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Delaware County Regional Water Quality Control Authority
Chester, Pennsylvania

CSO Long Term Control Plan

Consent Decree
Semi-Annual Report No. 3

For the Reporting Period of
July 1, 2016 – December 31, 2016

CIVIL ACTION NO. Case 2:15-cv-04652-RB
Filed: 11/10/15

NPDES Permit Number PA0027103 A-1

December 31, 2016



SEMI ANNUAL REPORT CERTIFICATION SHEET
Consent Decree Semi-Annual Report No. 3


For the Reporting Period of July 1, 2016 – December 31, 2016

CIVIL ACTION NO. Case 2:15-cv-04652-RB

Filed: 11/10/15

December 31, 2016

I certify under penalty of law that the document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

DELCORA MANAGEMENT		
Executive Director	 Signature	<u>12/19/16</u> Date
DELCORA ENGINEERING		
Director of Engineering	 Signature	<u>12/20/16</u> Date
DELCORA OPERATIONS AND MAINTENANCE		
Director of Operation and Maintenance	 Signature	<u>12/19/2016</u> Date



SEMI-ANNUAL REPORT FY 2016 DECEMBER

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SEMI-ANNUAL REPORT FY 2016 DECEMBER

Section 1 Introduction

The Delaware County Regional Water Quality Control Authority (DELCORA) entered into a Consent Decree (CD) with the United States Government to establish a schedule for implementation of Long Term Control Plan Update (LTCPU) to achieve full compliance with the Clean Water Act and the regulations and Clean Streams Law and regulations. The lodging of this Consent Decree was entered by the court on August 17, 2015 in Civil Action Case 2:15-cv-04652-RB Document 4 by the United States District Court for the Delaware County Regional Water Quality Control Authority. The Consent Decree was signed and filed on November 10, 2015 by the United States District Court for the Eastern District of Pennsylvania.

Section 2 Consent Decree Progress Reports

On the first Day of each Semi-Annual Period after the Date of Lodging of this Consent Decree and continuing until termination of this Consent Decree, DELCORA will submit to EPA and PADEP a progress report ("Semi-Annual Progress Report") regarding the implementation of the requirements of the Consent Decree in the previous Semi-Annual Period. The Semi-Annual Progress Report will include at a minimum:

- a. A statement setting forth the deadlines and other terms that DELCORA was required by the Consent Decree to meet since the date of the last Semi-Annual Progress Report, whether and to what extent DELCORA has met these requirements, and the reasons for any noncompliance;
- b. A general description of the work completed within the prior Semi-Annual Period, and a projection of work to be performed pursuant to this Consent Decree during the next or succeeding Semi-Annual Period;
- c. A summary of all contacts with EPA and PADEP during the reporting period relating to CSOs, SSOs, or implementation of this Consent Decree;
- d. A statement of any exceedances of NPDES Permit limitations; and,
- e. A summary of all CSOs, SSOs, Unauthorized Releases, and Unpermitted Discharges occurring within the Semi-Annual Period including the actual or estimated frequency, duration, and volume of each CSO, SSO, Unauthorized Release, and Unpermitted Discharge.

Section 3 Items Requiring Government Action

Table 1 is a status report for items requiring government action this reporting period. This may include items such as permits and information requests from government agencies. *Appendix 1 – Additional Correspondence* contains the letters of correspondence to government agencies.

Section 4 Deadlines

Table 2 is a status report of 1) the deadlines and other terms that DELCORA was required by this Consent Decree to meet since the date of the last Semi-annual Progress Report; 2) whether and to what extent DELCORA has met these requirements; and 3) the reasons for any non-compliance.

SEMI-ANNUAL REPORT FY 2016 DECEMBER

Section 5 Description of Work Completed Within the Six-Month Period and Projection of Work

Table 3 is a status report of 1) a general description of the work completed within the six-month period; and 2) a projection of work to be performed pursuant to this Consent Decree during the next or succeeding six-month period.

Section 6 Summary of All Contacts with EPA AND PADEP

Table 4 is a summary of all contacts with the USEPA and PADEP during the report period relating to implementation of this Consent Decree. Table 4 indicates all correspondence requiring USEPA and PADEP response and date of response. *Appendix 2 – Notification Letters* contains all the letters that were sent to EPA and PADEP which are summarized in Table 4.

Section 7 Statement of Exceedances of NPDES Permit Limitations

Under National Pollutant Discharge Elimination System (NPDES) Permit No. PA0027103, issued and administered by the Pennsylvania Department of Environmental Protection (PADEP), DELCORA is authorized to discharge from the Western Regional Treatment Plant (Outfall 001), four storm water outfalls at the WRTP (028-031) and from 26 combined sewer overflow (CSO) outfalls (002-026, 032, 033) that ultimately discharge to the Delaware River, Chester Creek and/or Ridley Creek.

Table 5 is a summary of any exceedances of NPDES Permit limitations. *Appendix 3 – NPDES Permit Exceedance Report* contains the NPDES Permit exceedance reports generated within this six-month reporting period.

Section 8 Summary of All CSOs, SSOs and Unpermitted Discharges Occuring within the Six-Month Period

Table 6 is a summary of all CSOs, SSOs and Unpermitted Discharges occurring within the six-month reporting period including the actual or estimated frequency, duration and volume of each CSO, SSO and unpermitted discharge. *Appendix 4 – CSOs, SSOs and Unpermitted Discharges Correspondence* contains all CSO correspondence and inspections for the reporting period.

Table 1

Items Requiring Government Action

Table 2

Deadlines for this Reporting Period of
Consent Decree

TABLE 2 DEADLINES FOR THIS REPORTING PERIOD OF CONSENT DECREE DELCORA SEMI ANNUAL REPORT (7/1/2016 – 12/31/2016)			
Reference	Requirement	Deadline in CD	Status (Met Requirement or any Non-compliance)
CD VII.A.42: PM and Reporting	Consent Decree Section VII.A.42 requires on the first day of each semi-annual period after the Date of Lodging, DELCORA will submit to EPA and PADEP a Semi-Annual Progress Report regarding the implementation of the requirements of the Consent Decree in the previous semi-annual period.	7/1/16	Met Requirement (Submitted on 6/30/16)
CD V.A.14.e: Initiate Rainfall and Flow Monitoring (1 st Quarter, March – June 31, 2016)	Consent Decree Section V.A.14.e requires all rainfall and flow monitoring carried out in support of the H&H model to be documented in quarterly technical memoranda documenting results and quality of the rainfall and flow monitoring.	Due 08/01/16	Met Requirement (Submitted on 08/01/16)
CD V.A.14.e: Initiate Rainfall and Flow Monitoring (2 nd Quarter, July 1 – September 30, 2016)	Consent Decree Section V.A.14.e requires all rainfall and flow monitoring carried out in support of the H&H model to be documented in quarterly technical memoranda documenting results and quality of the rainfall and flow monitoring.	Due 11/01/16	Met Requirement (Submitted on 10/25/16)
CD V.A.17: Draft Financial Capabilities Assessment	Within 60 Days following receipt of any notice from EPA disapproving a submittal or directing modification of a submittal pursuant to the preceding Paragraph (or within such longer time set forth in the notice or agreed to by the Parties), DELCORA shall submit a modified submittal to EPA and PADEP for approval.	11/20/16	Met Requirement (Submitted on 11/17/16)
CD VII.A.42: PM and Reporting	Consent Decree Section VII.A.42 requires on the first day of each semi-annual period after the Date of Lodging, DELCORA will submit to EPA and PADEP a Semi-Annual Progress Report regarding the implementation of the requirements of the Consent Decree in the previous semi-annual period.	12/31/16	Met Requirement (Submitted on 12/29/16)

Table 3

Work Completed Within the Six-Month
Period and to be Completed in the Next
Six-Month Period

TABLE 3 WORK COMPLETED WITHIN THE SIX-MONTH PERIOD AND TO BE COMPLETED IN THE NEXT SIX-MONTH PERIOD DELCORA SEMI ANNUAL REPORT (7/1/2016 – 12/31/2016)				
Reference	Work Completed Date	Project/Activity/Request	Deadline in CD/NMC	Status/Comment (Met Requirement or any Non-Compliance)
LTCPU	July 2016 thru December 2016	Held Monthly Progress Meetings with Greeley and Hansen and subconsultants. Prepared Monthly Progress Reports. Held internal coordination meetings and teleconferences. Developed LTCPU schedule. Updated Overall LTCPU Schedule with Consent Decree Start Date. Reviewed previous USEPA comments on LTCPU.	02/17/19	On-going, On schedule
Consent Decree V.A.14: Hydrologic and Hydraulic Model (H&H Model) Update and Calibration Plan	July 2016 thru December 2016	Hydrologic & Hydraulic Model ("H&H Model") Update & Calibration Plan Review existing flow meter data. Collection system model update and construction. Update, calibrate and validate H&H Model.	August 2017	On-going, On schedule
Consent Decree V.A.14d and V.A.14e: Rainfall and Flow Monitoring	July 2016 thru December 2016	Rainfall and Flow Monitoring Received and analyzed flow meter data from July thru December 2016. Developed flow monitoring analysis spreadsheet. Developed Rainfall and Flow Monitoring Quarterly Reports. Submitted 1 st Quarterly Report to USEPA and PADEP. Submitted 2 nd Quarterly Report to USEPA and PADEP. Working to complete and submit 3 rd Quarterly Report.	12 months of flow monitoring required, submit quarterly technical memoranda documenting results	On-going, Flow monitoring started March 18, 2016.
Consent Decree V.A.17: Public Participation Plan	July 2016 thru December 2016	Public Participation Plan Continue to hold Stakeholders meetings with CEP. Continue to develop Website and newsletter and off-line repository Binder. Delivered binders to off-line repositories. Updated off-line repositories binders.	2/17/19	On-going, On schedule
Consent Decree V.A.15: Water Quality Model Plan	July 2016 thru December 2016	Water Quality Model Plan Develop outline for Water Quality Monitoring and Modeling Work Plan and Water Quality Assurance Project Plan (QAPP). Held workshop with DELCORA for Water Quality Monitoring and Modeling Work Plan and Water Quality Assurance Project Plan (QAPP). Prepared Draft Water Quality Monitoring and Modeling	01/13/17 Submit Water Quality Modeling Plan 90 days after USEPA approval of the Alternative Evaluation Approach Report.	On-going, On schedule

