

Lehigh County Authority  
System Operations Review - November 2024  
Presented: December 23, 2024

		<u>Nov-24</u>	<u>2024 Totals***</u>	<u>2023 Totals</u>	<u>2022 Totals</u>
Recordable Safety Incidents*	Total LCA	0	2	33	7
Non-Recordable Safety Incidents	Total LCA	1	23		
Incident Types **	Injuries	1	14		
	Property Damage	0	11		
	Near Miss	0	0		

\*\*\*Numbers adjusted to match current tracking methodology

\* Recordable Safety Incidents are those that result in death, days away from work, restricted duty, medical treatment beyond first aid.

\*\* Safety incidents may be categorized in more than one incident type.

<u>Year To Date Safety Incidents</u>	<u>Root Cause Analysis Completed</u>	<u>Corrective Actions Identified</u>	<u>Corrective Actions Completed</u>
	9	7	3

Current Month Incidents

<u>Description</u>	<u>Date</u>	<u>Type</u>	<u>Root Cause(s)</u>	<u>Corrective Action(s)</u>
<b>Incident # 87</b> - Missed last step going down the stairs of the digester control room. The employee landed awkwardly injuring left knee and ankle.	11/19/2024	Injury		

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<u>Critical Activities</u>	<u>System</u>	<u>Description</u>	<u>Nov-24</u>	<u>2024 Totals</u>	<u>2023 Totals</u>	<u>Permit</u>
			<u>Daily Avg (MGD)</u>	<u>Daily Avg (MGD)</u>	<u>Daily Avg (MGD)</u>	<u>Daily Max (MGD)</u>
Water Production	Allentown	Total	20.84	22.47	22.52	39.0
		Schantz Spring	6.11	6.88	6.93	9.0
		Crystal Spring	3.82	3.87	3.89	4.0
		Little Lehigh Creek	10.91	11.47	11.66	30.0
		Lehigh River	0.00	0.25	0.04	28.0
	Central Lehigh	Total	10.75	11.59	11.27	19.04 MGD Avg
		Feed from Allentown	6.42	6.90	7.28	7.0 MGD Avg 10.5 MGD Max
		Well Production (CLD)	4.33	4.69	3.98	8.54 MGD Avg
		Sum of all (12) other Suburban Water Systems	0.14	0.15	0.13	1.71 Sum of all wells
Wastewater Treatment	Kline's Island	29.60	34.07	32.24	40.0	
	Pretreatment Plant	4.19	5.04	4.78	5.75 (design capacity)	
	Sum of all (5) other Suburban WW Systems	0.15	0.19	0.19	0.36	
			<u>Nov-24</u>	<u>2024 Totals</u>	<u>2023 Totals</u>	<u>2022 Totals</u>
Precipitation Totals (inches)			2.26	38.20	46.38	46.47
Compliance Reports Submitted to Allentown			17	260	280	277
Notices of Violation (NOVs)	(Allentown + Suburban)		1	5	3	4
Sanitary Sewer Overflows (SSOs)/Bypasses	(Allentown + Suburban)		0	17	24	18
Main Breaks Repaired	Allentown		3	24	8	34
	Suburban		0	12	12	15
Customer Service Phone Inquiries	(Allentown + Suburban)		1205	15551	11,221	10,539
Water Shutoffs for Non-Payment	(Allentown + Suburban)		161	1868	1,995	1,975
Injury Accidents	(Allentown + Suburban)		1	13	19	7
Emergency Declarations	Allentown		0	2 @ 228,181.55	2	(3) @ \$386,225.43
	Suburban		0	1 @ 56,662.50	0	(4) @ \$933,077.1
<b><u>Significant Repairs/Upgrades:</u></b>						
<b><u>Description of Non-Compliance Events:</u></b>						
On November 26, 2024, a Consent Assessment of Civil Penalties (CACO) was issued by the Pennsylvania Department of Environmental Protection (PA DEP). Prior to the CACO, Notices of Violation (NOV) were issued in August 2021 and July 2024. The CACO was issued in response to three additional permit exceedances that occurred after the July 2024 NOV.						
<b><u>Other:</u></b>						

