

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In The Matter Of:

Exeter Township	:	Violations of Clean Streams Law and
4975 DeMoss Road	:	Solid Waste Management Act
Reading, PA 19606	:	NPDES Permit No. PA0026972
	:	Exeter Township
	:	Berks County

**CONSENT ASSESSMENT OF CIVIL PENALTY**

This Consent Assessment of Civil Penalty (“CACP”) is entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2019, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection (“Department”) and Exeter Township (“Exeter Township”).

The Department has found and determined the following:

A. The Department is the agency with the duty and authority to administer and enforce The Clean Streams Law, the Act of June 22, 1937, P.L. 1987, *as amended*, 35 P.S. §§ 691.1-691.1001. (“Clean Streams Law”); the Solid Waste Management Act, the Act of July 7, 1980, P.L. 380, No. 97, *as amended*, 35 P.S. §§ 6018.101-6018.1003 (“Solid Waste Management Act”); and the rules and regulations promulgated thereunder, and which has been delegated authority to administer the National Pollutant Discharge Elimination (“NPDES”) permit program under Section 402 of the Federal Clean Water Act, 33 U.S.C § 1342.

B. Exeter Township is a municipality as defined in Section 1 of the Clean Streams Law, 35 P.S. § 691.1, with a mailing address of 4975 DeMoss Road, Reading, PA 19606.

C. Section 1 of the Clean Streams Law, 35 P.S. § 691.1 provides the following definition: “‘Municipality’ shall be construed to include any county, city, borough, town, township, school district, institution, or any authority created by any one or more of the foregoing.”

**Exeter Township NPDES Permit**

D. Exeter Township owns and operates a publicly owned treatment works (“POTW”) under the provisions of NPDES Permit No. PA0026972 (“NPDES Permit”). Exeter Township’s POTW consists of a municipal wastewater treatment plant (“WWTP”), which is located at 400 Hanover Street, Birdsboro, PA 19605, six sewage pumping stations, and a sanitary sewer collection and conveyance system (“SSCS”). The POTW includes the SSCS located within Exeter Township and parts of Saint Lawrence Borough, Alsace Township, and Lower Alsace Township.

E. Exeter Township’s final effluent constitutes sewage pursuant to Sections 201 and 202 of the Clean Streams Law, 35 P.S. §§ 691.201 and 691.202. Exeter Township discharges treated effluent from the WWTP to the Schuylkill River, a water of the Commonwealth, as defined in Section 1 of the Clean Streams Law, 35 P.S. § 691.1.

F. The discharge from the WWTP is authorized by Exeter Township’s NPDES Permit, issued by the Department to Exeter Township on February 21, 2008, pursuant to Sections 201 and 202 of the Clean Streams Law, 35 P.S. §§ 691.201 and 691.202. The NPDES Permit became effective on March 1, 2008 and expired on February 28, 2013. The NPDES Permit Renewal Application for the NPDES Permit was received on September 5, 2012 and is currently under review by the Department. Due to Exeter Township’s submission of a timely renewal application, coverage under the NPDES Permit has been administratively extended.

G. Section 1 of the Clean Streams Law, 35 P.S. § 691.1, defines “Waters of the Commonwealth” to include “any and all rivers, streams, creeks, rivulets, impoundments, ditches, water courses, storm sewers, lakes, dammed water, ponds, springs and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.”

H. Section 1 of the Clean Streams Law, 35 P.S. § 691.1, defines “Pollution” as: “contamination of any waters of the Commonwealth such as will create or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, municipal, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life, including but not limited to such contamination by alteration of the physical, chemical or biological properties of such waters, or change in temperature, taste, color or odor thereof, or the discharge of any liquid, gaseous, radioactive, solid or other substances into such waters. The [D]epartment shall determine when a discharge constitutes pollution, as herein defined, and shall establish standards whereby and wherefrom it can be ascertained and determined whether any such discharge does or does not constitute pollution as herein defined.”

I. Section 1 of the Clean Streams Law, 35 P.S. § 691.1, defines “Sewage” to include “any substance that contains any of the waste products or excrementitious or other discharge from the bodies of human beings or animals.”

