



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA  
and COMMONWEALTH OF  
PENNSYLVANIA,

Plaintiffs,

v.

BRISTOL TOWNSHIP,

Defendant.

Civil Action No.

10 5049

**COMPLAINT**

Plaintiffs the United States of America, by the authority of the Attorney General and at the request of the Administrator of the United States Environmental Protection Agency (“EPA”), and the Commonwealth of Pennsylvania, Department of Environmental Protection (“PADEP”), allege as follows:

**INTRODUCTION**

1. This matter is a civil action brought pursuant to Section 309(b) and (d) of the Clean Water Act, 33 U.S.C. § 1319(b) and (d), for permanent injunctive relief and the assessment of civil penalties against Bristol Township (“Bristol”), including supplemental state claims brought pursuant to the Pennsylvania Clean Streams Law, Act of June 22, 1937, P.L. 1987, *as amended*, 35 P.S. §§ 691.1-691.1001 (“Clean Streams Law”); Section 1917-A of the Administrative Code of 1929, P.L. 177, *as amended*, 71

P.S. § 510-17 (“Administrative Code”), and the rules and regulations promulgated thereunder (“Supplemental State Claims”).

2. PADEP is the agency within the Commonwealth of Pennsylvania (the “Commonwealth”) with the duty and the authority to administer and enforce, *inter alia*, the Clean Streams Law, Section 1917-A of the Administrative Code, and the rules and regulations promulgated thereunder, and which has been delegated authority to administer the National Pollutant Discharge Elimination System (“NPDES”) permit program under Section 402 of the Federal Water Pollution Control Act, 33 U.S.C. § 1342.

3. PADEP is a “state water pollution control agency” and “person” as defined in Section 502(1) and (5) of the Clean Water Act, 33 U.S.C. § 1362(1) and (5). PADEP has authority to join in this Complaint pursuant to Section 601 and 605 of the Clean Streams Law, 35 P.S. §§ 691.601 and 691.605.

4. The Commonwealth is a party to this action in accordance with Section 309(e) of the Clean Water Act, 33 U.S.C. § 1319.

5. Under Section 402 of the Clean Water Act, 33 U.S.C. § 1342, and Section 202 of the Pennsylvania Clean Streams Law, 35 P.S. § 691.202, on January 10, 2002, the Department issued NPDES Permit No. PA0026450 to Bristol Township Authority, which NPDES permit authorized the discharge of treated effluent into Zone 2 of the Delaware River and set effluent limits and monitoring requirements for the discharge. This NPDES permit was renewed and transferred to Bristol Township on October 11, 2007 (“Permit”).

6. Bristol has discharged pollutants, including raw sewage, from its sanitary sewer system into navigable waters of the United States in violation of Section 301 of the Clean Water Act, 33 U.S.C. § 1311.

7. Bristol failed to comply with limitations and conditions in its Permit, including effluent limit violations, reporting violations, failure to maintain facilities and violation of operation and maintenance provisions, thereby also violating Sections 201, 202 and 401 of the Clean Streams Law, 35 P.S. §§ 691.201-691.202, 691.401 and 25 Pa. Code §92.51(4), as described in greater detail below.

8. Bristol experienced unpermitted discharges resulting from SSOs on December 30, 2006, April 17-18, 2007, July 20, 2007, March 3, 2008, November 30, 2008, December 28-30, 2008, July 13, 2009, March 16, 2010, May 19, 2010, June 21, 2010 and August 9, 2010, thereby violating Sections 201, 202 and 401 of the Clean Streams Law, 35 P.S. §§ 691.201-691.202, 691.401.

### **JURISDICTION AND VENUE**

9. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331, 1345, and 1355, and Section 309(b) of the Clean Water Act, 33 U.S.C. § 1319(b).

10. Because the Supplemental State Claims are so related to the federal claims pursuant to the Clean Water Act as to form part of the same case or controversy, this Court has supplemental jurisdiction over PADEP's claims alleged herein pursuant to 28 U.S.C. § 1367(a).

11. Because Bristol is located in this district, and because the causes of action alleged herein arose in this district, venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) and 1395(a).

### **THE DEFENDANT**

12. Defendant Bristol is a Pennsylvania municipality with business offices at 2501 Bath Road, Bristol, Pennsylvania 19007.

