



November 30, 2023

Mark Czarnecki
Secretary/Treasurer
Potter Township
205 Mowry Road
Monaca, PA 15061

Re: Air Pollution Penalty Collected

Dear Mark Czarnecki,

On July 23, 2023, August 21, 2023, and September 15, 2023 the Department of Environmental Protection (DEP) received stipulated civil penalties of \$1,046,766.94, \$844,373.39, and \$250,791.20, respectively per the May 24, 2023 Consent Order and Agreement (COA) with Shell Chemicals Appalachia, LLC (“Shell”), for the Shell Petrochemical Complex facility located at 300 Frankfort Road, Monaca, PA in Potter Township in Beaver County. This penalty resolves documented air pollution violations.

This letter is to notify Potter Township of the above-noted penalty assessment action, in accordance with Section 1, Paragraph 1(a.2) of Senate Bill 151, signed by the Governor on July 7, 2011 (Act 57), amending Section 9.2 the Air Pollution Control Act (APCA), 35 P.S. §4009.2. Potter Township may be eligible to receive a return of 25 percent of the Act 57-eligible portion of this penalty, which is \$535,482.88 upon full payment of the penalty to DEP and exhaustion of appeal rights, as provided in Act 57.

Act 57 requires, under certain conditions, 25 percent of an air pollution fine or civil penalty collected by DEP, which is at least \$50,000.00, to be returned to the municipality in which the violation occurred to be used for projects that eliminate or reduce air pollution or for parks, recreation projects, trails or open space. To request this return, Act 57 requires that the municipality submit a project proposal to DEP within 180 days after the date on which DEP advises the municipality that either the right of Shell to file an appeal of the civil penalty has expired, or all appeals of the fine or civil penalty have been exhausted. DEP will provide a separate notice to the municipality and the county within five business days after either of those events occurs.

A municipality may assign its claim of a penalty return to the county in which the air pollution violation occurred. For this to occur, Act 57 requires the municipality to notify the county of this opportunity within 180 days after DEP advises the municipality that either the right of Shell to file an appeal of the civil penalty has expired, or all appeals of the fine or civil penalty have been exhausted. Act 57 then requires the county submit a project proposal to DEP within 225 days after the date on which DEP advises the municipality that either the right of Shell to file an

appeal of the civil penalty has expired, or all appeals of the fine or civil penalty have been exhausted.

Should you have any questions please do not hesitate to contact Kristin Goddard, Air Quality District Supervisor by email at kriggoddard@pa.gov or by telephone at 412.442.4039.

Sincerely,



Mark R. Gorog, P.E.
Regional Air Program Manager

Enclosure

cc: Daniel C. Camp III, Beaver County Commissioner Chairman
Jack Manning, Beaver County Commissioner
Tony Amadio, Beaver County Commissioner

bcc: Susan Foster
Compliance and Enforcement