J. All dischargers, including Exeter Township, are required by their NPDES permits and Sections 201 and 202 of the Clean Streams Law, 35 P.S. §§ 691.201 and 691.202, to comply with the terms and conditions set forth in their NPDES permits.

K. Between September 2018 and June 2019, Exeter Township reported in its monthly Discharge Monitoring Reports (“DMRs”) that it discharged wastewater contrary to the terms and conditions set forth in its NPDES Permit pertaining to NPDES Permit final effluent limits as summarized in Exhibit A, which is attached hereto and incorporated herein by reference.

L. On May 1, 2014, the Department received notification from Exeter Township of three Sanitary Sewer Overflows (“SSOs”) at Manholes 157, A180, and A57 in the Exeter Township SSCS to Waters of the Commonwealth. Exeter Township staff estimated that 5.3 inches of rainfall during a storm event from April 30, 2014 to May 1, 2014 caused the SSOs. In response to the SSOs, Exeter Township staff collected grab samples of the SSO discharges, observed the area for possible impacts to Waters of the Commonwealth, and applied lime to the affected areas for pathogen control.

M. On January 27, 2015, Exeter Township notified the Department of an unpermitted discharge of untreated sewage from SSCS Manhole 111, adjacent to the WWTP influent sewage pumping station. Exeter Township reported that a power failure at the WWTP influent sewage pumping station caused raw sewage to surcharge into the raw influent interceptor pipe and discharge from Manhole 111 to the surface of the ground. In response, WWTP staff restored power to the influent sewage pumping station and collected samples of the accumulated discharge for non-compliance reporting purposes.

N. On March 11, 2015, Exeter Township notified the Department of an unpermitted discharge of untreated sewage from the WWTP influent mechanical screen to the surface of the ground and the WWTP stormwater collection and conveyance system. Exeter Township reported that high flows at the WWTP caused by recent storm events and snow melt transported grit and rocks, clogging the mechanical screen. Exeter Township further reported that WWTP staff were

able to clear the blockages in the mechanical screen and return the unit to operation.

O. On September 12, 2015, Exeter Township experienced an unpermitted discharge of an unknown volume of untreated sewage and landfill leachate from the Lincoln Road sewage pumping station to an Unnamed Tributary to the Schuylkill River (“UNT”), a Water of the Commonwealth. Exeter Township reported the unpermitted discharge with its September 2015 electronic Discharge Monitoring Report (“eDMR”).

P. On May 26, 2016, the Department received notification from Exeter Township of a SSO at Exeter Township SSCS Manhole C66 to Heisters Creek, a Water of the Commonwealth. Exeter Township’s notification included an incident summary that determined the cause of the SSO to be a blockage in the sewer line by fat, oil and grease accumulation. Exeter Township’s incident summary also included documentation that its staff cleared the blockage, flushed and degreased the section of line, and cleaned accumulated sewage solids from the affected area. Exeter Township staff collected grab samples of the SSO discharge and Heisters Creek for non-compliance reporting purposes. The results of Exeter Township’s grab sample results indicated elevated levels of fecal coliform in Heisters Creek downstream from the SSO discharge.

Q. On May 27, 2016, the Department conducted an investigation into the May 26, 2016 SSO noted in Paragraph P, above. During the investigation, the Department observed that the SSO was no longer discharging, and that Exeter Township had lined the affected areas adjacent to SSCS Manhole C66.

R. On June 4, 2016, Exeter Township notified the Department of a SSO at Exeter Township SSCS Manhole 69-1 to an adjacent pond and to Trout Run, waters of the Commonwealth. An investigation into the cause of the SSO by Exeter Township revealed that the section of sewer pipe downstream from Manhole 69-1 became blocked by root intrusion. In

response to the SSO, Exeter Township staff cleared the root blockage and collected grab samples of the SSO discharge for non-compliance reporting purposes.

