COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the matter of:

Lancaster County Solid Waste	:	1Q23 thru 1Q24 CEM Reports;
Management Authority	:	Title V and Data Availability Violations
1299 Harrisburg Pike	:	Conoy Township, Lancaster County
Lancaster, PA 17603	:	
and		
Reworld Lancaster, Inc.	:	
1911 River Road	:	
Bainbridge, PA 17502-9360	:	

CONSENT ASSESSMENT OF CIVIL PENALTY

2025 AD This Consent Assessment of Civil Penalty (CACP) is entered into this 24 day of February, ~~2024~~ by and between the Commonwealth of Pennsylvania, Department of Environmental Protection (Department), and the Lancaster County Solid Waste Management Authority (LCSWMA), and Reworld Lancaster Inc. (Reworld).

The Department has found and determined the following:

A. The Department is the agency with the duty and authority to administer and enforce the Air Pollution Control Act (APCA), Act of January 8, 1960, P.L. 2119 (1959), *as amended*, 35 P.S. § 4001 *et seq.*; 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. LCSWMA is a municipal authority created pursuant to the Municipal Authorities Act of 1945 (Act of 1945, P.L. 382 No. 164), having a mailing address of 1299 Harrisburg Pike, Lancaster, PA 17603. Reworld is a Pennsylvania corporation, having a mailing address, for the purposes of this CACP, of 1911 River Road, Bainbridge, PA 17502-9360.

C. At all times relevant to this matter, LCSWMA owned a waste-to-energy plant known as the Lancaster County Resource Recovery Facility (Facility) located in Conoy Township, Lancaster County, Pennsylvania. Also, at the times relevant to this matter Reworld operated the Facility under contractual agreements with LCSWMA.

D. The Facility includes three Ogden Martin refuse-fired combustion units, each controlled by a lime injection system, selective non-catalytic reduction system and activated carbon injection system in series with a fabric collector (hereinafter referred to as "MWI 1", "MWI 2", and "MWI 3" or, collectively, "Three MWI Units").

E. The Three MWI Units are all air contamination sources as defined by Section 3 of the APCA, 35 P.S. § 4003.

F. At the times relevant to this matter, the Facility was authorized to operate by the following air quality permits:

Authorization	Effective	Hereinafter referred to as
#36-05013	2/1/22	T5 Permit
#36-05013A	7/31/23	Plan Approval A

The Permit Renewal and Plan Approval A, shall, when referred to collectively, be hereinafter referred to as the Air Permits.

Relevant Title V Permit Conditions:

G. Condition 008 in Section B of the T5 Permit (Compliance Condition), as well as 25 Pa. Code Sections 127.25 and 127.444, provide in relevant part that the permittee shall comply with the conditions in the T5 Permits.

H. Condition 002 in Section B of the T5 Permit (121.7 Condition), as well as 25 Pa. Code Section 121.7, provide in relevant part that no person may permit air pollution as that term is defined in the APCA.

I. Conditions 001(d) in Group G01 and 001(a) in G05 in Section E of the T5 Permit (Opacity Standards) provide in relevant part that visible air contaminants shall not equal or exceed 10% for more than three minutes in any one-hour period and shall not equal or exceed 30% opacity at any time.

J. The T5 Permit contains the following CO Requirements for the Three MWI Units:

i. Condition 006 in Group G04 in Section E of the T5 Permit, and 40 CFR Section 60.34b(a) from Subpart Cb—Emissions Guidelines and Compliance Times for Large Municipal Waste Combustors That are Constructed on or Before September 20, 1994, provide in relevant part that: *"The emission limit for carbon monoxide contained in the gases discharged to the atmosphere from each of the facility's combustors is 100 parts per million by volume, corrected to 7 percent oxygen (dry basis), on a 4-hour block average."*

ii. Condition 001(a) in Group G05 in Section E of the T5 Permit contains a table summarizing the various CEMS-monitored limits, including CO: 4-hr block average: 100 ppmdv

K. Condition 001(b) in Group G05 in Section E of the Title V Permit (Data Availability Condition), as well as 25 Pa. Code Section 139.111, provide in relevant part that CO and temperature monitoring systems shall meet the following minimum data availability requirements:
   i. 100% of the data hours shall be valid hours.
   ii. At least 90% of the data required to be collected each hour shall be valid data.

