

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

IN THE MATTER OF:

Pottstown Borough Authority
Borough Hall
100 East High Street
Pottstown, PA 19464

Safe Drinking Water Act
Pottstown Borough Authority
PWSID # 1460037
West Pottsgrove Twp.
Montgomery County

**FIRST AMENDMENT TO THE
CONSENT ORDER AND AGREEMENT**

This First Amendment to the Consent Order and Agreement (COA) is entered into this _____ day of _____ 2022, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection ("DEP") and the Pottstown Borough Authority ("the Authority").

DEP and the Authority agree that Paragraphs 3.e., 3.f., 3.g., 3.h., and 3.i of the COA dated October 25, 2019 are hereby removed and replaced with the following new Paragraphs 3.e., 3.f., 3.g., 3.h., 3.i., 3.j., and 3.k.

3. Corrective Action.

- e. Within 90 days of its execution of this amendment, the Authority shall begin construction of ultraviolet (UV) treatment to achieve an additional 1-log of treatment of *Cryptosporidium*, as described in the August 24, 2021 construction permit issued by DEP (Public Water Supply Permit No. 4620523).
- f. The Authority shall complete construction of the UV treatment no later than November 3, 2022.
- g. Within 30 days prior to completion of construction, the Authority shall provide a written request to DEP for an operations inspection.
- h. Within 30 days of the operations inspection referenced in Paragraph 3(g), above, the Authority shall, through its licensed professional engineer, respond in writing to document that any and all deficiencies identified during the operations inspection have been addressed.
- i. Within 30 days of completion of construction, but no later than December 7, 2022, the Authority shall submit to DEP an administratively complete application for an amended operation permit which includes the use of UV treatment for *Cryptosporidium*. The application shall contain the necessary elements to meet

the requirements of 25 Pa. Code § 109.504 (relating to operation permits), and shall be accompanied by a \$50.00 permit fee as described in 25 Pa. Code § 109.1404(d).

- j. Immediately upon receipt of the modified SDWA operation permit, the Authority shall begin operating the modified facilities as described in the permit, including all special conditions contained therein.
- k. Until the modified operation permit including UV treatment is issued by DEP, the Authority shall continue to operate the drinking water facilities in accordance with Public Water Supply Permit No. 4620523, issued by DEP on August 24, 2021, which requires the Authority to meet *Cryptosporidium* removal requirements through the LT2 Toolbox Options described in 25 Pa. Code §§ 109.1204(g) and 109.1204(h), including all special conditions in the permit.

DEP and the Authority agree that Paragraph 18 of the COA is hereby removed and replaced with the following new Paragraph 18:

- 18. Termination. This Consent Order and Agreement shall terminate in its entirety on December 7, 2022 or upon receipt by the Authority of the modified SDWA operation permit under Paragraph 3.j. herein, whichever is later.

DEP and the Authority agree that as of the date of this First Amendment no stipulated penalties have been due, or are due, under the COA. This paragraph is not a waiver of stipulated penalties for any future violation of the requirements of this First Amendment to the Consent Order and Agreement.

All other findings and requirements of the parties' October 25, 2019 Consent Order and Agreement shall remain in effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to the October 25, 2019 Consent Order and Agreement to be executed by their duly authorized representatives. The undersigned representatives of the Pottstown Borough Authority certify, under penalty of law, as provided by 18 Pa. C.S. § 4904, that they are authorized to execute this Consent Order and Agreement on behalf of the Pottstown Borough Authority, that the Pottstown Borough Authority consents to the entry of this Consent Order and Agreement as a final Order of DEP; that the Pottstown Borough Authority hereby knowingly waives its right to appeal this Consent Order and Agreement and to challenge its content and validity, which rights may be available under Section 4 of the Environmental Hearing Board Act, Act of July 13, 1988, P.L. 530, 35 P.S. § 7514; the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; or any other provision of law. Signature of the Pottstown Borough Authority’s attorney certifies only that the agreement been signed after consulting with counsel.

**FOR THE POTTSTOWN BOROUGH
AUTHORITY:**

**FOR THE COMMONWEALTH OF
PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL
PROTECTION:**

Jeff Chomnuk

Printed Name

Zahra Nucci, P.E.
Regional Manager
Safe Drinking Water

Signature

Chairman

Title

Vincent M. Pompo

Printed Name
Attorney for the Pottstown Borough
Authority

Gina M. Thomas
Assistant Counsel
Southeast Regional Office

Signature