S. On April 28, 2017, the Department responded to a notification from Exeter Township regarding a SSO at Exeter Township SSCS Manhole 142 to Heisters Creek, a water of the Commonwealth. During the investigation, the Department observed accumulations of sewage solids and a gray discoloration in Heisters Creek at the discharge location. An investigation into the cause of the SSO by Exeter Township revealed that the section of sewer pipe downstream from Manhole 142 became blocked by a plastic manhole insert. In response to the SSO, Exeter Township staff cleared the blockage, collected grab samples of the SSO discharge for non-compliance reporting purposes, limed the affected area for pathogen control, and scheduled the line for televising and assessment.

T. On June 1, 2017, the Department conducted a follow-up inspection at the site of the Manhole 142 SSO noted in Paragraph S, above. The Department's inspection report noted macroinvertebrate activity in Heisters Creek and no evidence of additional SSOs at Manhole 142.

U. On January 15, 2018, Exeter Township notified the Department of an incident at the WWTP where the final effluent chlorine disinfection system failed, causing the discharge of partially-treated sewage from the WWTP to the Schuylkill River, a Water of the Commonwealth.

V. On January 17, 2018, the Department received an incident report from Exeter Township summarizing the cause of the chlorine gas disinfection system failure noted in Paragraph T, above. Upon investigation, WWTP staff discovered that a torn vacuum line on the WWTP effluent chlorine gas disinfection system caused the failure.

W. On January 29, 2018, the Department conducted an investigation at the WWTP regarding the incident reported on January 15, 2018 and noted in Paragraphs U and V, above. The

Department investigated and concluded that the WWTP chlorine gas disinfection system was offline for an estimated 28 hours between January 14 and 15, 2018. During the incident, an estimated 4.4 million gallons of partially treated effluent discharged from the WWTP to the Schuylkill River, a Water of the Commonwealth.

X. On February 14, 2018, the Department mailed a Notice of Violation (“February 14, 2018 NOV”) to Exeter Township for the incidents noted in Paragraphs U, and W, above. The Department’s February 14, 2018 NOV, stated that an incident summary report submitted by Exeter Township on January 29, 2018 was considered to be an adequate response.

Y. On March 2, 2018, the Department conducted an investigation at the WWTP after receiving notification from Exeter Township of an unpermitted discharge of untreated sewage from the WWTP influent mechanical screen to the surface of the ground and the WWTP stormwater collection and conveyance system. When discovered, WWTP staff were able to clear the blockages in the mechanical screen and return the unit to operation.

Z. On March 6, 2018, Exeter Township submitted an incident summary report to the Department regarding the March 2, 2018, incident noted in Paragraph Y, above. In its summary report, Exeter Township reported that high volumes of feathers, grit and solids in the WWTP influent line clogged the mechanical influent screen unit and bypass bar screen, causing the WWTP influent trough to overflow.

AA. On March 15, 2018, the Department mailed a Notice of Violation (“March 15, 2018 NOV”) to Exeter Township for the incidents noted in Paragraphs Y and Z, above. In the Department’s March 15, 2018 NOV, the Department requested that Exeter Township submit a report summarizing the cause of the incident and outline the implementation of any planned preventive measures to preclude or prevent the recurrence of similar incidents in the future.

BB. On April 4, 2018, the Department conducted an investigation at the WWTP after receiving notification from Exeter Township of a spill of untreated sewage sludge from a ruptured hose on a sewage sludge hauler truck to the surface of the ground and to the WWTP stormwater collection and conveyance system.

CC. On April 20, 2018, the Department received a report from Exeter Township summarizing the cause, response and cleanup activities regarding the April 4, 2018 sewage sludge spill at the WWTP noted in Paragraph BB, above. WWTP staff removed accumulated sludge from the stormwater collection and conveyance system and applied lime to the affected areas for pathogen control.

DD. On April 30, 2018, the Department conducted an investigation at the WWTP after receiving notification from Exeter Township of an unpermitted discharge of untreated sewage from the WWTP's 30-inch diameter influent line to the surface of the ground. During its investigation, the Department observed and documented that on April 28, 2018, a contractor working within a wooded area adjacent to the WWTP excavated an anchor for a new power line and struck Exeter Township's 30-inch influent line. Untreated sewage discharged from the influent line into the anchor excavation. No discharge to waters of the Commonwealth was observed.