L. Condition 001(a) in Group G05 in Section E of the Title V Permit (CEMS Operating Condition 1) provide in relevant part that, *"The following continuous emission monitoring systems (CEMS) must be installed, approved by the Department, operated and maintained in accordance with the requirements of 25 Pa. Code Chapter 139, Subchapter C (relating to requirements for source monitoring for stationary sources), and the "Submittal and Approval", "Record Keeping and Reporting", and "Quality Assurance" requirements of Revision No. 8 of the Department's Continuous Source Monitoring Manual, 274-0300-001."*

For Source: Units No. 1, 2, & 3 [list only includes monitors relevant to this CACP]

Pollutant	Measurement	% O2	Averaging Period	Standard	Basis
CO	ppm	7.0	4-hr block average	100 ppmdv	Continuously
Furnace Temp.	Degrees F	N/A	1-hr block average	1,800oF	Continuously
Opacity	percent	N/A	3-min avg/any time	10/30	Continuously

M. Condition 004 in Group G05 in Section E of the T5 Permit (CEMS Operating Condition 2), provides in relevant part that: "*Continuous Emission Monitoring Systems and components must be operated and maintained in accordance with the requirements established in 25 Pa. Code Chapter 139, Subchapter C (relating to requirements for source monitoring for stationary sources), the "Quality Assurance" requirements in the Department's Continuous Source Monitoring Manual, Revision No. 8, 274-0300-001. Compliance with any subsequently issued revision to the Continuous Source Monitoring Manual will constitute compliance with this permit.*"

N. Plan Approval A, Section C, Condition 001 (Plan Approval Condition), provides that the permittee shall comply with all of the existing requirements of the T5 Permit, except as specified in this plan approval. This includes all of the conditions specifically called out above in this CACP

CEMS Violations:

O. During the First Quarter of 2023 through the First Quarter of 2024, LCSWMA and Reworld failed to record for the MWI Units 100% valid daily hours per quarter for the CO emissions, as follows:

Quarter	Source	Pollutant	Emission Standard	Percent Valid Hours
1Q23	MWI 1	CO ppm	4-Hour Average, Block	99.95
2Q23	MWI 2	CO ppm	4-Hour Average, Block	99.95
4Q23	MWI 1	CO ppm	4-Hour Average, Block	99.90
4Q23	MWI 3	CO ppm	4-Hour Average, Block	99.78
1Q24	MWI 1	CO ppm	4-Hour Average, Block	99.95
1Q24	MWI 2	Furnace Temperature ppm	1-Hour Average, Block	99.95
1Q24	MWI 2	CO ppm	4-Hour Average, Block	99.95
1Q24	MWI 3	Furnace Temperature ppm	1-Hour Average, Block	99.95
1Q24	MWI 3	CO ppm	4-Hour Average, Block	99.95

P. CEMS data for the First Quarter of 2023 through the First Quarter of 2024 indicates that LCSWMA and Reworld operated the MWI Units in a manner that did not comply with the CO Requirements as follows:

Quarter	Source	Pollutant	Standard	Limit	Exceedance Date	Report Block	Value
1Q23	MWI 2	CO ppm	4-Hour Average, Block	100 ppm	3/28/2023	1	103 ppm
2Q23	MWI 2	CO ppm	4-Hour Average, Block	100 ppm	6/24/2023	4	412 ppm
4Q23	MWI 3	CO ppm	4-Hour Average, Block	100 ppm	10/9/2023	6	210 ppm

