Shabazz
RMP Coordinator
U.S. EPA, Region III (3HS61)
1650 Arch Street
Philadelphia, PA 19103-2029

Lydia Guy
Regional Hearing Clerk
U.S. EPA, Region III (3RC00)
1650 Arch Street
Philadelphia, PA 19103-2029

RECEIVED
SEP 15 15 PM 3:51
EPA REGION III

The payment made pursuant to this Expedited Penalty Action is a penalty within the meaning of Section 162(f) of the Internal Revenue Code, 26 U.S.C. § 162(f), and, therefore, Respondent shall not claim it as a tax deductible expenditure for purposes of federal, state or local law. This Expedited Penalty Action resolves only the civil claims for the specific violations alleged in the attached Risk Management Program, Inspection Findings, Alleged Violations and Proposed Penalty Sheet. Furthermore, EPA reserves the right to commence an 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, welfare, or the environment. In addition, 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. Further, EPA reserves any rights and remedies available to it under the Act, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this Expedited Penalty Action, following its filing with the Regional Hearing Clerk.

Respondent neither admits nor denies the allegations set forth in the attached Risk Management Program, Inspection Findings, Alleged Violations and Proposed Penalty Sheet, but agrees that jurisdiction has been established for this Penalty Action. Also, upon EPA final approval of the Expedited Penalty Action, Respondent expressly waives its right to contest the allegations, to a hearing under Section 113(d)(2)(A) of the Act, 42 U.S.C. § 7413(d)(2)(A), and to appeal this Order under Section 113(d)(4) of the Act, 42 U.S.C. § 7413(d)(4). Moreover, in entering into this Consent Agreement, the Respondent agrees to bear its own costs and attorney's fees related to this Expedited Penalty Action.

ACCEPT THE PROPOSED PENALTY

I/we consent to the proposed penalty.

DECLINE THE PROPOSED PENALTY

I/we decline the proposed penalty. If you choose to decline this proposed penalty, check the box. You may be subject to formal enforcement action and, in that event, will have an opportunity to a hearing related to any subsequent penalty assessment.

COST OF COMPLIANCE

Respondent certifies that it has expended \$ 8300⁰⁰ to correct the alleged violations and to come into compliance.

EFFECTIVE DATE

This Expedited Penalty Action will be effective upon filing.

The undersigned representative of Respondent certifies that he or she is fully authorized by Respondent to execute this Expedited Penalty Action and to legally bind the party whom he or she represents to this Expedited Penalty Action.

Signature Christine Maggi Date: 12/7/07

Name and Title (print): CHRISTINE MAGGI, Executive Director

SIGNATURE BY COMPLAINANT:

James J. Burke
James J. Burke, Director
Hazardous Site Cleanup Division

Date: 1/04/08

RECEIVED
2008 JAN 15 11:35 AM
U.S. ENVIRONMENTAL PROTECTION AGENCY
REGIONAL OFFICE
ATLANTA, GA

FINAL ORDER:

Pursuant to Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), and in accordance with the Consolidated Rules of Practice, 40 C.F.R. Part 22, the foregoing Consent Agreement is hereby approved and incorporated by reference into the Final Order. The Respondent is Ordered and agrees to pay the civil penalty set forth above.

Renée Sarajian

Date: 1/10/08

Renée Sarajian
Regional Judicial Officer

LYCOMING COUNTY WATER AND SEWER AUTHORITY

216 Old Cement Road • Montoursville, PA 17754 • Phone: (570) 546-8005 • Fax: (570) 546-3315
E-mail: lewsa@alltel.net

January 31, 2008

Lydia Guy, Regional Hearing Clerk
US Environmental Protection Agency, Region III
1650 Arch Street (3RC00)
Philadelphia, PA 19103-2029

Subject: Penalty Payment - Expedited Penalty Action and Consent Agreement
Risk Management Program (RMP) – Montoursville Regional Sewer System WWTP
Docket No. CAA-03-2007-0306

Dear Ms. Guy:

This transmits a copy of the check sent to the EPA Region III Pittsburgh office for the Expedited Penalty Action and Consent Agreement executed by Lycoming County Water and Sewer Authority for Docket No. CAA-03-2007-0306 – Montoursville Regional Sewer System WWTP.

If you need anything further, please feel free to contact me at (570) 546-8005.