EE. On May 1, 2018, the Department conducted a follow-up inspection at the WWTP to observe the repair and response to the incident documented in Paragraph DD, above. Bypass sewage pumping units were onsite to allow for the repair and/or replacement of the damaged section of 30-inch influent main.

FF. On May 1, 2018, the Department conducted an investigation in the SSCS after receiving notification from Exeter Township of a SSO at Manhole B197. During the investigation, the Department observed evidence of sewage discharge from Manhole B197 to a stormwater



retention pond, which is a water of the Commonwealth. The Department's investigation report requested that Exeter Township submit a written report summarizing the incident.

GG. On May 4, 2018, the Department received a report from Exeter Township summarizing the cause, cleanup and remediation activities in response to the SSO noted in Paragraph FF, above. In its report, Exeter Township stated that the cause of the SSO was determined to be root intrusion. Additionally, Exeter Township staff flushed the affected section of line, removed an accumulated sewage solids and refuse, and limed the affected area for pathogen control.

HH. On May 9, 2018, the Department conducted an investigation in the Exeter Township SSCS after receiving notification from Exeter Township of an unpermitted discharge of sewage at the Glen Oley sewage pumping station. During the investigation, the Department observed and documented the discharge of untreated sewage from the Glen Oley sewage pumping station to the surface of the ground and to Spring Creek, a water of the Commonwealth. At the time of the investigation, Exeter Township determined the cause of the unpermitted discharge to be a loss of power at the sewage pumping station.

II. On May 14, 2018, the Department received a report from Exeter Township summarizing the cause, cleanup and remediation activities in response to the unpermitted discharge noted in Paragraph HH, above. In its report, Exeter Township stated the suspected cause of the power loss at the sewage pumping station to be vandalism and that Township management is expected to change the locks on all township buildings. Additionally, Exeter Township staff spread lime on the affected area for pathogen control.

JJ. On August 4, 2018, the Department received notification from Exeter Township of an unpermitted discharge of an estimated 50 gallons of untreated sewage from SSCS Manhole 10

to the surface of the ground.

KK. On August 7, 2018, the Department conducted an investigation in the SSCS after receiving notification from Exeter Township of a SSO at Manhole 10 to the surface of the ground, as noted in Paragraph JJ, above. During the investigation, the Department observed evidence of SSO cleanup and remediation activities around Manhole 10. Exeter Township stated that the cause of the SSO was most likely due to heavy rain and storm events between August 3<sup>rd</sup> and 4<sup>th</sup>, 2018.

LL. On August 15, 2018, the Department received notification from Exeter Township of an unpermitted discharge of an estimated 50 gallons of untreated sewage from SSCS Manhole 10 to the surface of the ground and from sewer metering pit #3 to Antietam Creek, a water of the Commonwealth. Exeter Township stated that the cause of the SSO was most likely due to heavy rain and storm events. In its notification, Exeter Township provided photographs of the SSO cleanup and remediation activities around Manhole 10.

MM. On October 2, 2018, the Department responded to a notification from Exeter Township regarding a SSO at Exeter Township SSCS Manhole 113 to Heisters Creek, a Water of the Commonwealth. The loss of power at the WWTP caused an interruption of operation of the WWTP influent sewage pumping station and raw sewage surcharged in the influent sewage line and discharged from Manhole 113 to Heisters Creek. During the investigation, the Department observed the following:

- i. Accumulations of sewage solids and paper around Manhole 113;
- ii. Evidence of the SSO discharge to Heisters Creek; and,
- iii. The WWTP backup power system and alarm systems failed to operate as designed in response to a loss of power at the WWTP.

NN. On October 16, 2018 the Department received notification from Exeter Township of an unpermitted discharge of sewage from the WWTP influent main at SSCS Manholes 111, 112, 113, and C-1.