TABLE 3 WORK COMPLETED WITHIN THE SIX-MONTH PERIOD AND TO BE COMPLETED IN THE NEXT SIX-MONTH PERIOD DELCORA SEMI ANNUAL REPORT (7/1/2016 – 12/31/2016)				
Reference	Work Completed Date	Project/Activity/Request	Deadline in CD/NMC	Status/Comment (Met Requirement or any Non-Compliance)
		Work Plan and QAPP. Submitted Draft Water Quality Monitoring and Modeling Work Plan and QAPP to DELCORA for review.		
Consent Decree V.A.18: Financial Capabilities Assessment	September 2016 thru November 2016	<u>Draft Financial Capabilities Assessment (FCA)</u> Received comments from USEPA on 09/20/16 Responded to USEPA comments and submitted revised report to USEPA 11/17/2016.	60 days to respond to comments.	Received comments 09/20/16 Resubmitted 11/17/16
Consent Decree VII: Reporting	July 2016 thru December 2016	<u>Semi-Annual Report</u> – Developed Draft Report. Held Progress Meeting to discuss on 12/07/16. Submitted Draft report to DELCORA; Finalized Report. Submitted Final Report 12/29/2016.	01/01/17	On schedule- All data in this semi-annual report is through December 29, 2016. Next report will include information from December 30, 2016.
Consent Decree V.A.13: Alternatives Evaluation Approach	July 2016 thru September 2016	<u>Alternatives Evaluation Approach</u> Received final approval from USEPA 10/13/16.		USEPA approval on 10/13/16
Consent Decree V.B.26: Early Action CSO Control Measures	Currently in Design Phase	<u>Early Action Items:-</u> EPS-01 Pump Station – Design is approximately 60 % complete. Continuing to develop design, permitting and land acquisition.	12/31/18	On-going, DELCORA has requested that this deadline date be extended to 12/31/19 due to concerns such as land acquisition and permitting. See correspondence Table 4 of this report. Extension denied.
Anticipated activities for the next 6 months				
Consent Decree V.A.14d and V.A.14e: Rainfall and Flow Monitoring	January 2017 thru April 2017	Continue Rainfall and Flow Monitoring Continue to develop rainfall and flow monitoring flow monitoring analysis spreadsheet. Continue to develop draft Rainfall and Flow Monitoring Quarterly Reports. Submit 3 rd Quarterly Report to USEPA and PADEP. Submit 4 th Quarterly Report to USEPA and PADEP.	12 months of flow monitoring required, submit quarterly technical memoranda documenting results	On-going, Flow monitoring started March 18, 2016

TABLE 3 WORK COMPLETED WITHIN THE SIX-MONTH PERIOD AND TO BE COMPLETED IN THE NEXT SIX-MONTH PERIOD DELCORA SEMI ANNUAL REPORT (7/1/2016 – 12/31/2016)				
Reference	Work Completed Date	Project/Activity/Request	Deadline in CD/NMC	Status/Comment (Met Requirement or any Non-Compliance)
Consent Decree V.A.18: Financial Capabilities Assessment	January 2017 thru March 2017	Draft Financial Capabilities Assessment (FCA) Receive final approval and / or comments from USEPA Respond to comments as required. Finalize Draft Financial Capabilities Assessment (FCA) and resubmit final report to USEPA as required.	Respond within 60 days of receiving comments	On-going, On schedule
Consent Decree V.A.17: Public Participation Plan	January 2017 thru June 2017	<u>Public Participation Plan</u> Continue to hold Stakeholders meetings with CEP. Submit meeting notes, responsive summary and presentation to USEPA. Continue to develop website and newsletter and off-line repository binder. Update binders to off-line repositories. Next Public Participation meeting is scheduled for July 2017.	2/17/19	On-going, On schedule
Consent Decree V.A.14: Hydrologic and Hydraulic Model (H&H Model) Update and Calibration Plan	January 2017 thru June 2017	<u>H&H Model Update</u> Review existing rainfall and flow meter data. Collection system model update and construction. Update, calibrate, and validate H&H Model. Prepare Draft Sewer System H&H Model Report. Submit Draft Sewer System H&H Model Report to DELCORA for review. Based on DELCORA comments, prepare Final Sewer System H&H Model Report.	06/16/17	On-going, On schedule
Consent Decree V.A.15: Water Quality Model Plan	January 2017	<u>Water Quality Model Plan</u> Based on DELCORA comments, prepare final Water Quality Monitoring and Modeling Work Plan and Water Quality Assurance Project Plan (QAPP). Submit Water Quality Monitoring and Modeling Work Plan and Water Quality Assurance Project Plan (QAPP) to USEPA.	01/13/17	On-going, On schedule

Table 4

Summary of All Contacts with the EPA and
the PADEP

TABLE 4 USEPA / PADEP CORRESPONDENCE LOG DELCORA SEMI ANNUAL REPORT (7/1/2016 – 12/31/2016)						
Date of Letter	Description	Control No.	Response Required	Date of PADEP Response	Date of USEPA Response	Notes
6/30/16	DELCORA letter to USEPA submitting Consent Decree Semi Annual Report No 2, Reporting Period January 1, 2016 – June 30, 2016.	20	See Note 3	N/A	N/A	Civil Action Number Case 2:15-cv-04652-RB & DOJ Case Number 90-5-1-1-10972 Consent Decree Semi Annual Report No 2. Report From Michael J. DiSantis
7/29/16	DELCORA letter to USEPA submitting the DELCORA Rainfall and Flow Monitoring Quarterly Report No. 1 Period of March 18, 2016 – June 30, 2016.	21	See Note 3	N/A	N/A	Civil Action Number Case 2:15-cv-04652-RB & DOJ Case Number 90-5-1-1-10972 Rainfall and Flow Monitoring Quarterly Report No. 1. From Michael J. DiSantis
7/29/16	DELCORA letter to USEPA submitting the updated rainfall and flow monitoring schedule for the Hydrologic and Hydraulic Model Update and Calibration Plan.	22	See Note 3	N/A	N/A	Civil Action Number Case 2:15-cv-04652-RB & DOJ Case Number 90-5-1-1-10972 Hydrologic and Hydraulic Model Update and Calibration Plan Updated Schedule From Michael J. DiSantis
8/18/16	Email to USEPA from DELCORA transmitting Financial Recovery Plan Chester dated 07/15/2016 and checking status of EAI extension request.	23	YES See Control No. 24	See Control No. 24	See Control No. 24	Civil Action Number Case 2:15-cv-04652-RB & DOJ Case Number 90-5-1-1-10972. From Michael J. DiSantis
9/9/16	Email to DELCORA from USEPA responding to DELCORA request for Early Action Items (EAI) extension with attachments.	24	NO	9/9/16 See Control No. 17	9/9/16 See Control No. 17	Subject: Civil Action Number Case 2: 15-cv-04652-RB & DOJ Case Number 90-5-1-1-10972 Section 5.B.26 Early Action Items. From Michael J. DiSantis
9/15/16	USEPA letter to Blank Rome LLP, DELCORA Counsel, denying approval and providing comments for the draft Financial Capability Assessment (FCA) Report.	25	YES By DELCORA See Control NO. 31	N/A	N/A	Subject: DELCORA Draft Financial Capability Assessment. From: Andrew Dinsmore, Acting Chief NPDES Enforcement Branch.
9/22/16	Email to USEPA from Margaret Hill sending second request for a meeting with USEPA for a meeting on the FCA.	26	YES	No response to date.	No response to date.	Subject: FCA Response / Second Request for Meeting. See Table 1 of this report.
10/13/16	Email to DELCORA from USEPA transmitting approval letters for the Revised Identification of Sensitive Area Analysis (RISSA) and Alternatives Evaluation Approach Report (AEAR).	27	NO	N/A	N/A	Subject: Approvals for RISAA and AEAR
10/13/16	USEPA letter to DELCORA providing approval of the Revised Identification of Sensitive Area Analysis (RISSA).	28	NO	N/A	N/A	Subject: Civil Action Number Case 2: 15-cv-04652-RB & DOJ Case Number 90-5-1-1-10972 From Andrew F. Seligman

TABLE 4 USEPA / PADEP CORRESPONDENCE LOG DELCORA SEMI ANNUAL REPORT (7/1/2016 – 12/31/2016)						
Date of Letter	Description	Control No.	Response Required	Date of PADEP Response	Date of USEPA Response	Notes
10/13/16	USEPA letter to DELCORA providing approval of the Alternatives Evaluation Approach Report (AEAR)	29	NO	N/A	N/A	Subject: Civil Action Number Case 2: 15-cv-04652-RB & DOJ Case Number 90-5-1-1-10972 From Andrew F. Seligman
10/25/16	DELCORA letter to USEPA submitting the DELCORA Rainfall and Flow Monitoring Quarterly Report No. 2 Period of July 1, 2016- September 30, 2016.	30	See Note 3	N/A	N/A	Civil Action Number Case 2: 15-cv-04652-RB & DOJ Case Number 90-5-1-1-10972 Rainfall and Flow Monitoring Quarterly Report No. 2. From Michael J. DiSantis.
11/17/16	DELCORA letter to USEPA submitting revised Draft Financial Capabilities Assessment Report (Revised November 2016).	31	YES	11/22/16 See Control No. 33.	11/22/16 See Control No. 33.	Subject: Civil Action Number Case 2: 15-cv-04652-RB & DOJ Case Number 90-5-1-1-10972 Draft Financial Capabilities Assessment Report (FCA) (revised November 2016) From Michael J. DiSantis.
11/18/16	Greeley and Hansen Transmittal to USEPA / PADEP transmitting Comment – Response sheet for Draft Financial Capabilities Assessment Report (4 transmittals to each USEPA, PADEP and DOJ representative).	32	YES	11/22/16 See Control No. 33.	11/22/16 See Control No. 33.	Subject: Civil Action Number Case 2: 15-cv-04652-RB & DOJ Case Number 90-5-1-1-10972 Response to USEPA and PADEP Comments on the revised Draft FCA Report (Revised November 2016) From Greeley and Hansen LLC
11/22/16	USEPA email to Blank Rome LLP, stating receipt of resubmittal for Draft Financial Capabilities Assessment. USEPA to review submittal and respond to DELCORA.	33	YES	No response to date.	No response to date.	Email Subject: DELCORA To: Margaret Hill from Philip Yeany See Table 1 of this report.
12/30/16	DELCORA letter to USEPA submitting Consent Decree Semi Annual Report No 3, Reporting Period July 1, 2016 – December 30, 2016.	34	See Note 3	N/A	N/A	Civil Action Number Case 2: 15-cv-04652-RB & DOJ Case Number 90-5-1-1-10972 Consent Decree Semi Annual Report No. 3 Report From Michael J. DiSantis.