13. Bristol is a “person” within the meaning of Section 502(5) of the Clean Water Act, 33 U.S.C. § 1362(5) and Section 1 of the Clean Streams Law, 34 P.S. § 691.1, and “a municipality” within the meaning of Section 502(4) of the Clean Water Act, 33 U.S.C. § 1362(4) and Section 1 of the Clean Streams Law, 35 P.S. § 691.1.

14. Bristol has the power to sue and to be sued. 53 Pa. C.S. § 5607(d)(2).

15. Bristol owns and operates a publicly-owned treatment works (“POTW”). As part of the POTW, Bristol owns and operates a wastewater treatment plant located in Croydon, Bristol Township, Bucks County, Pennsylvania (“WWTP”). Bristol’s POTW also includes a collection system that consists of approximately 60 miles of sewer lines and 18 pumping stations (“Collection System”).

16. At various times relevant to the Complaint, the POTW was owned by the Bristol Township Authority, an entity that was established on February 5, 1952 but has since ceased to exist. Since September 1995, Bristol has operated and overseen the POTW.

### **FEDERAL STATUTORY BACKGROUND**

17. Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant into the waters of the United States by any person except, *inter*

*alia*, in accordance with that section of the Clean Water Act and an NPDES permit issued pursuant to Section 402 of the Clean Water Act, 33 U.S.C. § 1342.

18. Under Section 402(a) of the Clean Water Act, 33 U.S.C. § 1342(a), the Administrator of EPA may issue NPDES permits to authorize the discharge of pollutants into waters of the United States, subject to the conditions and limitations set forth in such permits.

19. Section 402(b) of the Clean Water Act, 33 U.S.C. § 1342(b), provides that EPA may approve a state NPDES permitting program within its jurisdiction. On or about July 1, 1978, the Administrator of EPA authorized the Commonwealth, through PADEP, to issue NPDES permits in Pennsylvania, and the Commonwealth does so in accordance with its Clean Streams Law, 35 P.S. § 691.1 *et seq.*

20. Sections 308 and 402(a)(2) of the Clean Water Act, 33 U.S.C. §§1318 and 1342(a)(2), provide that an NPDES permit may also require, among other things, data and information collection and reporting, the establishment and maintenance of monitoring equipment, the sampling of effluent, and the reporting on a regular basis to the permit-issuing authority regarding the permittee's discharge of pollutants.

21. Pursuant to Section 402(i) of the Clean Water Act, 33 U.S.C. § 1342(i), EPA retains authority to take enforcement action under Section 309 of the Clean Water Act, 33 U.S.C. § 1319.

22. Section 309(b) of the Clean Water Act, 33 U.S.C. § 1319(b), authorizes the Administrator of EPA to commence a civil action to obtain appropriate relief, including a permanent or temporary injunction, when any person violates Section 301 of

the Clean Water Act, 33 U.S.C. § 1311, or violates any permit condition or limitation in a permit issued under Section 402 of the Clean Water Act, 33 U.S.C. § 1342.

23. As signatory to this Complaint, PADEP has actual notice of the commencement of this action, as required by Section 309(b) of the Clean Water Act, 33 U.S.C. § 1319(b).

24. Section 309(d) of the Clean Water Act, 33 U.S.C. § 1319(d), provides that any person who violates Section 301 of the Clean Water Act, 33 U.S.C. § 1311, or violates any permit condition or limitation in a permit issued pursuant to Section 402 of the Clean Water Act, 33 U.S.C. § 1342, shall be subject to a civil penalty of up to \$25,000 per day for each violation occurring prior to January 31, 1997.

25. Pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. § 2461 note; Pub. L. 101-410, enacted October 5, 1990; 104 Stat. 890), as amended by the Debt Collection Improvement Act of 1996 (31 U.S.C. § 3701 note; Pub. L. 104-134, enacted April 26, 1996; 110 Stat. 1321), EPA may seek civil penalties of up to \$27,500 per day for each violation occurring on or after January 31, 1997, and up to \$32,500 per day per violation on or after March 15, 2004, and up to \$37,500 per day per violation on or after January 12, 2009. See 61 Fed. Reg. 69,364 (Dec. 31, 1996); 69 Fed. Reg. 7,121 (Feb. 13, 2004); 73 Fed. Reg. 75340, 75345 (Dec. 11, 2008).

26. The United States Department of Justice has authority to bring this action on behalf of EPA pursuant to Section 506 of the Clean Water Act, 33 U.S.C. § 1366.