OO. On October 18, 2018, the Department conducted an investigation at the WWTP in response to the unpermitted sewage discharges noted in Paragraph NN, above. During its investigation, the Department observed ongoing discharges of untreated sewage to Heisters Creek, a water of the Commonwealth. The Department also observed discoloration of Heisters Creek and accumulations of sewage and sewage solids on the surface of the ground and in Heisters Creek, from the Manhole locations to the confluence of Heisters Creek with the Schuylkill River. At the time of the investigation, the wet well and dry well in the WWTP influent sewage pumping station were flooded with raw sewage and inoperable.

PP. On October 22, 2018, the Department mailed a Notice of Violation (“October 22, 2018 NOV”) to Exeter Township for the incidents noted in Paragraphs NN and OO, above. In the October 22, 2018 NOV, the Department requested that Exeter Township conduct its own internal investigation into the incidents and submit a report summarizing its findings, to include: the cause of the incidents, remediation activities taken, and any preventive measures to be implemented to prevent reoccurrence.

QQ. On October 25, 26, and 31, 2018, the Department conducted follow-up inspections at the WWTP to observe Exeter Township’s response to the unpermitted sewage discharges noted in Paragraphs NN and OO, above. During the follow-up inspections, the Department observed accumulations of sewage solids in Heisters Creek. The Department estimates that approximately 4 million gallons of untreated sewage was discharged to Heisters Creek during the SSO and bypass event at the WWTP.

RR. On November 5, 2018 the Department conducted an investigation in the Exeter Township SSCS after receiving notification from Exeter Township of an unpermitted discharge of sewage from SSCS Manholes 111 and 113 to Heisters Creek, a water of the Commonwealth. During the investigation, the Department concluded that storm events on November 2nd and 3rd, 2018, caused influent flows to exceed the pumping capacity of the bypass pumping installed in response to the influent sewage pumping station failure noted in Paragraphs NN, and OO, above.

SS. On November 8, 2018 the Department received a response from Exeter Township to the October 22, 2018 NOV noted in Paragraph PP, above. In its response, Exeter Township outlined its plans for winterizing the WWTP influent sewage pumping station bypass pumping system and for the repair and/or replacement of the influent pumps and appurtenances. Exeter Township's response stated that WWTP staff determined the cause of the influent sewage pumping station failure to be the failure of a pump check valve. The failed check valve allowed the influent sewage pumping station dry well to flood, fouling the raw sewage pumps and pump controls. Influent flows surcharged up the influent sewage main causing discharges of raw sewage from SSCS Manholes 111, 112, and 113.

TT. On November 13, 2018, the Department received notification from Exeter Township of unpermitted discharges of sewage from SSCS Manholes 56 and 56A to Trout Run, a water of the Commonwealth.

UU. On December 4, 2018, the Department received notification from Exeter Township of an unpermitted discharge of sewage from SSCS Manhole 18 to the surface of the ground.

VV. On December 14, 2018, the Department received notification from Exeter Township of unpermitted discharges of sewage from SSCS Manholes 115 and 116 to Heisters Creek, a water of the Commonwealth.

WW. On December 21, 2018, the Department received notification from Exeter Township of unpermitted discharges of sewage from SSCS Manholes 56, 56A to Trout Run, a water of the Commonwealth, and from Manholes 28 and 150 to the surface of the ground.

XX. On December 25, 2018, the Department received notification from Exeter Township of an unpermitted discharge of sewage from the influent bypass piping to the surface of the ground.

YY. On December 28, 2018, the Department received notification from Exeter Township of unpermitted discharges of sewage from SSCS Manholes 112, 113, and 115 to Heisters Creek, a water of the Commonwealth, and from Manholes 56 and 56A to Trout Run, a water of the Commonwealth.

ZZ. On January 9, 2019, the Department met with Exeter Township to discuss the repair or replacement of the WWTP influent sewage pumping station.