Sincerely,



Christine M. Maggi
Executive Director

Enclosure: Copy of Official Check #7714792 – Sovereign Bank

Certified/Return Receipt Requested
7002 0460 0000 2046 1121

000 PPO-5 PM 2:54

THIS DOCUMENT HAS AN ARTIFICIAL WATERMARK PRINTED ON THE BACK. THE FRONT HAS A MICRO-PRINT.

SIGNATURE LINE AND HOLOGRAM. ABSENCE OF THESE FEATURES WILL INDICATE A COPY.



Sovereign Bank

Agent for MoneyGram



OFFICIAL CHECK

7714792

22-1676
960

3066 IM 30856-N

Memo: Docket # DAA-03-2007-0306

*****600.00

01/29/2008

Branch: 0746

Void If Amount Over *****600.00

TO THE ORDER OF Treasurer, United States of America

Drawer: Sovereign Bank

Angela L. Stachal
AUTHORIZED SIGNATURE

ISSUED BY: MONEYGRAM PAYMENT SYSTEMS, INC.
P.O. BOX 9476, MINNEAPOLIS, MN 55480

DRAWEE: US BANK, ST. PAUL, MN

⑈ 7 7 1 4 7 9 2 ⑈ ⑆ 0 9 6 0 1 6 7 6 5 ⑆ 0 1 6 0 0 1 0 6 2 5 4 6 2 ⑈



Sovereign Bank

DETACH AND RETAIN FOR YOUR RECORDS
7714792

Memo: Docket # DAA-03-2007-0306

01/29/2008

*****600.00

Account Holder:

Account Number:

Branch Number: 0746

Handwritten notes: 1000 FFR-5 PM 2:54

LYCOMING COUNTY WATER AND SEWER AUTHORITY

216 Old Cement Road • Montoursville, PA 17754 • Phone: (570) 546-8005 • Fax: (570) 546-3315
E-mail: lcwsa@alltel.net

January 31, 2008

US Environmental Protection Agency, Region III
P. O. Box 371099M
Pittsburgh, PA 15251

Subject: Penalty Payment - Expedited Penalty Action and Consent Agreement
Risk Management Program (RMP) – Montoursville Regional Sewer System WWTP
Docket No. CAA-03-2007-0306

Dear EPA Representative:

This transmits a check in the amount of \$600.00 for the Expedited Penalty Action and Consent Agreement executed by Lycoming County Water and Sewer Authority for Docket No. CAA-03-2007-0306 – Montoursville Regional Sewer System WWTP.

If you need anything further, please feel free to contact me at (570) 546-8005.

Sincerely,


Christine M. Maggi
Executive Director

Enclosure: Official Check #7714792 – Sovereign Bank

Certified/Return Receipt Requested
7002 0460 0000 2046 1114

LYCOMING COUNTY WATER AND SEWER AUTHORITY

216 Old Cement Road • Montoursville, PA 17754 • Phone: (570) 546-8005 • Fax: (570) 546-3315

E-mail: lcwsa@alltel.net

January 31, 2008

Mr. Mikal Shabazz, RMP Coordinator
US Environmental Protection Agency, Region III
Oil & Prevention Branch (3HS61)
1650 Arch Street
Philadelphia, PA 19103-2029

Subject: Penalty Payment - Expedited Penalty Action and Consent Agreement
Risk Management Program (RMP) – Montoursville Regional Sewer System WWTP
Docket No. CAA-03-2007-0306

Dear Mr. Shabazz:

This transmits the Expedited Penalty Action and Consent Agreement executed by Lycoming County Water and Sewer Authority for Docket No. CAA-03-2007-0306 – Montoursville Regional Sewer System WWTP. As required, this transmits the penalty payment of \$600.00.

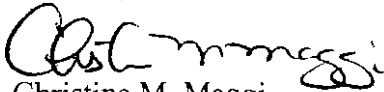
A copy of the check is enclosed for your records along with the transmittal letters to:

U.S. Environmental Protection Agency, Region III
P.O. Box 371099M
Pittsburgh, PA 15251, and

Lydia Guy, Regional Hearing Clerk
US Environmental Protection Agency, Region III
1650 Arch Street (3RC00)
Philadelphia, PA 19103-2029.

LCWSA would appreciate a copy of the executed Expedited Penalty Action and Consent Agreement at your convenience. If you need anything further, please feel free to contact me at (570) 546-8005.

Sincerely,



Christine M. Maggi
Executive Director

Enclosures: Copy of Check - Official Check #7714792 – Sovereign Bank
US EPA Pittsburgh office check transmittal letter
US EPA Regional Hearing Clerk transmittal letter