#### **PENNSYLVANIA STATUTORY BACKGROUND**

27. Sections 201 and 202 of the Clean Streams Law, 35 P.S. §§ 691.201 and 691.202, prohibit the discharge of sewage or other polluting substances into waters of the

Commonwealth, except as provided under the Clean Streams Law and the Rules and Regulations of the Department.

28. Section 401 of the Clean Streams Law, 35 P.S. § 691.401, prohibits the discharge of any substance into waters of the Commonwealth resulting in pollution.

29. Title 25, Section 92.5 of the Rules and Regulations of the Department, 25 Pa. Code §92.5, provides that an NPDES permit satisfies the permit requirement of Section 202 of the Clean Streams Law, 35 P.S. § 691.202.

30. Title 25, Section 92.51(4) of the Rules and Regulations of the Department, 25 Pa. Code §92.51(4), provides that “the permittee shall maintain in good working order and operate as efficiently as possible, facilities or systems of control installed by the permittee to achieve compliance with the terms and conditions of the permit.”

31. Section 601 of the Clean Streams Law, 35 P.S. § 691.601, provides in pertinent part:

(a) Any activity or condition declared by this act to be a nuisance or which is otherwise in violation of this act, shall be abatable in the manner provided by law or equity for the abatement of public nuisances.

32. Section 611 of the Pennsylvania Clean Streams Law, 35 P.S. § 691.611, provides in pertinent part:

It shall be unlawful to fail to comply with any rule or regulation of the department or to fail to comply with any order or permit or license of the department, to violate any of the provisions of this act or rules and regulations adopted hereunder, or any order or permit or license of the department, to cause air or water pollution, or to hinder, obstruct, prevent or interfere with the department or its personnel in the performance of any duty hereunder or to violate the provisions of 18 Pa. C.S. Section 4903 (relating

to false swearing) of 4904 (relating to unsworn falsifications to authorities). Any person or municipality engaging in such conduct shall be subject to the provisions of Sections 601, 602 and 605.

33. Section 605 of the Pennsylvania Clean Streams Law, 35 P.S. § 691.601, provides in pertinent part:

In addition to proceeding under any other remedy available at law or equity for a violation of a provision of this act, rule, regulations, order of the department, or a condition of any permit issued pursuant to this act, the department, after hearing, may assess a civil penalty upon a person or municipality for such violation. Such a penalty may be assessed whether or not the violation was willful. The civil penalty so assessed shall not exceed ten thousand dollars (\$10,000) per day for each violation.

34. Section 1917-A of the Administrative Code, 71 P.S. § 510-17, provides, in pertinent part, that PADEP shall have the power and its duty shall be:

- (1) To protect the people of this Commonwealth from unsanitary conditions and other nuisances, including any condition which is declared to be a nuisance by any law administered by the department;
- (2) To cause examination to be made of nuisances, or questions affecting the security of life and health, in any locality, and, for that purpose, without fee or hindrance, to enter, examine and survey all grounds, vehicles, apartments, buildings, and places, within the Commonwealth, and all persons, authorized by the department to enter, examine and survey such grounds, vehicles, apartments, buildings and places, shall have the powers and authority conferred by law upon constables; [and]
- (3) To order such nuisances including those detrimental to the public health to be abated and removed;

#### **GENERAL ALLEGATIONS**

35. At all times relevant herein, Bristol has owned, operated, and maintained the POTW, including the WWTP and Collection System. Bristol's WWTP and

Collection System are “treatment works” within the meaning of Section 212(2) of the Clean Water Act, 33 U.S.C. § 1292(2).

36. Bristol’s POTW includes point sources within the meaning of Section 502(14) of the Clean Water Act, 33 U.S.C. § 1362(14).

37. The WWTP receives wastewater from a portion of Bristol’s residences and businesses.

38. Pursuant to Section 402(a) of the Clean Water Act, 33 U.S.C. § 1342(a), and Section 202 of the Pennsylvania Clean Streams Law, 35 P.S. § 691.202, PADEP issued Bristol the following NPDES permits:

PA Permit 0026450, issued on January 10, 2002 and effective on Feb. 1, 2002. This NPDES Permit was reissued on May 17, 2004 and effective on June 1, 2004. Both the Permit and Amendment expired on January 9, 2007. The renewal application was received on January 7, 2006 and the permit became effective on November 1, 2007.