NOTES:

1. Copies of Correspondence are in Appendix 2
2. Control numbers 1 thru 19 are included in the Correspondence Log submitted under Semi-Annual Report No. 2
3. Report has been submitted to USEPA and PADEP per Consent Order requirements. Without notification otherwise, DELCORA considers Consent Decree requirements have been met. See also Table 1 of this report.

Table 5

Summary of any Exceedances of NPDES Permit Limitations

Table 6

Summary of All CSOs, SSOs and
Unpermitted Discharges Occurring within
the Six-Month Period

TABLE 6 SUMMARY OF ALL CSOs, SSOs and UNPERMITTED DISCHARGES OCCURRING WITHIN THE SIX-MONTH PERIOD (7/1/2016 – 12/31/2016) DELCORA Permit No. PA0027103						
Date of Occurrence	Location	Event	Frequency	Duration	Volume	Comment
7/12/16	600 block W. 12 th Street	SSO	Once	Start time – unknown. Call received at 3:12 pm. Ended 7/12/16 at 6:00 pm.	Unknown	Report sent July 13, 2016 within 5 days of occurrence. Called PADEP on 7/12/16, same day of occurrence.
11/27/16	Marcus Hook Pumping Station	SSO	Once	Start time – unknown. Call received at 9:29 AM. Ended 11/27/16 at 10:30 AM.	Unknown	Report sent November 29, 2016, within 5 days of occurrence. Called PADEP on 11/27/16, same day of occurrence.
12/5/16	Marcus Hook Pumping Station	SSO	Once	Start time – unknown. Staff observed minor leak at 12/5/16 7:30 AM.	Unknown	Report Sent and call made to PADEP December 5, 2016, same day of occurrence.
1.	DWO – Dry Weather Overflow;	SSO – Sanitary Sewer Overflow;	CSO – Combined Sewer Overflow			
2.	Copy of Reports are in Appendix 4					

Appendix 1

Additional Correspondence
(None included)

Appendix 2

Notification Letters



DELAWARE COUNTY REGIONAL WATER QUALITY CONTROL AUTHORITY
P.O. Box 999 • Chester, PA 19016-0999

June 30, 2016

FED EX – NEXT DAY

Chief, Environmental Enforcement
Section
Environment and Natural
Resources Division
U.S. Department of Justice
601 D Street NW
Washington, DC 20004
Re: DOJ No. 90-5-1-1-10972

Philip Yeany
Office of Regional Counsel (3RC20)
U.S. EPA, Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Chief
NPDES Enforcement Branch (3WP42)
Water Protection Division
U.S. EPA, Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Program Manager – Clean Water Program
PA DEP
Southeast Regional Office
2 East Main Street
Norristown, PA 19401

RE: Civil Action Number Case 2:15-cv-04652-RB
& DOJ Case Number 90-5-1-1-10972
Consent Decree Semi Annual Report No. 2
Reporting Period of January 1, 2016 – June 30, 2016

Dear Sir/Madam:

By this letter, the Delaware County Regional Water Quality Control Authority is enclosing a copy of the above mentioned report in accordance with the requirements of the Consent Decree.

If there are any questions, please contact me. Thank you.

Sincerely,

Michael J. DiSantis
Director of Operations & Maintenance

MJD:bab
enclosure

ADMINISTRATION
☐ 610-876-5523
☐ FAX: 610-876-2728

CUSTOMER SERVICE/BILLING
☐ 610-876-5526
☐ FAX: 610-876-1460

PURCHASING & STORES
☐ 610-876-5523
☐ FAX: 610-497-7959

PLANT & MAINTENANCE
☐ 610-876-5523
☐ FAX: 610-497-7950

cc: via email
Margaret Hill, Blank Rome
Marlene Finizio, Greeley and Hansen
Michael Hope, Greeley and Hansen
Ed Bothwell, DELCORA
Michael DiSantis, DELCORA
John Pileggi, DELCORA
Robert Willert, DELCORA
Charles Hurst, DELCORA
File – Consent Order – LTCP CSO



DELAWARE COUNTY REGIONAL WATER QUALITY CONTROL AUTHORITY
P.O. Box 999 • Chester, PA 19016-0999

July 29, 2016

FED EX – NEXT DAY

Chief, Environmental Enforcement
Section
Environment and Natural
Resources Division
U.S. Department of Justice
601 D Street NW
Washington, DC 20004
Re: DOJ No. 90-5-1-1-10972

Philip Yeany
Office of Regional Counsel (3RC20)
U.S. EPA, Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Chief
NPDES Enforcement Branch (3WP42)
Water Protection Division
U.S. EPA, Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Program Manager – Clean Water Program
PA DEP
Southeast Regional Office
2 East Main Street
Norristown, PA 19401

RE: Civil Action Number Case 2:15-cv-04652-RB
& DOJ Case Number 90-5-1-1-10972
Rainfall and Flow Monitoring Quarterly Report No. 1
Period of March 18, 2016 – June 30, 2016

Dear Sir/Madam:

By this letter, the Delaware County Regional Water Quality Control Authority is enclosing a copy of the above mentioned report in accordance with the requirements of the Consent Decree.

If there are any questions, please contact me. Thank you.

Sincerely,

Michael J. DiSantis
Director of Operations & Maintenance

MJD:bab
enclosure

ADMINISTRATION

☐ 610-876-5523
☐ FAX: 610-876-2728

CUSTOMER SERVICE/BILLING

☐ 610-876-5526
☐ FAX: 610-876-1460

PURCHASING & STORES

☐ 610-876-5523
☐ FAX: 610-497-7959

PLANT & MAINTENANCE

☐ 610-876-5523
☐ FAX: 610-497-7950

cc: via email
Margaret Hill, Blank Rome
Marlene Finizio, Greeley and Hansen
Michael Hope, Greeley and Hansen
Ed Bothwell, DELCORA
Charles Hurst, DELCORA
Michael DiSantis, DELCORA
John Pileggi, DELCORA
Robert Willert, DELCORA
File – Consent Order – LTCP CSO



DELAWARE COUNTY REGIONAL WATER QUALITY CONTROL AUTHORITY
P.O. Box 999 • Chester, PA 19016-0999

July 29, 2016

FED EX - NEXT DAY

Chief Environmental Enforcement Section
Section
Environment and Natural
Resources Division
U.S. Department of Justice
601 D Street NW
Washington, DC 20004
Re: DOJ No. 90-5-1-1-10972

Philip Yeany
Office of Regional Counsel (3RC20)
U.S. EPA, Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Chief
NPDES Enforcement Branch (3WP42)
Water Protection Division
U.S. EPA, Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Program Manager
PA DEP
Southeast Regional Office
2 East Main Street
Norristown, PA 19401

RE: Civil Action Number Case 2:15-cv-04652-RB
& DOJ Case Number 90-5-1-1-10972
Hydrologic and Hydraulic Model Update and
Calibration Plan
Updated Schedule

Dear Sir/Madam:

The Hydrologic and Hydraulic (H&H) Model Update and Calibration Plan was approved by USEPA / PADEP on March 1, 2016 which included a schedule showing a start date for rainfall and flow monitoring. Per the Consent Decree Section V.A.14.d, rainfall and flow monitoring shall be carried out for a period of 12 months.

By this letter, the Delaware County Regional Water Quality Control Authority is enclosing a copy of the updated H&H Model Update and Calibration Plan schedule. Per USEPA's request, the schedule included in the approved H&H Model Calibration Plan has been updated to show the actual start date of March 18, 2016 for rainfall and flow monitoring.

Sincerely,

Michael J. DiSantis
Director of Operations & Maintenance

MJD:bab
enclosure

ADMINISTRATION

☐ 610-876-5523
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PLANT & MAINTENANCE

☐ 610-876-5523
☐ FAX: 610-497-7950

USDOJ/USEPA/PADEP
Hydrologic and Hydraulic Model Update
and Calibration Plan
Updated Schedule
July 29, 2016
page 2

cc: via email
Margaret Hill, Blank Rome
Marlene Finizio, Greeley and Hansen
Michael Hope, Greeley and Hansen
Ed Bothwell, DELCORA
Charles Hurst, DELCORA
Michael DiSantis, DELCORA
John Pileggi, DELCORA
Robert Willert, DELCORA
File – Consent Order – LTCP CSO

Finizio, Marlene

From: DiSantis, Michael <disantism@delcora.org>
Sent: Thursday, August 18, 2016 1:32 PM
To: 'Seligman, Andrew'
Subject: Follow Up to Phone Conversation on 8-17-16
Attachments: FILED_Financial_Recovery_Plan_Chester_07152016.pdf

Andrew:

As discussed yesterday, please find attached a copy of the report that I mentioned on the financial condition of the City of Chester. To summarize the discussion on the other items we covered, we can expect a response from EPA on both the Alternatives Evaluation Report and the re-submitted Identification of Sensitive Areas and Pollutants of Concern Report within the next week or so. Additionally, our Counsel will be receiving a letter in the near future responding to the Draft FCA Report. Lastly, once we have received the letter, DELCORA will have the opportunity to discuss the FCA with EPA and/or PA DEP.

