



Application Type Amendment,
Major
Facility Type Municipal
Major / Minor Major

**NPDES PERMIT FACT SHEET
INDIVIDUAL SEWAGE**

Application No. PA0026891 A-1
APS ID 1117048
Authorization ID 1490877

Applicant and Facility Information

Applicant Name	<u>The Authority of the Borough of Charleroi</u>		
Applicant Address	<u>PO Box 211 3 Mckean Avenue</u>	Facility Name	<u>Charleroi STP</u>
	<u>Charleroi, PA 15022-0211</u>	Facility Address	<u>1002 Railroad Way</u>
Applicant Contact	<u>Charles Cardinale, General Manager</u>	Facility Contact	<u>Kevin Strelick, Plant Superintendent</u>
Applicant Phone	<u>(724) 483-3585</u>	Facility Phone	<u>(724) 483-4833</u>
Applicant Email	<u>CharlesCardinale@ABCwater.org</u>	Facility Email	<u>KevinStrelick@ABCwater.org</u>
Client ID	<u>64399</u>	Site ID	<u>257871</u>
Ch 94 Load Status	<u>Not Overloaded</u>	Municipality	<u>Charleroi Borough</u>
Connection Status		County	<u>Washington</u>
Date Application Received	<u>June 28, 2024</u>	EPA Waived?	<u>No</u>
Date Application Accepted	<u>July 3, 2024</u>	If No, Reason	<u>Major Facility</u>
Purpose of Application	<u>Revision of compliance deadlines in CSO Long-Term Control Plan implementation schedule.</u>		

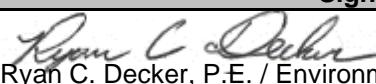
Summary of Review

On December 28, 2023, DEP received a letter from KLH Engineers, Inc. on behalf of the Authority of the Borough of Charleroi (ABC) requesting to amend the compliance dates in ABC's Long-Term Control Plant (LTCP) and in the existing Consent Order and Agreement (COA) by and between ABC and DEP. The COA was first entered into by ABC and DEP on May 23, 2017 and was subsequently amended on April 8, 2019 (First Amendment) and April 12, 2022 (Second Amendment) to accommodate funding and construction delays related to poor weather, a shutdown of the federal government, and the COVID-19 pandemic. A copy of ABC's December 28, 2023 letter is attached to this Fact Sheet (Appendix A). As discussed in the letter, the most recent request to amend compliance dates stems from delays in ABC's ability to obtain easements and variances for LTCP Phase 2 projects and an associated delay obtaining final approval from USDA's Rural Utility Service for Phase 2 funding.

By email dated January 26, 2024, DEP directed ABC to submit an application to amend the LTCP schedule in ABC's NPDES Permit PA0026891. The email also notified ABC that DEP would draft a third amendment to the COA to amend the LTCP compliance dates contained therein. The third amendment to the COA will be completed concurrently and consistent with a final issued NPDES permit amendment.

On April 5, 2024, DEP requested ABC to provide an update on the status of the NPDES permit amendment application which had not been received by that time. ABC advised DEP by email dated April 9, 2024 that the amendment application would be submitted shortly.

On June 27, 2024, DEP received the requested permit amendment application. The compliance dates in the current NPDES permit and ABC's proposed revisions are summarized in the table below. The proposed revised compliance dates are about six months later than those requested by ABC in its December 28, 2023 letter. Overall, the revised compliance dates would constitute an extension of about 2.5 years from the compliance dates in the current permit.

Approve	Return	Deny	Signatures	Date
✓			 Ryan C. Decker, P.E. / Environmental Engineer	August 26, 2024
✓			 Mahbuba Iasmin, Ph.D., P.E. / Environmental Engineer Manager	August 30, 2024