39. Sewage, commercial and industrial waste, and their constituents are “pollutants” within the meaning of Section 502(6) of the Clean Water Act, 33 U.S.C. § 1362(6), and are defined as “pollution” by Section 1 of the Clean Streams Law, 35 P.S. § 691.1.

40. The Delaware River is a “navigable water” within the meaning of Section 502(7) of the Clean Water Act, 33 U.S.C. § 1362(7), and a “water of the Commonwealth” within the meaning of Section 1 of the Clean Streams Law, 35 P.S. § 691.1.

41. The Neshaminy Creek is a “water of the Commonwealth” within the meaning of Section 1 of the Clean Streams Law, 35 P.S. § 691.1 and is a relatively

permanent water (“RPW”) that flows into the Delaware River and is, therefore, also a “water of the United States.”

42. Bristol has “discharged” within the meaning of Section 502 (12) of the Clean Water Act, 33 U.S.C. §§ 1362(12).

43. Bristol’s Permit contains limits on the concentrations and loadings of certain pollutants likely to be present in the treated effluent from the WWTP, including but not limited to total suspended solids, ammonia nitrogen, carbonaceous biochemical oxygen demand, fecal coliform, and total residual chlorine. Bristol is required to test its effluent for any parameter set forth in its Permit and to report the results monthly to PADEP in Discharge Monitoring Reports (“DMRs”).

**FEDERAL LAW CLAIMS**  
**CLAIM ONE**  
**(Unpermitted Discharge)**

44. Paragraphs 1 through 43 are re-alleged and incorporated by reference.

45. At various times relevant to this Complaint, Bristol experienced discharges of pollutants from point sources within its POTW that were not permitted or otherwise authorized by the Clean Water Act, including leaks, overflows, defects and backups.

46. One such discharge occurred on or about December 30, 2006 when a plug Bristol had installed failed and two of its pumps became airborne. These pumps failed to continue to move sufficient liquid. These failures resulted in an unpermitted discharge into the Neshaminy Creek when the liquid entered the Neshaminy Creek via a headwall approximately one mile from the confluence of the Neshaminy and the Delaware River.

47. The unauthorized discharge constitutes a violation of Section 301 of the Clean Water Act, 33 U.S.C. § 1311.

48. Sections 309(b) and (d) of the Clean Water Act, 33 U.S.C. §§ 1319, provide that any person who violates Section 301 of the Clean Water Act shall be subject to injunctive relief and a civil penalty. The statutory maximum civil penalty amounts that may be awarded per day for each violation are set forth in Paragraphs 24 and 25 above.

49. Unless enjoined by the Court, Bristol will continue to violate Section 301 of the Clean Water Act, 33 U.S.C. § 1311.

### **CLAIM TWO**

#### **(Failure to Comply with Operation and Maintenance Provisions in the Permit)**

50. Paragraphs 1 through 49 are re-alleged and incorporated by reference.

51. Part B of the Permit, Management Requirements, Facilities Operation, states: “[t]he permittee shall, at all times, maintain in good working order and properly operate and maintain all facilities and systems which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes, but is not limited to, adequate laboratory controls including appropriate quality assurance procedures. This provision also includes the operation of backup or auxiliary facilities or similar systems, which are installed by the permittee, only when necessary to achieve compliance with the terms and conditions of this permit.”

52. At various times relevant to this Complaint, Bristol has violated operation and maintenance provisions in its Permit, including by failing to install tools for effluent

and flow monitoring sufficient to allow Bristol to operate the POTW in accordance with the Permit and/or to prevent SSOs.

53. On or about April 17, 2007, a storm overloaded the Delaware Avenue pump station, which is part of the Collection System, and backed up the sewer main.

54. This backup resulted in a wet weather overflow that began on the morning of April 17, 2007 and lasted into April 18, 2007. During this overflow, approximately fifty (50) gallons per minute of sewage flowed onto a driveway and roadway at 810 Sixth Avenue, Croydon, PA.

55. The same wet weather event caused a second overflow at 812 Sixth Avenue on April 18th.

56. A discharge occurred on or about July 20, 2007, when both pumps at a pumping station within the POTW failed, but the alarm did not sound and the pumps were not promptly reset. These failures resulted in an unpermitted discharge through a manhole onto a public roadway.

57. The failure of the Defendant to maintain its facility in good working order is a violation of Section B.1.d. of the Permit.

58. Bristol failed to adequately disinfect the POTW on several occasions, including but not limited to on December 12, 2005, August 16, 2007, and September 7, 2007.