There was one item that I failed to mention during our call. What is the status of DELCORA's request for an extension of the EPS-1 early action item deadline? We are progressing with the project as quickly as we can. However, as noted in the request letter, there are procedural and permitting requirements (land acquisition, local municipality, and regulatory), in which we can't control the time frame, that must be addressed for the project to be completed. We are looking for guidance in the area and would be glad to discuss further if needed, so please advise.

Thanks,

Mike

Michael J. DiSantis
Director of Operations and Maintenance
Delaware County Regional Water Quality Control Authority
P.O. Box 999
Chester, PA 19016
Office: 610.876.5523, ext. 264
Cell: 484.574.7704
Fax: 610.497.7951
e-mail: disantism@delcora.org
www.delcora.org

Finizio, Marlene

From: Seligman, Andrew <Seligman.Andrew@epa.gov>
Sent: Friday, September 09, 2016 2:03 PM
To: DiSantis, Michael
Cc: Yeany, Philip; Smolski, Robert; Marcello Mollo; McGuigan, David; Dinsmore, Andrew; Zolandz, Mark; Marcello Mollo; Gelles, William H
Subject: Deadline Extension fir Early Action Item EPS-1
Attachments: Seligman-USEPA-Deadline Extension for Early Action Item for EPS-1 PS - 6-17-2016.pdf

Mike,

I have spoken with Bob Smolski one of EPA Region IIIs attorneys. I have been advised your June 17, 2016 request to extend the schedule for the new EPS-1 pump station appears to require a modification to Paragraph V.26 of the Consent Decree which includes a schedule to place in operation that pump station by December 31st, 2018. I suggest you talk to your attorney and determine whether your request requires a modification of the CD.

Andrew F. Seligman
Environmental Scientist & Enforcement Officer
NDPES Enforcement Branch
1650 Arch Street, 3WP42
Philadelphia, Pennsylvania
19103
(215)814-2097

"The Wind and Waves are always on the side of the ablest Navigators"
Edward Gibbon, English Historian 1734-1794

"There is no education like adversity"
Benjamin Disraeli, British Prime Minister



DELAWARE COUNTY REGIONAL WATER QUALITY CONTROL AUTHORITY
P.O. Box 999 • Chester, PA 19016-0999

June 17, 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Andrew F. Seligman
Senior Environmental Scientist and
Enforcement Officer
U.S. EPA, Region 3
1650 Arch Street (3WP42)
Philadelphia, PA 19103-2029

RE: Civil Action Number Case 2:15-cv-04652-RB
& DOJ Case Number 90-5-1-1-10972

Dear Mr. Seligman:

Per condition B.26. in Article V. - Compliance Measures of the above mentioned action, DELCORA is required to place the new EPS-1 Pump Station into operation by December 31, 2018. By this letter, the Authority is requesting to extend this deadline to December 31, 2019. While the design for the new facility has been underway for some time and is approximately 30% complete, we are concerned that the land acquisition needed for the facility as well as the permitting and approvals required by PADEP, Delaware County, and Chester City will negatively affect the timeline for the project thereby preventing compliance with this condition. If granted this extension, we would continue to use the December 31, 2018 date as our target but don't want to fall short of compliance due to the aforementioned issues.

If you would like to discuss this in further detail, we would be glad to either meet or hold a conference call with EPA and PA DEP. Thank you in advance for your consideration. Please feel free to contact me with any questions.

Sincerely,

Michael J. DiSantis
Director of Operations & Maintenance

MJD:bab

ADMINISTRATION

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☐ FAX: 610-876-2728

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PLANT & MAINTENANCE

☐ 610-876-5523
☐ FAX: 610-497-7950

Andrew F. Seligman
USEPA, Region 3
June 17, 2016
page 2

cc: via email
Jenifer Fields, PADEP
Steve O'Neil, PADEP
Margaret Hill, Blank Rome
Marlene Finizio, Greeley and Hansen
Michael Hope, Greeley and Hansen
Ed Bothwell, DELCORA
Charles Hurst, DELCORA
John Pileggi, DELCORA
Robert Willert, DELCORA
File – Consent Order – LTCP CSO



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

SEP 15 2016

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Margaret Anne Hill
Partner and Chair,
Environmental, Energy, and Natural Resources Practice Group
Blank Rome LLP
One Logan Square
Philadelphia, PA 19103

Re: DELCORA Draft Financial Capability Assessment

Dear Ms. Hill:

EPA has reviewed DELCORA's May 13, 2016, draft Financial Capability Assessment (FCA) and has concluded that it does not meet the requirements of the Consent Decree.

First, the draft FCA is inadequate because it only includes the financial resources of the Western Service Area and the Central Authority portion of the Eastern Service Area. The Consent Decree requires that the FCA include:

information on sewer rate setting and median household income and number of households in the entire Model Area ..., as well as information on all other financial resources available to DELCORA.

The Consent Decree defines "Model Area" to include:

all areas tributary to the entire Collection System, as well as all areas tributary to all municipal wastewater collection and transmission systems that are, as of the date the LTCP is submitted, hydraulically connected to, or that directly or indirectly influence flow to, the CSOs and/or the WRTP, regardless of who owns or operates the system(s), including but not limited to the entire "Western Service Area" and "Eastern Service Area."

Accordingly, the Consent Decree explicitly requires that the FCA include median household income and number of households for the "entire" Eastern Service Area.



Second, the draft FCA is flawed in that it attempts to allocate financial capability based on wet versus dry weather flows and the asserted relationship of those flows to the sanitary versus combined sewers' capacity, with no engineering support. Such support is necessary to determine whether DELCORA has appropriately considered, among other things, inflow and infiltration to sanitary sewers that may occur during storm events and the impacts of the various control alternatives on such inflow and infiltration.

Third, the draft FCA incorrectly uses projected costs based on 2035 values. The correct approach is to conduct a "snapshot" of current and future costs in current dollars, and to use current demographic characteristics. An analysis of projected feasibility must use a year-by-year model that adjusts all financial and demographic parameters.

Fourth, the draft FCA lacks support for current cost and demographic data, which is necessary for meaningful review.

Last, the draft FCA inappropriately appears to assign the bulk of the cost for correcting the CSO problems to Chester City, which accounts for only 10 percent of the equivalent households and flow in the adjusted service area, and an even smaller percentage of the Model Area.

Many of these issues are strikingly similar to the flawed FCAs that preceded the civil complaint that was resolved by the Consent Decree. EPA is very concerned about DELCORA's apparent disregard for the spirit and letter of the Consent Decree, and hopes that DELCORA takes serious and prompt action to remedy these deficiencies.

Please submit an amended draft FCA within 30 days of receiving this letter. If you have any questions about this or wish to arrange a meeting to discuss this, please contact me at 215-814-2788.

Sincerely,



Andrew Dinsmore, Acting Chief
NPDES Enforcement Branch

cc: Jen Fields, PADEP SERO
Marcello Mollo, USDOJ
Phil, Yeany, EPA Region III
Robert Smolski, EPA Region III
Andrew Seligman, EPA Region III

Finizio, Marlene

From: Hill, Margaret A. <mhill@blankrome.com>
Sent: Thursday, September 22, 2016 9:14 PM
To: DiSantis, Michael
Subject: FW: FCA Response/ SECOND REQUEST FOR MEETING

Mike
FYI
Peg

-----Original Message-----

From: Hill, Margaret A.
Sent: Thursday, September 22, 2016 9:11 PM
To: Marcello Mollo (Marcello.mollo@usdoj.gov) <Marcello.mollo@usdoj.gov>
Subject: FW: FCA Response/ SECOND REQUEST FOR MEETING

Marcello

Copying you as my hope is that you may enable a response to come from EPA.

So far, I have heard nothing from EPA except Phil was going to pass on the request. This is reminiscent of my emails to EPA prior to DOJ's involvement: they went unanswered for a long time so this time -- given the provisions of the Consent Decree -- I will send an email every day until I receive a response. I have not received any phone calls back either.

Obviously, time is of the essence in trying to resubmit within 60 days which means that DELCORA first needs to understand EPA's comments which were prepared in a very summary fashion as you already know.

Thank you,
Margaret

-----Original Message-----

From: Hill, Margaret A.
Sent: Thursday, September 22, 2016 6:16 PM
To: 'Yeany, Philip' <Yeany.Philip@epa.gov>
Cc: 'Smolski, Robert' <Smolski.Robert@epa.gov>; 'dinsmore.andrew@epa.gov' <dinsmore.andrew@epa.gov>
Subject: RE: FCA Response/ SECOND REQUEST FOR MEETING
Importance: High

Phil ~

I called Andrew Dinsmore yesterday and left a voicemail requesting a meeting. I also spoke with you yesterday requesting a meeting to discuss EPA's letter regarding the draft FCA submitted on behalf of DELCORA.

I am requesting (again) a meeting with EPA, as suggested and offered in Andrew Dinsmore's letter, and as provided in the Consent Decree.

Also, as discussed yesterday, pursuant to the Consent Decree, DELCORA has 60 days from the receipt date of your 9/15/2016 letter to resubmit a revised draft FCA to the Agency. We received the 9/15/2016 letter on September 20, 2016.

DELCORA has already initiated a review of the draft FCA in conjunction with EPA's letter; however, a meeting with EPA, as provided for in the Consent Decree, would be extremely useful before DELCORA begins to revise the draft FCA.

Margaret Anne Hill
Partner and Chair,
Energy, Environment and Mass Torts Practice Group Blank Rome LLP One Logan Square Philadelphia, PA 19103
215-569-5331 (P)
215-832-5331 (F)

215-500-7585 (Cell)
And
1825 Eye Street, NW
Washington, D.C. 20006
202-772-5811
MHill@BlankRome.com

-----Original Message-----

From: Hill, Margaret A.
Sent: Wednesday, September 21, 2016 11:49 AM
To: 'Yeany, Philip' <Yeany.Philip@epa.gov>
Cc: Smolski, Robert <Smolski.Robert@epa.gov>
Subject: FCA Response
Importance: High

Phil

As discussed on my call with you, I received Andrew Dinsmore's letter yesterday in the mail which was 9/20/2016 although the letter was stamped/15/2016.