AAA. On January 18, 2019, the Department mailed a letter to Exeter Township requesting Exeter Township to provide the following information:

- i. A schedule for the repair and/or replacement of the damaged equipment in the Exeter Township WWTP influent pumping station. The schedules should have included, without limitation:
  1. A summary of the work completed by Exeter Township and its contractors for the winterization and pumping capacity increase of the influent bypass pumping system;
  2. A timeline for receiving and approving bids for the project;
  3. A timeline for the submission of design information and any expected permitting applications;

4. A timeline for the construction and repair/replacement activities to bring the existing influent sewage pumping station into operational condition; and,
  5. The current status and operability of the Exeter Township WWTP SCADA and alarm systems.
- ii. If Exeter Township did not intend to complete work permitted under the WQM Part II Permit, Exeter Township was expected to submit a formal request to terminate the WQM Part II Permit with a justification for termination included in the request.
  - iii. A list of all certified operators at the Exeter Township WWTP, including their contact information, Client ID number, and the classification and subclassification for each operator.

BBB. On January 24, 2019, the Department received notification from Exeter Township of unpermitted discharges of sewage from SSCS Manholes 56, 57, and 60, to the surface of the ground.

CCC. On March 8, 2019, the Department received a response from Exeter Township to the January 18, 2019 letter noted in Paragraph AAA, above. In its response, Exeter Township included a summary of construction and repair/replacement activities to bring the existing influent sewage pumping station into operational condition but did not include a schedule or timeline of work.

DDD. On March 22, 2019, the Department received notification from Exeter Township of an unpermitted discharge of sewage from the influent bypass piping to the Heisters Creek, a water of the Commonwealth.

### **PAG-07 and PAG-08 Biosolids Permits**

EEE. General Permit PAG-08-3610 was issued by the Department to Exeter Township on October 27, 2011, for the beneficial use of non-exceptional quality sewage sludge that will be land applied. On July 15, 2019, Exeter Township's coverage under General Permit PAG-08-3610 expired. As a result, Exeter Township is not authorized to distribute non-exceptional quality biosolids until coverage under the General Permit PAG-08-3610 is reauthorized.

FFF. On March 1, 2019, the 2018 Annual Report for Exeter Township's General Permit PAG-08-3610 became due. Exeter Township had not submitted the General Permit PAG-08-3610 2018 Annual Report by that date.

GGG. General Permit PAG-07-3518 was issued by the Department to Exeter Township on May 3, 2016, for the beneficial use of exceptional quality biosolids that will be land applied. General Permit No. PAG-07-3518 does not expire if annual reports are submitted.

HHH. On March 1, 2019, the 2018 Annual Report for Exeter Township's General Permit PAG-07-3518 became due. Exeter Township had not submitted the General Permit PAG-07-3518 Annual Report for 2018 by that date.

III. On April 11, 2019, the Department mailed a Notice of Violation ("April 11, 2019 NOV") to Exeter Township for the conduct noted in Paragraphs FFF and HHH, above. The Department's April 11, 2019 NOV also included a reminder that General Permit PAG-08-3610 would expire on July 15, 2019 and that Exeter Township would not be authorized to distribute non-exceptional quality biosolids until coverage under the General Permit PAG-08-3610 is renewed.

JJJ. On July 12, 2019, the Department received a renewal application for General Permit No. PAG-08-3610 from Exeter Township. The Department reviewed the renewal

application for General Permit No. PAG-08-3610 from Exeter Township and concluded that it contained administrative and technical deficiencies.

KKK. On September 9, 2019, the Department received the 2018 Annual Report for Exeter Township's General Permit PAG-07-3518 for the land application of exceptional quality biosolids. The Department's review of the 2018 Annual Report for Exeter Township's General Permit PAG-07-3518 indicated that 670.09 dry tons of Exceptional Quality Biosolids were distributed from January through October 2018, but that only two quarters of samples were collected in 2018 for fecal coliform.

LLL. Section 271.917(a)(1) of the Department's Rules and Regulations, 25 Pa. Code § 271.917(a)(1), and Condition C.1 of General Permit PAG-07-3518 provide that, for land application of biosolids in amounts equal to or greater than 319 tons but less than 1,650 tons, sampling frequency is to be performed once per quarter, unless the Department grants a reduction in sample frequency in accordance with Section 271.917(a)(2).

MMM. Section 201 of the Clean Streams Law, 35 P.S. § 691.201, provides: "[n]o person or municipality shall place or permit to be placed, or discharge or permit to flow, or continue to discharge or permit to flow, into any of the waters of the Commonwealth any sewage, except as hereinafter provided in this act."