59. On several occasions, Bristol failed to properly maintain the POTW, including but not limited to:

A. The failure of the thermometer in sample collection, which resulted in sampling errors and was discovered in March 2005;

- B. The failure of the refrigerator for the effluent composite sampler, which resulted in sampling errors and was discovered in February 2006;
- C. The failure of valves to the clarifiers, which was discovered in July 2006; and
- D. The failure of valves to the digesters, which was discovered in autumn 2007.

60. Bristol has also violated its Permit by failing to prepare or follow a central schedule and/or plan for maintenance, which has led at various times to shortages of necessary spare parts, sludge being removed later than it should have been removed, parts being purchased but never installed, and uncleaned parts of the POTW.

61. Bristol has also violated its Permit repeatedly through failure to maintain its monitoring and alarm systems, leading to a chronic inability to accurately measure sewage flow, water pH, influent and effluent volumes, and other essential aspects of POTW operation.

62. Bristol has also repeatedly collected and processed wastewater in volumes in excess of its hydraulic rated capacity, even during dry conditions.

63. During wet weather conditions, such as in April and June 2007, Bristol has repeatedly collected and processed wastewater in volumes that exceed its hydraulic rated capacity.

64. Bristol has failed to adequately plan or budget for upgrades in its POTW system sufficient to justify an allowance for a greater hydraulic rated capacity.

65. Each failure to comply with an operation and maintenance provision in its Permit constitutes a separate violation of the Permit.

66. Sections 309(b) and (d) of the Clean Water Act, 33 U.S.C. §§ 1319, provide that any person who violates any of the terms or conditions of an NPDES permit issued pursuant to Section 402 of the Clean Water Act, 33 U.S.C. § 1342, shall be subject to injunctive relief and a civil penalty. The statutory maximum civil penalty amounts that may be awarded per day for each violation are set forth in Paragraphs 24 and 25 above.

67. Each Permit violation also violates the Clean Streams Law, subjecting Bristol to civil penalties and/or injunctive relief.

68. Unless enjoined by the Court, Bristol will continue to violate its Permit.

### **STATE LAW CLAIMS**

#### **CLAIM THREE** **(NPDES DMR Violations)**

69. Paragraphs 1 through 68 are re-alleged and incorporated by reference.

70. The DMRs submitted by Bristol for the reporting periods of January of 2006 through June of 2010 reflect continuous and consistent exceedances of the effluent limits in the Permit.

71. The discharge of sewage into waters of the Commonwealth, as described herein, was not authorized by permit or regulation and constitutes a violation of Sections 201 and 202 of the Clean Streams Law, 35 P.S. §§ 691.201 and 691.202.

72. The discharge of sewage into waters of the Commonwealth, as described herein, resulted in pollution and thereby constitutes a violation of Section 401 of the Clean Streams Law, 35 P.S. § 691.401.

73. Bristol will continue to violate its Permit, and will therefore continue to violate Sections 201, 202 and 401 of the Clean Streams Law, 35 P.S. §§ 691.201, 691.202 and 691.401, in this manner unless enjoined by the Court.

74. The violations described in the preceding paragraphs constitute unlawful conduct pursuant to Section 611 of the Clean Streams Law, 35 P.S. § 691.611, and subject Bristol to a claim for civil penalties under Section 605 of the Clean Streams Law, 35 P.S. § 691.605.

75. Pursuant to Section 605 of the Clean Streams Law, 35 P.S. § 691.605, Bristol is liable for civil penalties of up to \$10,000 per day for such violations.

**CLAIM FOUR**  
**(Operation & Maintenance Violations)**

76. Paragraphs 1 through 75 are re-alleged and incorporated by reference.

77. Routine inspections performed by the Department for the period from September of 2005 to the present revealed that numerous treatment units and control processes at the Plant were not being maintained in good working order, nor were they being operated as efficiently as possible.

78. Bristol's failure to properly maintain and operate treatment units and control processes at the Plant, as described in the preceding paragraph, constitutes a violation of 25 Pa. Code § 92.51(4).

79. Bristol will continue to violate 25 Pa. Code § 92.51(4) in this manner unless enjoined by the Court.

80. The violations described in the preceding paragraphs constitute unlawful conduct pursuant to Section 611 of the Clean Streams Law, 35 P.S. § 691.611, and subject

Bristol to a claim for civil penalties under Section 605 of the Clean Streams Law, 35 P.S. § 691.605.