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<b>Wastewater Compliance</b>	Allentown	Bypass	0	3	4
		Bypass Volume	0	1,713,644	1,589,466
		Permit Exceedances	0	0	0
		Sanitary Sewer Overflows	0	5	6
		COA Issued NOVs	0	0	1
		Regulatory Agency issued NOVs	0	0	0
	Arcadia	Bypass	0	0	0
		Bypass Volume	0	0	0
		Permit Exceedances	0	0	3
		Sanitary Sewer Overflows	0	0	0
		NOVs	0	1	0
	Heidelberg Heights	Bypass	0	4	8
		Bypass Volume	0	2,125,696	1,872,796
		Permit Exceedances	0	9	14
		Sanitary Sewer Overflows	0	0	0
		NOVs	0	0	0
	Lynn	Bypass	0	2	1
		Bypass Volume	0	1,010,000	350,000
		Permit Exceedances	0	2	1
		Sanitary Sewer Overflows	0	0	0
		NOVs	0	0	0
	Sand Spring	Bypass	0	0	0
		Bypass Volume	0	0	0
		Permit Exceedances	3	40	39
		Sanitary Sewer Overflows	0	0	1
		NOVs	0	1	0
	Wynnewood	Bypass	0	0	0
		Bypass Volume	0	0	0
Permit Exceedances		0	9	5	
Sanitary Sewer Overflows		0	3	3	
NOVs		1	1	0	
<b>Water Compliance</b>	Allentown	Boil Water Advisories	0	0	2
	Central Lehigh	Boil Water Advisories	0	0	1
	Suburban Water Systems	Boil Water Advisories	0	1	3

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In The Matter Of:

Lehigh County Authority	:	Violations of the Clean Streams Law
PO Box 3348	:	and
1053 Spruce Street	:	NPDES Permit No. PA0036081
Allentown, PA 18106	:	North Whitehall Township, Lehigh County

**CONSENT ASSESSMENT OF CIVIL PENALTY**

This Consent Assessment of Civil Penalty is entered into this 26<sup>th</sup> day of November 2024, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department") and Lehigh County Authority ("LCA").

The Department has found and determined the following:

A. The Department is the agency with the duty and authority to administer and enforce the Clean Streams Law, Act of June 22, 1937, P.L. 1987, *as amended*, 35 P.S. § 691.1 et seq. ("Clean Streams Law"); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, as amended, 71 P.S. § 510-17 ("Administrative Code") and the rules and regulations promulgated thereunder.

B. LCA operates a sewage treatment facility known as Wynnewood Terrace, located in Lehigh County, Pennsylvania.

C. LCA is a "municipality" as defined in Section 1 of the Clean Streams Law, 35 P.S. § 691.1.

D. On July 25, 2018 the Department issued National Pollutant Discharge Elimination System Permit No. PA0036081 ("NPDES Permit") to LCA, which authorized a discharge to the Lehigh River in accordance with effluent limitations, monitoring requirements, and other conditions set forth in this NPDES Permit. The effective date of the NPDES Permit was August 1, 2018 with an expiration date of July 31, 2023.

E. LCA is required by the NPDES Permit and Sections 201 and 202 of the Clean Streams Law, 35 P.S. §§ 691.201 and 691.202, to fully comply with the effluent limits set forth in the NPDES Permit.

F. The NPDES Permit requires that effluent discharged from LCA meets identified concentration criteria for certain parameters on a routine basis. LCA exceeded the NPDES Permit's effluent limitations as reported by LCA's monthly Discharge Monitoring Reports ("DMRs"), as follows:

<b><u>Monitoring Period</u></b>	<b><u>Parameter</u></b>	<b><u>Permit Limit</u></b>	<b><u>Reported Value</u></b>
December 2019	Fecal Coliform <i>Instantaneous Maximum</i>	10,000/100 ml	>12,098/100 ml

January 2020	CBOD <sub>5</sub> <i>Weekly Average</i>	40.0 mg/L	42.0 mg/L
May 2020	Ammonia-Nitrogen <i>Average Monthly</i>	20.0 mg/L	27.7 mg/L
	Fecal Coliform <i>Instantaneous Maximum</i>	1,000/100 ml	>2,420/100 ml
January 2021	Fecal Coliform <i>Instantaneous Maximum</i>	10,000/100 ml	>12,098/100 ml

G. On August 10, 2021, the Department sent a Notice of Violation (“NOV”) via email notifying LCA of its violations noted in Paragraph F. The Department requested that LCA respond in writing to the Notice within 15 days of its receipt indicating the cause of the non-compliance and the steps that will be or have been taken to ensure future compliance.