We are responding to the letter which asks if we want a meeting to discuss. Yes, we are requesting a meeting as soon as possible.

Thank you, Peg

.

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Finizio, Marlene

From: Seligman, Andrew <Seligman.Andrew@epa.gov>
Sent: Thursday, October 13, 2016 9:35 AM
To: DiSantis, Michael
Cc: Smolski, Robert; Yeany, Philip
Subject: Approvals for RISAA and AEAR
Attachments: image2016-10-13-085340.pdf

Hi Mike,

See enclosed.

Thanks
Andrew F. Seligman
Environmental Scientist & Enforcement Officer
NDPES Enforcement Branch
1650 Arch Street, 3WP42
Philadelphia, Pennsylvania
19103
(215)814-2097

"You have enemies? Good. That means you stood up for something, sometime in your life."
Winston Churchill, British Prime Minister

"There is no education like adversity"
Benjamin Disraeli, British Prime Minister

From: r3ph-13-423-952@epa.gov [mailto:r3ph-13-423-952@epa.gov]
Sent: Thursday, October 13, 2016 8:54 AM
To: Seligman, Andrew <Seligman.Andrew@epa.gov>
Subject:



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

Mr. Robert Willert, Executive Director
Delaware County Regional Quality Control Authority
100 East Fifth Street
Chester, PA 19013

OCT 13 2016

RE: Civil Action 2:15-cv-04652-RB

Dear Mr. Willert:

The United States Environmental Protection Agency (EPA) has received the Delaware County Regional Quality Control Authority (DELCORA) Revised Identification of Sensitive Area Analysis (RISAA) dated May 13, 2016. EPA has consulted with the Pennsylvania Department of the Environment (PaDEP). EPA hereby approves the RISAA.

Sincerely,

A handwritten signature in blue ink, appearing to read "AS", is positioned above the typed name of the sender.

Andrew F. Seligman, Environmental Scientist
Water Enforcement Branch

cc: R. Smolski, EPA
P. Yeany, EPA
M. DeSantis, DELCORA





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

OCT 13 2016

Mr. Robert Willert, Executive Director
Delaware County Regional Quality Control Authority
100 East Fifth Street
Chester, PA 19013

RE: Civil Action 2:15-cv-04652-RB

Dear Mr. Willert:

The United States Environmental Protection Agency (EPA) has received the Delaware County Regional Quality Control Authority (DELCORA) Alternatives Evaluation Approach Report (AEAR) dated April 27, 2016. EPA understands DELCORA has chosen the "Demonstration Approach" and hereby approves the AEAR.

Sincerely,



Andrew F. Seligman, Environmental Scientist
Water Enforcement Branch

cc: R. Smolski, EPA
P. Yeany, EPA
M. DeSantis, DELCORA



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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Consent order
RECEIVED
OCT 28 2016
BY: 2016-1211
cc: 2 step group

OCT 13 2016

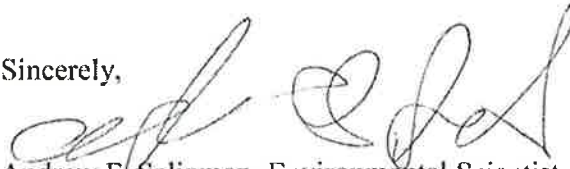
Mr. Robert Willert, Executive Director
Delaware County Regional Quality Control Authority
100 East Fifth Street
Chester, PA 19013

RE: Civil Action 2:15-cv-04652-RB

Dear Mr. Willert:

The United States Environmental Protection Agency (EPA) has received the Delaware County Regional Quality Control Authority (DELCORA) Alternatives Evaluation Approach Report (AEAR) dated April 27, 2016. EPA understands DELCORA has chosen the "Demonstration Approach" and hereby approves the AEAR.

Sincerely,


Andrew F. Seligman, Environmental Scientist
Water Enforcement Branch

cc: R. Smolski, EPA
P. Yeany, EPA
M. DeSantis, DELCORA ✓



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DELAWARE COUNTY REGIONAL WATER QUALITY CONTROL AUTHORITY
P.O. Box 999 • Chester, PA 19016-0999

October 25, 2016

FED EX – NEXT DAY

Chief, Environmental Enforcement
Section
Environment and Natural
Resources Division
U.S. Department of Justice
601 D Street NW
Washington, DC 20004
Re: DOJ No. 90-5-1-1-10972

Philip Yeany
Office of Regional Counsel (3RC20)
U.S. EPA, Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Chief
NPDES Enforcement Branch (3WP42)
Water Protection Division
U.S. EPA, Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Program Manager – Clean Water Program
PA DEP
Southeast Regional Office
2 East Main Street
Norristown, PA 19401

RE: Civil Action Number Case 2:15-cv-04652-RB
& DOJ Case Number 90-5-1-1-10972
Rainfall and Flow Monitoring Quarterly Report No. 2
Period of July 1, 2016 – September 30, 2016

Dear Sir/Madam:

By this letter, the Delaware County Regional Water Quality Control Authority is enclosing a copy of the above mentioned report in accordance with the requirements of the Consent Decree.

If there are any questions, please contact me. Thank you.

Sincerely,

Michael J. DiSantis
Director of Operations & Maintenance

MJD:bab
enclosure

ADMINISTRATION

☐ 610-876-5523
☐ FAX: 610-876-2728

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☐ FAX: 610-497-7950

cc: via email
Margaret Hill, Blank Rome
Marlene Finizio, Greeley and Hansen
Michael Hope, Greeley and Hansen
Ed Bothwell, DELCORA
Charles Hurst, DELCORA
Michael DiSantis, DELCORA
John Pileggi, DELCORA
Robert Willert, DELCORA
File – Consent Order – LTCP CSO



DELAWARE COUNTY REGIONAL WATER QUALITY CONTROL AUTHORITY
P.O. Box 999 • Chester, PA 19016-0999

November 17, 2016

FED EX – NEXT DAY

Chief, Environmental Enforcement
Section
Environment and Natural
Resources Division
U.S. Department of Justice
601 D Street NW
Washington, DC 20004
Re: DOJ No. 90-5-1-1-10972

Philip Yeany
Office of Regional Counsel (3RC20)
U.S. EPA, Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Chief
NPDES Enforcement Branch (3WP42)
Water Protection Division
U.S. EPA, Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Program Manager – Clean Water Program
PA DEP
Southeast Regional Office
2 East Main Street
Norristown, PA 19401

RE: Civil Action Number Case 2:15-cv-04652-RB
& DOJ Case Number 90-5-1-1-10972
Draft Financial Capability Assessment Report
(Revised November 2016)

Dear Sir/Madam:

By this letter, the Delaware County Regional Water Quality Control Authority is enclosing a copy of the above mentioned report in accordance with the requirements of the Consent Decree.

If there are any questions, please contact me. Thank you.

Sincerely,

Michael J. DiSantis
Director of Operations & Maintenance

MJD:bab
enclosure

ADMINISTRATION

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Ed Bothwell, DELCORA
Charles Hurst, DELCORA
Michael DiSantis, DELCORA
John Pileggi, DELCORA
Robert Willert, DELCORA
File – Consent Order – LTCP CSO

**GREELEY AND HANSEN**

1700 Market Street, Suite 2130
Philadelphia, Pennsylvania 19103
p 215 563 3460
f 215 563 1139
www.greeley-hansen.com

LETTER OF TRANSMITTAL

TO: U.S. Department of Justice
Environment and Natural Resources Div.
601 D Street, NW
Washington, DC 20004

DATE: 11/18/16
SUBJECT: Civil Action Number Case 2:15-cv-
04652-RB & DOJ Case No. 90-5-1-1-
10972
Draft Financial Capability Assessment
Report (Revised November 2016)
FILE NO.: DOJ No. 90-5-1-1-10972

ATTN: Chief, Environmental Enforcement Section

Please find the following enclosed:

- ☐ Drawing(s) ☐ Specification(s) ☐ Report(s) ☐ Calculation(s) ☐ Correspondence
☒ Other: Responses to USEPA and PADEP Concerns (Comments Received Sept., 20, 2016)

Item No.	No. of Copies	Date	Description
1.	1	11/17/16	Responses to USEPA and PADEP Concerns (Comments Received Sept. 20, 2016) for the Draft Financial Capabilities Assessment Report on Nov. 17, 2016
2.	1	11/17/16	Copy of Cover Letter Previously Sent with Draft Financial Capabilities Assessment Report

- ☐ As requested
☐ For information/use
☐ For review and comment
☐ For approval

- ☐ For file
☐ Other:

☐ For distribution to:

Comment(s): Responses were inadvertently left out of package sent via FedEx on Thursday, November 17, 2016. A copy of the cover letter sent in the FedEx package sent on Thursday is included for your reference.