81. Pursuant to Section 605 of the Clean Streams Law, 35 P.S. § 691.605, Bristol is liable for civil penalties of up to \$10,000 per day for such violations.

**CLAIM FIVE**  
**Sanitary Sewer Overflows (SSOs)**

82. Paragraphs 1 through 81 are re-alleged and incorporated by reference.

83. For the period from January of 2006 through August of 2010, the sanitary sewer collection system owned and operated by Bristol overflowed on at least 12 separate occasions, which allowed for the discharge of sewage into waters of the Commonwealth.

84. The discharge of sewage into waters of the Commonwealth, as described herein, was not authorized by permit or regulation and constitutes a violation of Sections 201 and 202 of the Clean Streams Law, 35 P.S. §§ 691.201 and 691.202.

85. The discharge of sewage into waters of the Commonwealth, as described herein, resulted in pollution and thereby constitutes a violation of Section 401 of the Clean Streams Law, 35 P.S. § 691.401.

86. Bristol will continue to violate Sections 201, 202 and 401 of the Clean Streams Law, 35 P.S. §§ 691.201, 691.202 and 691.401, in this manner unless enjoined by the Court.

87. The violations described in the preceding paragraphs constitute unlawful conduct pursuant to Section 611 of the Clean Streams Law, 35 P.S. § 691.611, and subject Bristol Township to a claim for civil penalties under Section 605 of the Clean Streams Law, 35 P.S. § 691.605.

88. Pursuant to Section 605 of the Clean Streams Law, 35 P.S. § 691.605, Bristol is liable for civil penalties of up to \$10,000 per day for such violations.

**REQUEST FOR RELIEF**

WHEREFORE, Plaintiffs respectfully request that the Court enter judgment in their favor and against Bristol and:

A. Permanently enjoin Bristol from discharging pollutants except as expressly authorized by the Clean Water Act, the Clean Streams Law, and the limitations and conditions of the Permit;

B. Order Bristol to take all steps necessary to comply with the Clean Water Act, the Clean Streams Law and the regulations implementing that Law, and the limitations and conditions of the Permit;

C. Assess civil penalties against Bristol for up to \$27,500 per day through March 14, 2004, and up to \$32,500 per day from March 15, 2004 through January 12, 2009, and up to \$37,500 per day thereafter, for each violation of the Clean Water Act and/or the Permit;

D. Assess civil penalties against Bristol for up to \$10,000 per day for each violation of the Clean Streams Law and/or the Permit;

E. Award the Plaintiffs their costs and fees of this action; and

F. Grant such other and further relief as this Court may deem appropriate.

Respectfully submitted,

  
\_\_\_\_\_  
ZANE DAVID MEMEGER  
United States Attorney

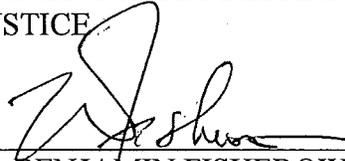
  
\_\_\_\_\_  
MARGARET L. HUTCHINSON  
Chief, Civil Division

  
\_\_\_\_\_  
PAUL W. KAUFMAN *PMH*  
Assistant U.S. Attorney  
United States Attorney's Office for the  
Eastern District of Pennsylvania  
615 Chestnut Street, Suite 1250  
Philadelphia, PA 19106-4476

Re: DOJ No. 90-5-1-1-444402/2

Dated: 9-27-10

UNITED STATES DEPARTMENT OF  
JUSTICE



---

W. BENJAMIN FISHEROW  
Deputy Chief  
Environmental Enforcement Section  
Environment and Natural Resources  
Division  
Ben Franklin Station  
P.O. Box 7611  
Washington, DC 20044-7611

Dated: 9/17/10

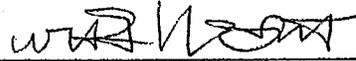


---

NANCY FLICKINGER  
Senior Attorney  
Environmental Enforcement Section  
Environment and Natural Resource Division  
United States Department of Justice  
Ben Franklin Station  
P.O. Box 7611  
Washington, DC 20044-7611

Dated: 9/23/2010

PENNSYLVANIA DEPARTMENT OF  
ENVIRONMENTAL  
PROTECTION:



---

WILLIAM H. GELLES  
Assistant Counsel  
Pennsylvania Department of Environmental  
Protection  
2 East Main Street  
Norristown, PA 19401

Dated: SEPTEMBER 23, 2010