Summary of Review

Task	Compliance Date in the Current Permit	Compliance Date Requested in December 2023 Letter	Proposed Revised Compliance Date in 2024 Amendment Application
Begin Phase 2 Construction	June 1, 2022	June 1, 2024	December 1, 2024
Submit for Approval a Post-Construction Compliance Monitoring Plan for Phase 2 Compliance Evaluation	January 1, 2024	January 1, 2026	July 1, 2026
Complete Phase 2 Construction	June 1, 2024	June 1, 2026	December 1, 2026
Begin Phase 2 Post-Construction Compliance Monitoring	July 1, 2024	July 1, 2026	January 1, 2027
Complete Phase 2 Post-Construction Compliance Monitoring	July 1, 2025	July 1, 2027	January 1, 2028
Submit findings of Post-Construction Compliance Monitoring Plan to the Department	September 1, 2025	September 1, 2027	March 1, 2028
Compliance with LTCP and CSO Performance Standard effective under Phase 2	September 1, 2025	September 1, 2027	March 1, 2028
If the findings of the Post-Construction Compliance Monitoring Plan indicate that Phase 1 and Phase 2 are not sufficient to meet the Presumption Approach requirements of the CSO Control Policy and the Department's compliance criteria, submit a Phase 3 plan to the Department designed to achieve ultimate compliance with the CSO Control Policy and all Water Quality Standards with an implementation schedule to complete Phase 3 in the fastest time reasonably practicable.	December 31, 2025	December 31, 2027	June 30, 2028
Implement Phase 3 Construction	Upon Department Approval	Upon Department Approval	Upon Department Approval

40 CFR § 122.44(l)(1) requires that when a permit is renewed or reissued, interim effluent limitations, standards or conditions must be at least as stringent as the final effluent limitations, standards, or conditions in the previous permit (unless the circumstances on which the previous permit was based have materially and substantially changed since the time the permit was issued and would constitute cause for permit modification or revocation and reissuance under § 122.62.)

ABC's NPDES permit is not being renewed or reissued, but DEP has received new information indicating that the circumstances on which the LTCP schedule included in the current permit have materially and substantially changed which constitute cause for permit modification under 40 CFR § 122.62(a)(2) regarding new information that was not available at the time the permit was issued in February 2023; and/or 40 CFR § 122.62(a)(4) regarding good cause for modification of a compliance schedule including events over which the permittee has little or no control and for which there is no reasonably available remedy.

In short, the relaxation of LTCP compliance dates is affirmatively allowed based on causes for modification under 40 CFR § 122.62(a) and not as exceptions to antibacksliding. Although, the antibacksliding exceptions given by 40 CFR § 122.44(l)(2)(i)(B)(1) and (C) would similarly justify the relaxation of compliance dates.

All effluent limits, monitoring requirements, and all other terms and conditions of the permit remain unchanged.

Public Participation

DEP will publish notice of the receipt of the NPDES permit application and a tentative decision to issue the individual NPDES permit in the *Pennsylvania Bulletin* in accordance with 25 Pa. Code § 92a.82. Upon publication in the *Pennsylvania Bulletin*, DEP will accept written comments from interested persons for a 30-day period (which may be extended for one additional 15-day period at DEP's discretion), which will be considered in making a final decision on the application. Any person may request or petition for a public hearing with respect to the application. A public hearing may be held if DEP determines that there is significant public interest in holding a hearing. If a hearing is held, notice of the hearing will be published in the *Pennsylvania Bulletin* at least 30 days prior to the hearing and in at least one newspaper of general circulation within the geographical area of the discharge.

Appendix A



December 28, 2023

Ref. No. 388-29

Mr. Cory M. Beck
Compliance Specialist
Clean Water Program
Pennsylvania Department of Environmental Protection
400 Waterfront Drive
Pittsburgh, PA 15222

Dear Mr. Beck:

**Authority of the Borough of Charleroi
Consent Order and Agreement
Amendment Request**

On behalf of the Authority of the Borough of Charleroi (ABC), KLH Engineers, Inc. (KLH) is providing this request to amend the compliance deadlines stipulated in the Consent Order and Agreement (COA) for Phase 2 of ABC's CSO Control Project and its Long Term Control Plan (LTCP). The below outlines delays that have been encountered since the previous amendments.