Q. CEMS data for the Fourth Quarter of 2023 indicates that LCSWMA and Reworld operated MWI 1 in a manner that did not comply with the Opacity Standards as follows:

Quarter	Source	Exceedance Date	Excess Minutes >10%	Excess Minutes >30%
4Q23	MWI 1	11/2/23	0	1

R. The violations noted in Paragraphs O, P, and Q ceased, or were corrected, close in time to their occurrence.

Violation Summary:

S. By causing or permitting the conditions outlined in Paragraphs O, P, and Q, above, LCSWMA and Reworld violated:

Compliance Condition,
121.7 Condition,
Opacity Standards,
Data Availability Condition,
CEMS Operating Condition 1,
CEMS Operating Condition 2,
Plan Approval Condition,
25 Pa. Code Section 121.7
25 Pa. Code Section 127.25
25 Pa. Code Section 127.444
25 Pa. Code Section 139.111.

T. The violations described in Paragraph S, above, constitute unlawful conduct under Section 8 of the APCA, 35 P.S. § 4008, and subject LCSWMA and Reworld to a claim for civil penalties under Section 9.1 of the APCA, 35 P.S. § 4009.1.

After full and complete negotiation of all matters set forth in this CACP and upon mutual exchange of covenants contained herein, the parties desiring to avoid litigation and intending to be legally bound, it is hereby ASSESSED by the Department and AGREED to by LCSWMA and Reworld as follows:

1. **Assessment.** In resolution of the Department's claim for civil penalties, which the Department is authorized to pursue under 35 P.S. § 4009.1, the Department hereby assesses a civil penalty of $6,416.00 which LCSWMA and Reworld hereby agree to pay.

2. **Civil Penalty Settlement.** Upon signing this CACP, Reworld shall pay the civil penalty assessed in Paragraph 1. In the event that Reworld does not pay the civil penalty, LCSWMA will be responsible for payment. This payment is in settlement of the Department's claim for civil penalties for the violations set forth in Paragraphs S and T. The payment shall be by a corporate check or the like made payable to the Commonwealth of Pennsylvania - Clean Air Fund, and

forwarded, together with a completed Transmittal of Penalty Payment form (enclosed) to Ms. Kelley Matty, Operations Chief, Pennsylvania Department of Environmental Protection, Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

3. **Findings.**

   a. LCSWMA and Reworld agree that the findings in Paragraphs A through T are true and correct and, in any matter or proceeding involving LCSWMA or Reworld and the Department, LCSWMA and Reworld shall not challenge the accuracy or validity of these findings.

   b. The parties do not authorize any other persons to use the findings in this CACP in any matter or proceeding.

4. **Reservation of Rights.** The Department reserves all other rights with respect to any matter addressed by this CACP, including the right to require abatement of any conditions resulting from the events described in the Findings. LCSWMA and Reworld reserve the right to challenge any action which the Department may take, but waives the right to challenge the content or validity of this CACP.

5. **Counterparts.** This Consent Assessment of Civil Penalty may be signed in counterparts, each of which shall be deemed to be an original and all of which together shall constitute one and the same instrument. Facsimile signatures or those transmitted by electronic means shall be valid and effective.

IN WITNESS WHEREOF, the parties hereto have caused this CACP to be executed by their duly authorized representatives. The undersigned representatives of LCSWMA and Reworld certify under penalty of law, as provided by 18 Pa. C.S. § 4904, that they are authorized to execute this CACP on behalf of LCSWMA or Reworld; that LCSWMA and Reworld consent to the entry of this CACP as an ASSESSMENT of the Department; that LCSWMA and Reworld hereby knowingly waive any right to a hearing under the statutes referenced in this CACP, and that LCSWMA and Reworld knowingly waive their right to appeal this CACP, which rights may be available under Section 4 of the Environmental Hearing Board Act, the Act of July 13, 1988, P.L. 530, No. 1988-94, 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.

FOR THE LANCASTER COUNTY:
SOLID WASTE MANAGEMENT
AUTHORITY:
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