H. On August 24, 2021, the Department received LCA’s written response to the Department’s August 10, 2021 NOV. Said response acknowledged the violations documented in the NOV and provided suspected causes along with corrective actions taken.

I. Part A.I.A. of the NPDES Permit requires that LCA sample in accordance with the sample frequency set forth in the NPDES Permit. Failure to do so constitutes unlawful conduct under Section 611 of the Clean Streams Law, 25 P.S. § 691.611.

J. The following sample was not analyzed at the frequency required by Part A.I.A. of the NPDES Permit:

<u>Monitoring Period</u>	<u>Parameter</u>	<u>Required Frequency</u>	<u>Reported Frequency</u>
August 2021	Ammonia-Nitrogen	1/Month	None
	Nitrate-Nitrite as N	1/Month	None
	Total Phosphorous	1/Month	None
	Nitrate as N	1/Month	None
	Total Nitrogen	1/Month	None

K. LCA has notified the Department of overflows that have occurred at the Wynnewood Terrace wastewater treatment plant. NPDES Permit No. PA0036081, Part B.I.F. states the permittee shall take all reasonable steps to minimize or prevent any discharge, sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

L. LCA failed to prevent the occurrences of overflows within the treatment plant as reported by LCA’s written notifications submitted to the Department, as follows:

<u>Date</u>	<u>Location</u>
September 1, 2021	Equalization Tank
December 18, 2023	WWTP Lift Station
January 10, 2024	WWTP Lift Station
January 10, 2024	SBR #2

M. Section 92a.47(c) of the Department’s regulations, 25 Pa. Code § 92a.47(c), prohibits

discharges from a Sanitary Sewer Overflow (“SSO”). Failure to prevent the occurrence of an SSO constitutes unlawful conduct under Section 611 of The Clean Streams Law, 35 P.S. § 691.611.

N. LCA failed to prevent the occurrences of SSOs as reported by LCA’s written notifications submitted to the Department, as follows:

<u>Date</u>	<u>Location</u>
September 1, 2021	Main Lift Station
February 5, 2023	Manhole #19
February 5, 2023	Amanda Lift Station
January 22, 2024	Amanda Lift Station

O. LCA again exceeded the NPDES Permit’s effluent limitations as reported by LCA’s monthly DMRs, as follows:

<u>Monitoring Period</u>	<u>Parameter</u>	<u>Permit Limit</u>	<u>Reported Value</u>
November 2021	Ammonia-Nitrogen <i>Average Monthly</i>	2.1 lbs/day	2.5 lbs/day
February 2022	Ammonia-Nitrogen <i>Average Monthly</i>	2.1 lbs/day	3 lbs/day
May 2022	Total Nitrogen <i>Average Monthly</i>	10.4 lbs/day	20.1 lbs/day
September 2022	Fecal Coliform <i>Geometric Mean</i>	200/100 ml	>98/100 ml
	Fecal Coliform <i>Instantaneous Maximum</i>	1,000/100 ml	>9,678/100 ml
April 2023	Total Phosphorous <i>Average Monthly</i>	2.1 lbs/day	2.2 lbs/day
July 2023	Fecal Coliform <i>Geometric Mean</i>	200/100 ml	>49/100 ml
	Fecal Coliform <i>Instantaneous Maximum</i>	1,000/100 ml	>2,420/100 ml
	Fecal Coliform <i>Instantaneous Maximum</i>	10,000/100 ml	12,100/100 ml
December 2023	pH <i>Average Monthly</i>	9 S.U.	9.74 S.U.
February 2024	Total Nitrogen <i>Average Monthly</i>	10.4 lbs/day	10.9 lbs/day
	Ammonia-Nitrogen <i>Average Monthly</i>	20 mg/L	22.1 mg/L
	Ammonia-Nitrogen <i>Average Monthly</i>	2.1 lbs/day	6 lbs/day
March 2024	Ammonia-Nitrogen <i>Average Monthly</i>	2.1 lbs/day	3.7 lbs/day

P. On July 18, 2024 the Department sent a Notice of Violation (“NOV”) via email notifying LCA of its violations noted in Paragraphs J, L, N, and O. The Department requested that LCA respond in writing to the Notice within 15 days of its receipt indicating the cause of the non-compliance and the steps that will be or have been taken to ensure future compliance.