- As you are aware, funds have been obligated to ABC by USDA Rural Utilities Service (RUS) for the Phase 2 project. Since the previous amendments, ABC received extensive technical review comments from the USDA Engineer and has continued to work through revisions to the final plans and specifications to address the same. Minor comments remain to be addressed and a final submission is expected to be sent to the USDA Engineer in January 2024.
- All easements have been obtained as of December 2023. This process took considerable time to identify and locate property owners and file the necessary paperwork with the County and local municipalities.
- Property is being purchased for construction of the North Charleroi Pump Station. The adjacent property owner was located in Colorado, and communication with her was slow. During the process, ABC learned that the property owner had passed, and negotiations restarted with her son. The property has been subdivided and ABC's solicitor is awaiting final signatures from the current property owner to finalize the property acquisition.
- Zoning variances are being obtained for construction of the Maple Creek and Western Flour Pump Stations. Variances are expected to be obtained in January 2024.
- The Phase 2 project cannot be released for bidding until all property, easements, and variances have been obtained and RUS has granted final approval. ABC, its solicitor, and KLH are working diligently to ensure the project may be released for bidding as soon as possible.

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- The above efforts were further delayed throughout the course of 2023 as ABC defended itself against an attempt to sell ABC by its incorporating municipality. That effort consumed a great deal of time and energy by ABC, its solicitor, and KLH. In the end, ABC and its incorporating municipality entered into an agreement in which ABC purchased the sewage collection system from the incorporating municipality. Through the acquisition of the sewage collection system, ABC expects to have better control of the system and intends to continue to repair defective portions of the aging system and therefore prevent the need for a future Phase 3 of the CSO Control Project.
- In addition to obtaining approval from the USDA Engineer, on November 29, 2023, USDA provided an additional checklist of items to be addressed prior to releasing the project for bidding. They include a certificate of ABC's seal, a listing of customers, copies of ordinances from impacted municipalities, documentation of interim financing (ABC obtained new interim financing a few months ago), copies of deeds to real property related to the project, copies of all easement agreements, opinion of counsel relative to easements, preliminary title opinion, evidence of insurance coverages, employee dishonesty bond, a copy of the most recent Chapter 94 Report, a vulnerability assessment and a copy of ABC's Emergency Response Plan, and a written conflict of interest policy. ABC, its solicitor, and KLH are working on addressing this request and expect to have all of the requested documentation submitted to USDA in January 2024.
- All other permits and approvals necessary for construction of Phase 2 have been obtained. ABC expects to release the Phase 2 project for bidding as soon as all property and zoning variance acquisition has been accomplished, and RUS grants final approval.

Based on the foregoing, ABC proposes the following revisions to the compliance deadlines stipulated in the COA:

Task	Current Deadline	Requested Revised Deadline
Begin Phase 2 Construction	June 1, 2022	June 1, 2024
Submit for approval a Post-Construction Compliance Monitoring Plan for Phase 2 Compliance Evaluation	January 1, 2024	January 1, 2026
Complete Phase 2 Construction	June 1, 2024	June 1, 2026
Begin Phase 2 Post-Construction Monitoring	July 1, 2024	July 1, 2026
Complete Phase 2 Post-Construction Monitoring	July 1, 2025	July 1, 2027
Submit findings of Post-Construction Compliance Monitoring Plan to the Department	September 1, 2025	September 1, 2027

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December 28, 2023
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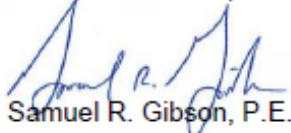
Task	Current Deadline	Requested Revised Deadline
Compliance with LTCP and CSO Performance Standard effective under Phase 2	September 1, 2025	September 1, 2027
If the findings of the Post-Construction Compliance Monitoring Plan indicate that Phase 1 and Phase 2 are not sufficient to meet the Presumption Approach requirements of the CSO Control Policy and the Department's compliance criteria, submit a Phase 3 plan to the Department designed to achieve ultimate compliance with the CSO Control Policy and all Water Quality Standards with an implementation schedule to complete Phase 3 in the fastest time reasonably practicable.	December 31, 2025	December 31, 2027
Implement Phase 3 Construction	Upon Department approval	Upon Department approval

ABC appreciates your consideration of this request to amend the deadlines stipulated in the COA. ABC will continue to submit stipulated penalties on or before the last day of the succeeding month as required by the Consent Order and Agreement, as amended, until approval is granted by the Department.

Should you have any questions pertaining to this submission, please feel free to contact our office.

Sincerely,

KLH ENGINEERS, INC.



Samuel R. Gibson, P.E.

cc: ABC
Dennis Paluso