C: Margaret Hill

Yours very truly,

Greeley and Hansen LLC

Name: Brian Brady

Signature: _____

55

**GREELEY AND HANSEN**

1700 Market Street, Suite 2130
Philadelphia, Pennsylvania 19103
p 215 563 3460
f 215 563 1139
www.greeley-hansen.com

LETTER OF TRANSMITTAL

TO: Office of Regional Counsel (3RC20)
U.S. EPA, Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

DATE: 11/18/16
SUBJECT: Civil Action Number Case 2:15-cv-04652-RB & DOJ Case No. 90-5-1-1-10972
Draft Financial Capability Assessment Report (Revised November 2016)

ATTN: Mr. Philip Yeany

FILE NO.:

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c: Margaret Hill

Yours very truly,

Greeley and Hansen LLC

Name: Brian Brady

Signature: _____

Brian Brady

**GREELEY AND HANSEN**

1700 Market Street, Suite 2130
Philadelphia, Pennsylvania 19103
p 215 563 3460
f 215 563 1139
www.greeley-hansen.com

LETTER OF TRANSMITTAL

TO: PA DEP
Southeast Regional Office
2 East Main Street
Norristown, PA 19401

DATE: 11/18/16
Civil Action Number Case 2:15-cv-
04652-RB & DOJ Case No. 90-5-1-1-
10972
Draft Financial Capability Assessment
Report (Revised November 2016)

ATTN: Program Mgr. – Clean Water Program

FILE NO.:

Please find the following enclosed:

- ☐ Drawing(s) ☐ Specification(s) ☐ Report(s) ☐ Calculation(s) ☐ Correspondence
☒ Other: Responses to USEPA and PADEP Concerns (Comments Received Sept., 20, 2016)

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☐ For distribution to:

Comment(s): Responses were inadvertently left out of package sent via FedEx on Thursday, November 17, 2016. A copy of the cover letter sent in the FedEx package sent on Thursday is included for your reference.

C: Margaret Hill

Yours very truly,

Greeley and Hansen LLC

Name:

Brian Brady

Signature:

57.

**GREELEY AND HANSEN**

1700 Market Street, Suite 2130
Philadelphia, Pennsylvania 19103
p 215 563 3460
f 215 563 1139
www.greeley-hansen.com

LETTER OF TRANSMITTAL

TO: NPDES Enforcement Branch (3WP42)
Water Protection Division
U.S. EPA, Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

DATE: 11/18/16
SUBJECT: Civil Action Number Case 2:15-cv-04652-RB & DOJ Case No. 90-5-1-1-10972
Draft Financial Capability Assessment Report (Revised November 2016)

ATTN: Chief

FILE NO.:

Please find the following enclosed:

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☒ Other: Responses to USEPA and PADEP Concerns (Comments Received Sept. 20, 2016)

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☐ For approval

- ☐ For file
☐ Other:

☐ For distribution to:

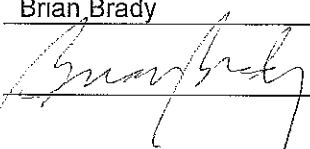
Comment(s): Responses were inadvertently left out of package sent via FedEx on Thursday, November 17, 2016. A copy of the cover letter sent in the FedEx package sent on Thursday is included for your reference.

C: Margaret Hill

Yours very truly,

Greeley and Hansen LLC

Name: Brian Brady

Signature: 

58.

Finizio, Marlene

From: DiSantis, Michael <disantism@delcora.org>
Sent: Friday, November 25, 2016 1:06 PM
To: Hurst, Charles; Bothwell, Ed; Pileggi, John; Hope, Michael; Finizio, Marlene
Subject: Fwd: DELCORA

FYI

Michael J. DiSantis
Director of Operations and Maintenance
DELCORA
100 E. 5th Street
Chester, PA 19013
Office - 610.876.5523 ext. 264
Cell - 484.574.7704
Fax - 610.497.7951
disantism@delcora.org<mailto:disantism@delcora.org>
www.delcora.org<http://www.delcora.org>

Begin forwarded message:

From: "Hill, Margaret A." <mhill@blankrome.com<mailto:mhill@blankrome.com>>
Date: November 25, 2016 at 12:31:28 PM EST
To: "Michael J. DiSantis" <disantism@delcora.org<mailto:disantism@delcora.org>>, "willertr@delcora.org<mailto:willertr@delcora.org>" <willertr@delcora.org<mailto:willertr@delcora.org>>
Subject: FW: DELCORA

Bob and Mike
I hope that you both had a fun Thanksgiving Day! Please see EPA's email below, Peg

-----Original Message-----

From: Hill, Margaret A.
Sent: Tuesday, November 22, 2016 11:45 AM
To: 'Yeany, Philip' <Yeany.Philip@epa.gov<mailto:Yeany.Philip@epa.gov>>
Cc: Smolski, Robert <Smolski.Robert@epa.gov<mailto:Smolski.Robert@epa.gov>>; Dinsmore, Andrew <Dinsmore.Andrew@epa.gov<mailto:Dinsmore.Andrew@epa.gov>>; Seligman, Andrew <Seligman.Andrew@epa.gov<mailto:Seligman.Andrew@epa.gov>>; Horner-Hanley, Amy <horner-hanley.amy@epa.gov<mailto:horner-hanley.amy@epa.gov>>
Subject: RE: DELCORA

Thank you, Peg

-----Original Message-----

From: Yeany, Philip [mailto:Yeany.Philip@epa.gov]
Sent: Tuesday, November 22, 2016 11:37 AM
To: Hill, Margaret A. <mhill@blankrome.com<mailto:mhill@blankrome.com>>
Cc: Smolski, Robert <Smolski.Robert@epa.gov<mailto:Smolski.Robert@epa.gov>>; Dinsmore, Andrew <Dinsmore.Andrew@epa.gov<mailto:Dinsmore.Andrew@epa.gov>>; Seligman, Andrew <Seligman.Andrew@epa.gov<mailto:Seligman.Andrew@epa.gov>>; Horner-Hanley, Amy <horner-hanley.amy@epa.gov<mailto:horner-hanley.amy@epa.gov>>
Subject: RE: DELCORA

Peg:

I wanted to let you know that we have received DELCORA's Draft Financial Capability Assessment (Revised November 2016) and the Responses to USEPA and PADEP Concerns (dated November 17, 2016). We will provide you with EPA's reaction after we have had a chance to review the DELCORA documents.

Phil

Philip Yeany
Senior Assistant Regional Counsel
Desk: 215-814-2495
Fax: 215-814-2602
Email: yeany.philip@epa.gov<mailto:yeany.philip@epa.gov>

This message and any attachments may contain confidential or privileged information and are only for the use of the intended recipient of this message. If you are not the intended recipient, please notify the sender by return email, and delete or destroy this and all copies of this message and all attachments. Any unauthorized disclosure, use, distribution, or reproduction of this message or any attachments is prohibited and may be unlawful.



DELAWARE COUNTY REGIONAL WATER QUALITY CONTROL AUTHORITY
P.O. Box 999 • Chester, PA 19016-0999

December 30, 2016

FED EX – NEXT DAY

Chief, Environmental Enforcement
Section
Environment and Natural
Resources Division
U.S. Department of Justice
601 D Street NW
Washington, DC 20004
Re: DOJ No. 90-5-1-1-10972

Philip Yeany
Office of Regional Counsel (3RC20)
U.S. EPA, Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Chief
NPDES Enforcement Branch (3WP42)
Water Protection Division
U.S. EPA, Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Program Manager – Clean Water Program
PA DEP
Southeast Regional Office
2 East Main Street
Norristown, PA 19401

RE: Civil Action Number Case 2:15-cv-04652-RB
& DOJ Case Number 90-5-1-1-10972
Consent Decree Semi Annual Report No. 3
Reporting Period of July 1, 2016 – December 31, 2016

Dear Sir/Madam:

By this letter, the Delaware County Regional Water Quality Control Authority is enclosing a copy of the above mentioned report in accordance with the requirements of the Consent Decree.

If there are any questions, please contact me. Thank you.

Sincerely,

Michael J. DiSantis
Director of Operations & Maintenance

MJD:bab
enclosure

ADMINISTRATION

☐ 610-876-5523
☐ FAX: 610-876-2728

CUSTOMER SERVICE/BILLING

☐ 610-876-5526
☐ FAX: 610-876-1460

PURCHASING & STORES

☐ 610-876-5523
☐ FAX: 610-497-7959

PLANT & MAINTENANCE

☐ 610-876-5523
☐ FAX: 610-497-7950

cc: via email
Margaret Hill, Blank Rome
Marlene Finizio, Greeley and Hansen
Michael Hope, Greeley and Hansen
Ed Bothwell, DELCORA
Michael DiSantis, DELCORA
John Pileggi, DELCORA
Robert Willert, DELCORA
Charles Hurst, DELCORA
File – Consent Order – LTCP CSO

Appendix 3

NPDES Permit Exceedance Report

(NO REPORTS SUBMITTED DURING
JULY 2016 TO DECEMBER 2016)

Appendix 4

CSOs, SSOs and Unpermitted Discharges Correspondence



DELAWARE COUNTY REGIONAL WATER QUALITY CONTROL AUTHORITY
P.O. Box 999 • Chester, PA 19016-0999

July 13, 2016

FED EX – NEXT DAY

Chief, Environmental Enforcement
Section
Environment and Natural
Resources Division
U.S. Department of Justice
601 D Street NW
Washington, DC 20004
Re: DOJ No. 90-5-1-1-10972

Philip Yeany
Office of Regional Counsel (3RC20)
U.S. EPA, Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Chief
NPDES Enforcement Branch (3WP42)
Water Protection Division
U.S. EPA, Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Program Manager – Clean Water Program
PA DEP
Southeast Regional Office
2 East Main Street
Norristown, PA 19401

RE: Civil Action Number Case 2:15-cv-04652-RB
& DOJ Case Number 90-5-1-1-10972
Notice of Violation

Dear Sir/Madam:

By this letter, the Delaware County Regional Water Quality Control Authority is advising that a SSO event occurred on July 12, 2016. I am attaching a report for your review which provides the details associated with the event in accordance with the requirements of the Consent Decree.

If there are any questions, please contact me. Thank you.