NNN. Section 202 of the Clean Streams Law, 35 P.S. § 691.202, provides, in part, that "[n]o municipality or person shall discharge or permit the discharge of sewage in any manner, directly or indirectly, into the waters of this Commonwealth unless such discharge is authorized by the rules and regulations of the [D]epartment or such person or municipality has first obtained a permit from the [D]epartment."



OOO. Section 401 of the Clean Streams Law, 35 P.S. § 691.401, provides, in part, that “[i]t shall be unlawful for any person or municipality to put or place into any of the waters of the Commonwealth, or allow or permit to be discharged from property owned or occupied by such person or municipality into any of the waters of the Commonwealth, any substance of any kind or character resulting in pollution as herein defined.”

PPP. Section 611 of the Clean Streams Law, 35 P.S. § 691.611, states: “It shall be unlawful to fail to comply with any rule or regulation of the [D]epartment or to fail to comply with any order or permit or license of the [D]epartment, to violate any of the provisions of this act or rules and regulations adopted hereunder, or any order or permit or license of the [D]epartment, to cause air or water pollution, or to hinder, obstruct, prevent or interfere with the [D]epartment or its personnel in the performance of any duty hereunder or to violate the provisions of 18 Pa.C.S.A. section 4903 (relating to false swearing) or 4904 (relating to unsworn falsification to authorities). Any person or municipality engaging in such conduct shall be subject to the provisions of sections 601, 602 and 605.”

QQQ. Exeter Township’s discharge of wastewater contrary to the NPDES Permit final effluent limits, as described in Paragraph K, above, and listed in Exhibit A, attached, constitutes violations of Sections 201 and 202 of the Clean Streams Law, 35 P.S. §§ 691.201 and 691.202.

RRR. The discharge of polluting substances onto the surface of the ground and to Waters of the Commonwealth, as described in Paragraphs K, L, M, N, O, P, R, S, U, V, W, Y, BB, DD, FF, HH, JJ, LL, MM, NN, OO, QQ, RR, TT, UU, VV, WW, XX, YY, BBB, and DDD, above, were not authorized by permit or regulation and thereby constitutes violations of Sections 201 and 202, and 401 of the Clean Streams Law, 35 P.S. §§ 691.201, 691.202, and 691.401, and NPDES Permit No. PA0026972.

SSS. The violations described in Paragraphs QQQ and RRR, above, constitutes unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611, and subjects Exeter Township to civil penalty liability under Section 605 of the Clean Streams Law, 35 P.S. § 691.605.

TTT. Exeter Township's conduct, as described in Paragraphs FFF, HHH, and KKK, above, constitutes unlawful conduct under Sections 201 and 202 of the Clean Streams Law, 35 P.S. § 691.201 and 691.202, and Sections 610 (2), (4), (6) and (9) of the Solid Waste Management Act, 35 P.S. § 6018.610(2), (4), (6) and (9); and subjects Exeter Township to civil penalty liability under Section 605 of the Clean Streams Law, 35 P.S. § 691.605, and Section 605 of the Solid Waste Management Act, 35 P.S. § 6018.605.

After full and complete negotiations of all matters set forth in this CACP and upon mutual exchange of the covenants herein, the parties desiring to avoid litigation and intending to be legally bound, it is hereby ASSESSED by the Department and AGREED to by Exeter Township as follows:

1. Assessment. In resolution of the Department's claim for civil penalties, which the Department is authorized to pursue under Section 605 of the Solid Waste Management Act, 35 P.S. § 6018.605, and Section 605 of the Clean Streams Law, 35 P.S. § 691.605, the Department hereby assesses a civil penalty of \$72,231.00, which Exeter Township hereby agrees to pay.