Q. On August 1, 2024 the Department received LCA's written response to the Department's July 18, 2024 NOV. Said response acknowledged the violations and provided suspected causes and corrective actions taken.

R. LCA again exceeded the NPDES Permit's effluent limitations as reported by LCA's monthly DMRs, as follows:

<u>Monitoring Period</u>	<u>Parameter</u>	<u>Permit Limit</u>	<u>Reported Value</u>
June 2024	Fecal Coliform <i>Geometric Mean</i>	200/100 ml	>70/100 ml
	Fecal Coliform <i>Instantaneous Maximum</i>	1,000/100 ml	>2,420/100 ml
July 2024	Ammonia-Nitrogen <i>Average Monthly</i>	1.5 lbs/day	1.8 lbs/day

S. The violations described in Paragraphs F, J, L, N, O and R above, constitute unlawful conduct under Section 611 of the Clean Streams Law, 35 P.S. § 691.611; a statutory nuisance under Sections 301 and 307 of the Clean Streams Law 35 P.S. §§ 691.301 and 691.307; and subjects LCA to civil penalty liability under Section 605 of the Clean Streams Law, § 691.605.

### ASSESSMENT

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

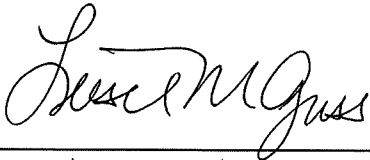
1. **Assessment.** In resolution of the Department's claim for civil penalties, which the Department is authorized to pursue under Section 605 of the Clean Streams Law, 35 P.S. § 691.605, the Department hereby assesses a civil penalty of nine thousand, five hundred (\$9,500.00) dollars, which LCA hereby agrees to pay.
2. **Civil Penalty Settlement.** LCA consents to the assessment of the civil penalty assessed in Paragraph 1, which shall be paid in full. This payment is in settlement of the Department's claim for civil penalties for the violations set forth in Paragraphs F, J, L, N, O and R above, for the date(s) set forth in Paragraphs F, J, L, N, O and R, above. The payment shall be by corporate check or the like, made payable to Commonwealth of Pennsylvania, Clean Water Fund and sent to Patrick Musinski, Environmental Group Manager, Pennsylvania Department of Environmental Protection, Clean Water Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.
3. **Findings.**
  - a. In any matter or proceeding between LCA and the Department, LCA shall not challenge or deny the Department's assertion of the truth, accuracy, or validity of Paragraphs A through S, above.
  - b. The parties do not authorize any other persons to use the findings in this Consent Assessment of Civil Penalty in any matter or proceeding.
4. **Reservation of Rights.** The Department reserves all other rights with respect to any matter

addressed by this Consent Assessment of Civil Penalty, including the right to require abatement of any conditions resulting from the events described in the Findings. LCA reserves the right to challenge any action which the Department may take, but waives the right to challenge the content or validity of this Consent Assessment of Civil Penalty.



IN WITNESS WHEREOF, the parties have caused this Consent Assessment of Civil Penalty to be executed by their duly authorized representatives. The undersigned representatives of LCA Authority certify, under penalty of law, as provided by 18 Pa. C. S. § 4904, that they are authorized to execute this Consent Assessment of Civil Penalty on behalf of LCA Authority, that LCA Authority consents to the entry of this Consent Assessment of Civil Penalty as an ASSESSMENT of the Department; that LCA Authority hereby knowingly waives any right to a hearing under the statutes referenced in this Consent Assessment of Civil Penalty; and that LCA Authority knowingly waives its right to appeal this Consent Assessment of Civil Penalty, 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 by LCA Authority's attorney certifies only that the agreement has been signed after consulting with counsel.)

FOR LEHIGH COUNTY AUTHORITY:



Name: *Liesel M. Gross*  
Title: *Chief Executive Officer*

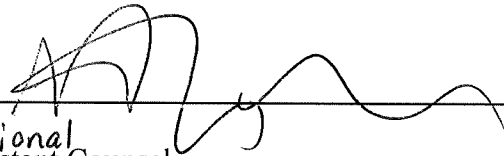


Name: *Kean C. Reed*  
Title: *Solicitor*

FOR THE COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF ENVIRONMENTAL PROTECTION:



Amy Bellanca, P.E.  
Clean Water Program Manager



~~Regional~~  
~~Assistant~~ Counsel  
Lance H. Zeyher