Sincerely,

Michael J. DiSantis
Director of Operations & Maintenance

MJD:bab
attachment

ADMINISTRATION

☐ 610-876-5523
☐ FAX: 610-876-2728

CUSTOMER SERVICE/BILLING

☐ 610-876-5526
☐ FAX: 610-876-1460

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☐ 610-876-5523
☐ FAX: 610-497-7959

PLANT & MAINTENANCE

☐ 610-876-5523
☐ FAX: 610-497-7950

cc: via email w/attachment
Margaret Hill, Blank Rome
Marlene Finizio, Greeley and Hansen
Michael Hope, Greeley and Hansen
Ed Bothwell, DELCORA
Charles Hurst, DELCORA
Michael DiSantis, DELCORA
John Pileggi, DELCORA
Robert Willert, DELCORA
File – Consent Order – LTCP CSO

Please check the appropriate box ☒ Dry Weather Overflow ☐ Wet Weather Overflow

1. Date, Name, Phone # of person completing this report	Date : 7/13/16 Name : Mike Warholic Phone # : (610) 876-5523 ext. 243
2. Your organization name and address ?	Name: DELCORA County: Delaware Address: P.O. Box 999, Chester, PA 19016 Township/Municipality: Chester City
Sewer system owner and permit number	DELCORA - NPDES No. PA0027103
3. Date found and <u>specific</u> location of SSO. Including Municipality/County (if different from #2) ?	Date: 7/12/16 Municipality: Chester city Location(Street & #): 600 block W. 12th. County: Delaware
4. How was SSO discovered? By whom ?	Resident called our emergency answering service
5. Start and end time of SSO (actual or estimate?)	Call came in to answering service at 3:12 pm. SSO stopped at 6:00pm
6. Date, time and name of person who called PADEP originally to notify of SSO ?	7/12/16 @ 5:15pm Jim Cartafalsa
7. Description and actual or estimated volume of SSO	Volume unknown
8. Where, <u>precisely</u> , did SSO go ? (land, roadway, basement, swale, storm sewer, creek, etc) Please include creek name or street location.	Sewage was contained in a heavily overgrown brush area at the end of 12th and Parker st.
9. What caused SSO ? How was it stopped ?	Most likely a grease buildup, that will be determined pending further actions by our Sewer Maintenance crews. SSO stopped by jetting line with Vactor truck
10. Describe extent of contamination and how it was cleaned up	Contamination area contained by heavy brush and hay bales deployed by crew. Vac truck and lime was used.
11. What actions will be taken to prevent a re-occurrence ? When ?	Line will be cleaned and TV inspected. Repair crew will be working on an access road so we can perform these tasks. This work should be completed by 7/20/16
12. Other comments ?	None
13. Downstream notifications made: (All downstream users such as public water supplies must be notified)	N/A

FedEx
Tracking
Number

8092 4948 0140

Form
ID No

0215

1 From Please print and press hard.

Date 7/13/2016 Sender's FedEx Account Number 1060-5969-1

Sender's Name Michael DiSantis/bab Phone (610) 876-5523

Company DELCORA

Address 100 E 5TH ST FL 2

City CHESTER State PA ZIP 19013-4508

2 Your Internal Billing Reference SSO Report of 7/12/2016

3 To Recipient's Name Philip Yeany Phone (215) 814-2359

Office of Regional Counsel (3RC20)

Company USEPA, Region 3

Address 1650 Arch Street

We cannot deliver to P.O. boxes or P.O. ZIP codes.

Dept./Floor/Suite/Room

Address

Use this line for the HOLD location address or for continuation of your shipping address.

City Philadelphia State PA ZIP 19103-2029

0121191951



Shipping online just got easier.
Go to fedex.com/lite

4 Express Package Service

* To most locations.

Packages up to 150 lbs.
For packages over 150 lbs., use the
FedEx Express Freight US Airbill.

Next Business Day

☐ FedEx First Overnight
Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless Saturday Delivery is selected.

☒ FedEx Priority Overnight
Next business morning. * Friday shipments will be delivered on Monday unless Saturday Delivery is selected.

☐ FedEx Standard Overnight
Next business afternoon. * Saturday Delivery NOT available.

2 or 3 Business Days

☐ FedEx 2Day A.M.
Second business morning. * Saturday Delivery NOT available.

☐ FedEx 2Day
Second business afternoon. * Thursday shipments will be delivered on Monday unless Saturday Delivery is selected.

☐ FedEx Express Saver
Third business day. * Saturday Delivery NOT available.

5 Packaging * Declared value limit \$500.

☒ FedEx Envelope* ☐ FedEx Pak* ☐ FedEx Box ☐ FedEx Tube ☐ Other

6 Special Handling and Delivery Signature Options Fees may apply. See the FedEx Service Guide.

☐ Saturday Delivery
NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.

☐ No Signature Required
Package may be left without obtaining a signature for delivery.

☐ Direct Signature
Someone at recipient's address may sign for delivery.

☐ Indirect Signature
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only.

Does this shipment contain dangerous goods?

(One box must be checked.)

☒ No ☐ Yes As per attached Shipper's Declaration ☐ Yes Shipper's Declaration not required.

☐ Dry Ice Dry Ice, 5 UN 1845 x kg

Restrictions apply for dangerous goods — see the current FedEx Service Guide.

☐ Cargo Aircraft Only

7 Payment Bill to:

Enter FedEx Acct. No. or Credit Card No. below.

Sender ☒ Recipient ☐ Third Party ☐ Credit Card ☐ Cash/Check

Total Packages Total Weight Total Declared Value*

1 lbs \$ 00

Your liability is limited to US\$100 unless you declare a higher value. See back for details. By using this airbill you agree to the service conditions on the back of this airbill and in the current FedEx Service Guide, including terms that limit our liability.

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611

FedEx
Tracking
Number

8092 4948 0162

Form
ID No

0215

1 From Please print and press hard.

Date 7/13/2016 Sender's FedEx Account Number 1060-5969-1

Sender's Name Michael DiSantis/bab Phone (610) 876-5523

Company DELCORA

Address 100 E 5TH ST FL 2

City CHESTER State PA ZIP 19013-4508

2 Your Internal Billing Reference SSO Report of 7/12/2016

3 To Recipient's Name Chief, Environmental Phone (202) 514-2757

Enforcement Section

Company US DOJ

Address DOJ No. 90-5-1--1-10972

We cannot deliver to P.O. boxes or P.O. ZIP codes.

Dept./Floor/Suite/Room

Address 601D Street NW

Use this line for the HOLD location address or for continuation of your shipping address.

City Washington, DC State ZIP 20004

0121191951



Leave the packing to the pros at FedEx Office.
Go to fedex.com/office

4 Express Package Service

* To most locations.

Packages up to 150 lbs.
For packages over 150 lbs., use the
FedEx Express Freight US Airbill.

Next Business Day

☐ FedEx First Overnight
Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless Saturday Delivery is selected.

☒ FedEx Priority Overnight
Next business morning. * Friday shipments will be delivered on Monday unless Saturday Delivery is selected.

☐ FedEx Standard Overnight
Next business afternoon. * Saturday Delivery NOT available.

2 or 3 Business Days

☐ FedEx 2Day A.M.
Second business morning. * Saturday Delivery NOT available.

☐ FedEx 2Day
Second business afternoon. * Thursday shipments will be delivered on Monday unless Saturday Delivery is selected.

☐ FedEx Express Saver
Third business day. * Saturday Delivery NOT available.

5 Packaging * Declared value limit \$500.

☒ FedEx Envelope* ☐ FedEx Pak* ☐ FedEx Box ☐ FedEx Tube ☐ Other

6 Special Handling and Delivery Signature Options Fees may apply. See the FedEx Service Guide.

☐ Saturday Delivery
NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.

☐ No Signature Required
Package may be left without obtaining a signature for delivery.

☐ Direct Signature
Someone at recipient's address may sign for delivery.

☐ Indirect Signature
If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only.

Does this shipment contain dangerous goods?

(One box must be checked.)

☒ No ☐ Yes As per attached Shipper's Declaration ☐ Yes Shipper's Declaration not required.

☐ Dry Ice Dry Ice, 5 UN 1845 x kg

Restrictions apply for dangerous goods — see the current FedEx Service Guide.

☐ Cargo Aircraft Only

7 Payment Bill to:

Enter FedEx Acct. No. or Credit Card No. below.

Sender ☒ Recipient ☐ Third Party ☐ Credit Card ☐ Cash/Check

Total Packages Total Weight Total Declared Value*

1 lbs \$ 00

Your liability is limited to US\$100 unless you declare a higher value. See back for details. By using this airbill you agree to the service conditions on the back of this airbill and in the current FedEx Service Guide, including terms that limit our liability.

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611

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23930

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05758048



FedEx Tracking Number 8092 4948 0151

1 From Please print and press hard.
Date 7/13/2016 Sender's FedEx Account Number 1060-5969-1
Sender's Name Michael DiSantis/bab Phone (610) 876-5523
Company DELCORA
Address 100 E 5TH ST FL 2
City CHESTER State PA ZIP 19013-4508

2 Your Internal Billing Reference SSO Report of 7/12/2016

3 To Recipient's Name Program Manager-Clean Water Phone (484) 250-5970
Company PADEP, SERO
Address 2 East Main Street
We cannot deliver to P.O. boxes or P.O. ZIP codes
City Norristown State PA ZIP 19401

0121191951



MUR 1

Form ID No 0215

4 Express Package Service *To most locations. Packages up to 150 lbs. For packages over 150 lbs., use the FedEx Express Freight US Airbill.

Next Business Day
☐ FedEx First Overnight
☒ FedEx Priority Overnight
☐ FedEx Standard Overnight

2 or 3 Business Days
☐ FedEx 2Day A.M.
☐ FedEx 2Day
☐ FedEx Express Saver

5 Packaging *Declared value limit \$500.
☒ FedEx Envelope* ☐ FedEx Pak* ☐ FedEx Box ☐ FedEx Tube ☐ Other

6 Special Handling and Delivery Signature Options Fees may apply. See the FedEx Service Guide.

☐ Saturday Delivery
☐ No Signature Required
☐ Direct Signature
☐ Indirect Signature

Does this shipment contain dangerous goods?
☒ No ☐ Yes
Restrictions apply for dangerous goods — see the current FedEx Service Guide.