2. Civil Penalty Settlement. Exeter Township consents to the assessment of the civil penalty assessed in Paragraph 1, which shall be paid in full within 30 days of Exeter Township signing of this CACP. This payment is in settlement of the Department's claim for civil penalties for the violations set forth in Paragraphs K, L, M, N, O, P, R, S, U, V, W, Y, BB, DD, FF, HH, JJ, LL, MM, NN, OO, QQ, RR, TT, UU, VV, WW, XX, YY, BBB, DDD, FFF, HHH, and KKK,

above. The payment shall be by corporate check or the like, made payable to "Commonwealth of Pennsylvania," with the memo line specifying the "Clean Water Fund," and sent to:

Erick M. Ammon  
Environmental Protection Compliance Specialist  
DEP Clean Water Program  
Southcentral Regional Office  
909 Elmerton Avenue  
Harrisburg, PA 17110-8200

3. Findings.

a. Exeter Township agrees that the findings in Paragraphs A through PPP are true and correct and, in any matter or proceeding involving Exeter Township and the Department, Exeter Township shall not challenge the accuracy or validity of these findings.

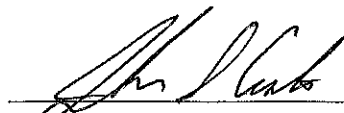
b. The parties do not authorize any other persons to use the findings in this CACP in any matter or proceeding.

4. Reservation of Rights. The Department reserves all other rights with respect to any matter addressed by this CACP, including the right to require abatement of any conditions resulting from the events described in the Findings. Exeter Township reserves the right to challenge any action which the Department may take, but waives the right to challenge the content or validity of this CACP.

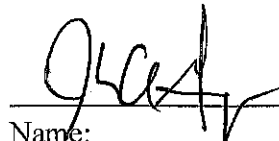
IN WITNESS WHEREOF, the parties have caused the CACP to be executed by their duly authorized representatives. The undersigned representatives of Exeter Township certify, under penalty of law, as provided by 18 Pa. C.S.A. § 4904, that they are authorized to execute this CACP on behalf of Exeter Township, that Exeter Township consents to the entry of this CACP as an ASSESSMENT of the Department; that Exeter Township hereby knowingly waives any right to a hearing under the statutes referenced in this CACP; and that Exeter Township knowingly waives its right to appeal this CACP, which rights may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S.A. § 103(a) and Chapters 5A and 7A; or any other provision of law. Signature by Exeter Township's attorney certifies only that the agreement has been signed after consulting with counsel.

FOR EXETER TOWNSHIP:

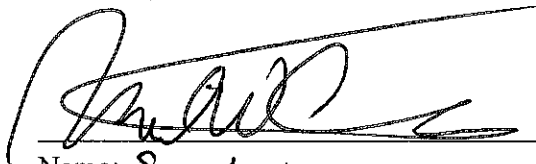
FOR THE COMMONWEALTH OF  
PENNSYLVANIA, DEPARTMENT OF  
ENVIRONMENTAL PROTECTION:

  
\_\_\_\_\_  
Name: \_\_\_\_\_ Date: 11-12-19  
Board Superintendent  
Chair Person

\_\_\_\_\_  
Name: Maria D. Bebenek, P.E. Date: \_\_\_\_\_  
Program Manager  
Clean Water Program

  
\_\_\_\_\_  
Name: \_\_\_\_\_ Date: 11-12-19  
Board Secretary/Treasurer

\_\_\_\_\_  
Name: Janna E. Williams Date: \_\_\_\_\_  
Department Counsel

  
\_\_\_\_\_  
Name: Samuel W. Carney Date: 11-12-19  
Attorney for Exeter Township

**Exhibit A.**  
**Exeter Township WWTP**  
**NPDES Permit No. PA0026972**  
**NPDES Permit Final Effluent Limit Violations reported between 2015 and July 2019**

<b>DMR Month</b>	<b>Parameter</b>	<b>Permit Limit</b>	<b>DMR Value</b>
September 2018	Total Suspended Solids    Average Monthly	1476 lbs/day	1757 lbs/day
September 2018	Total Suspended Solids    Weekly Average	2214 lbs/day	4287 lbs/day
September 2018	Total Suspended Solids    Weekly Average	45 mg/L	46 mg/L
September 2018	Fecal Coliform                Monthly Geometric Mean	200 CFU/100mL	241 CFU/100mL
June 2019	Fecal Coliform                Monthly Geometric Mean	200 CFU/100mL	302 CFU/100mL