7 Payment Bill to:
Enter FedEx Acct. No. or Credit Card No. below.
☒ Sender ☐ Recipient ☐ Third Party ☐ Credit Card ☐ Cash/Check

Total Packages 1 Total Weight 0 lbs. Total Declared Value \$ 0.00

611

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0076

23929

fedex.com 1800.GoFedEx 1800.463.3339

05758048



FedEx Tracking Number 8092 4948 0173

1 From Please print and press hard.
Date 7/13/2016 Sender's FedEx Account Number 1060-5969-1
Sender's Name Michael DiSantis/bab Phone (610) 876-5523
Company DELCORA
Address 100 E 5TH ST FL 2
City CHESTER State PA ZIP 19013-4508

2 Your Internal Billing Reference SSO Report of 7/12/2016

3 To Recipient's Name Chief, NPDES Enforcement Phone (215) 814-2097
Branch (3WP42)
Company USEPA, Region 3
Address 1650 Arch Street
We cannot deliver to P.O. boxes or P.O. ZIP codes
City Philadelphia State PA ZIP 19103-2029

0121191951



MUR 1

Form ID No 0215

4 Express Package Service *To most locations. Packages up to 150 lbs. For packages over 150 lbs., use the FedEx Express Freight US Airbill.

Next Business Day
☐ FedEx First Overnight
☒ FedEx Priority Overnight
☐ FedEx Standard Overnight

2 or 3 Business Days
☐ FedEx 2Day A.M.
☐ FedEx 2Day
☐ FedEx Express Saver

5 Packaging *Declared value limit \$500.
☒ FedEx Envelope* ☐ FedEx Pak* ☐ FedEx Box ☐ FedEx Tube ☐ Other

6 Special Handling and Delivery Signature Options Fees may apply. See the FedEx Service Guide.

☐ Saturday Delivery
☐ No Signature Required
☐ Direct Signature
☐ Indirect Signature

Does this shipment contain dangerous goods?
☒ No ☐ Yes
Restrictions apply for dangerous goods — see the current FedEx Service Guide.

7 Payment Bill to:
Enter FedEx Acct. No. or Credit Card No. below.
☒ Sender ☐ Recipient ☐ Third Party ☐ Credit Card ☐ Cash/Check

Total Packages 1 Total Weight 0 lbs. Total Declared Value \$ 0.00

611



DELAWARE COUNTY REGIONAL WATER QUALITY CONTROL AUTHORITY
P.O. Box 999 • Chester, PA 19016-0999

November 29, 2016

FED EX – NEXT DAY

Chief, Environmental Enforcement
Section
Environment and Natural
Resources Division
U.S. Department of Justice
601 D Street NW
Washington, DC 20004
Re: DOJ No. 90-5-1-1-10972

Philip Yeany
Office of Regional Counsel (3RC20)
U.S. EPA, Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Chief
NPDES Enforcement Branch (3WP42)
Water Protection Division
U.S. EPA, Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Program Manager – Clean Water Program
PA DEP
Southeast Regional Office
2 East Main Street
Norristown, PA 19401

RE: Civil Action Number Case 2:15-cv-04652-RB
& DOJ Case Number 90-5-1-1-10972
Notice of Violation

Dear Sir/Madam:

By this letter, the Delaware County Regional Water Quality Control Authority is advising that a SSO event occurred on November 27, 2016. I am attaching a report for your review which provides the details associated with the event in accordance with the requirements of the Consent Decree.

If there are any questions, please contact me. Thank you.

Sincerely,

Michael J. DiSantis
Director of Operations & Maintenance

MJD:bab
attachment

ADMINISTRATION

☐ 610-876-5523
☐ FAX: 610-876-2728

CUSTOMER SERVICE/BILLING

☐ 610-876-5526
☐ FAX: 610-876-1460

PURCHASING & STORES

☐ 610-876-5523
☐ FAX: 610-497-7959

PLANT & MAINTENANCE

☐ 610-876-5523
☐ FAX: 610-497-7950

cc: via email
Margaret Hill, Blank Rome
Marlene Finizio, Greeley and Hansen
Michael Hope, Greeley and Hansen
Ed Bothwell, DELCORA
Charles Hurst, DELCORA
Michael DiSantis, DELCORA
John Pileggi, DELCORA
Robert Willert, DELCORA
File – Consent Order – LTCP CSO

Please check the appropriate box ☒ Dry Weather Overflow ☐ Wet Weather Overflow

1. Date, Name, Phone # of person completing this report	Date : 11/27/2016 Name : Jim Cartafalsa Phone # : (610) 876-5523 ext. 215
2. Your organization name and address ?	Name: DELCORA County: Delaware Township/Municipality: Chester City Address: P.O. Box 999, Chester, PA 19016
Sewer system owner and permit number	DELCORA - NPDES No. PA0027103
3. Date found and <u>specific</u> location of SSO. Including Municipality/County (if different from #2) ?	Date: 11/27/2016 Municipality: Marcus Hook Borough Location(Street & #): Marcus Hook Pumping Station (401 Penn St. Marcus Hook, Pa) County: Delaware
4. How was SSO discovered? By whom ?	Received a call from a resident to the sewer complaint emergency line stating that he noticed sewage shooting out of a pipe inside the pumping station.
5. Start and end time of SSO (actual or estimate?)	Start is unknown. The call was received at 9:29 am and staff was immediately sent out. Overflow ended at approximatey 10:30 am.
6. Date, time and name of person who called PADEP originally to notify of SSO ?	11/27/16 @ 9:52 am J. Cartafalsa
7. Description and actual or estimated volume of SSO	Volume of overflow is unknown.
8. Where, <u>precisely</u> , did SSO go ? (land, roadway, basement, swale, storm sewer, creek, etc) Please include creek name or street location.	Sanitary wastewater overflowed to the surrounding ground and some into the Marcus Hook Creek
9. What caused SSO ? How was it stopped ?	A piece of faulty bypass piping.
10. Describe extent of contamination and how it was cleaned up	Area is being cleaned by staff with all debris removed.
11. What actions will be taken to prevent a re-occurrence ? When ?	Replaced faulty piece of pipe and we will perform routine periodic checks of the station while it is under bypass.
12. Other comments ?	None
13. Downstream notifications made: (All downstream users such as public water supplies must be notified)	N/A



DELAWARE COUNTY REGIONAL WATER QUALITY CONTROL AUTHORITY
P.O. Box 999 • Chester, PA 19016-0999

December 5, 2016

FED EX – NEXT DAY

Chief, Environmental Enforcement
Section
Environment and Natural
Resources Division
U.S. Department of Justice
601 D Street NW
Washington, DC 20004
Re: DOJ No. 90-5-1-1-10972

Philip Yeany
Office of Regional Counsel (3RC20)
U.S. EPA, Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Chief
NPDES Enforcement Branch (3WP42)
Water Protection Division
U.S. EPA, Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Program Manager – Clean Water Program
PA DEP
Southeast Regional Office
2 East Main Street
Norristown, PA 19401

RE: Civil Action Number Case 2:15-cv-04652-RB
& DOJ Case Number 90-5-1-1-10972
Notice of Violation

Dear Sir/Madam:

By this letter, the Delaware County Regional Water Quality Control Authority is advising that a SSO event occurred on December 5, 2016. I am attaching a report for your review which provides the details associated with the event in accordance with the requirements of the Consent Decree.

If there are any questions, please contact me. Thank you.

Sincerely,

Michael J. DiSantis
Director of Operations & Maintenance

MJD:bab
attachment

ADMINISTRATION

☐ 610-876-5523
☐ FAX: 610-876-2728

CUSTOMER SERVICE/BILLING

☐ 610-876-5526
☐ FAX: 610-876-1460

PURCHASING & STORES

☐ 610-876-5523
☐ FAX: 610-497-7959

PLANT & MAINTENANCE

☐ 610-876-5523
☐ FAX: 610-497-7950

cc: via email
Margaret Hill, Blank Rome
Marlene Finizio, Greeley and Hansen
Michael Hope, Greeley and Hansen
Ed Bothwell, DELCORA
Charles Hurst, DELCORA
Michael DiSantis, DELCORA
John Pileggi, DELCORA
Robert Willert, DELCORA
File – Consent Order – LTCP CSO

Please check the appropriate box ☐ Dry Weather Overflow ☒ Wet Weather Overflow

1. Date, Name, Phone # of person completing this report	Date : 12/5/2016 Name : Michael J. DiSantis Phone # : (610) 876-5523 ext. 264
2. Your organization name and address ?	Name: DELCORA County: Delaware Township/Municipality: Chester City Address: P.O. Box 999, Chester, PA 19016
Sewer system owner and permit number	DELCORA - NPDES No. PA0027103
3. Date found and <u>specific</u> location of SSO. Including Municipality/County (if different from #2) ?	Date: 12/5/2016 Municipality: Marcus Hook Borough Location(Street & #): Marcus Hook Pumping Station (401 Penn St. Marcus Hook, Pa) County: Delaware
4. How was SSO discovered? By whom ?	DELCORA staff observed a minor leak in bypass piping during routine inspection of the facility.
5. Start and end time of SSO (actual or estimate?)	Start is unknown but staff found the issue at approximately 7:30 AM.
6. Date, time and name of person who called PADEP originally to notify of SSO ?	12/5/16 @ 8:58 AM by M. DiSantis
7. Description and actual or estimated volume of SSO	Volume of overflow is unknown.
8. Where, <u>precisely</u> , did SSO go ? (land, roadway, basement, swale, storm sewer, creek, etc) Please include creek name or street location.	Sanitary wastewater overflowed to the grassy area within the station property.
9. What caused SSO ? How was it stopped ?	A piece of faulty bypass piping.
10. Describe extent of contamination and how it was cleaned up	Area is being cleaned by staff with all debris removed.
11. What actions will be taken to prevent a re-occurrence ? When ?	Replaced faulty piece of pipe. Contractor who supplied pipe is inspecting all pipe and will replace any piping that could be a potential place for failure. Additionally, we have installed video surveillance at the site to monitor site while un-manned. We will continue to perform routine periodic checks of the station while it is under bypass.
12. Other comments ?	None
13. Downstream notifications made: (All downstream users such as public water supplies must be notified)	N/A



www.delcora.org

Delaware County Regional Water Quality Control Authority

100 E. Fifth Street
P.O. Box 999
Chester, PA 19013