



June 8, 2023

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

Re: Air Pollution Penalty Collected and Opportunity to Propose a Project

Dear Mark Czarnecki,

On May 24, 2023 the Department of Environmental Protection (DEP) executed a Consent Order and Agreement (COA) assessing a civil penalty of \$4,935,023.00 against 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.

In accordance with Section 1, Paragraph 1(a.1)(2) of Senate Bill 151, signed by the Governor on July 7, 2011 (Act 57), amending Section 9.2 of the Air Pollution Control Act (APCA), 35 P.S. §4009.2, this letter is to advise Potter Township that Shell waived its right to appeal the civil penalty assessment. Potter Township is eligible to receive a return of 25 percent of the Act 57-eligible portion of this penalty, which is \$1,233,755.75.

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, 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 municipality’s receipt of this notification. A project request form is enclosed. DEP will then review and approve or disapprove the proposed project.

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 of this notification letter, and the county would then have to submit a project proposal to DEP within 225 days of this notification letter. DEP would then review and approve or disapprove the proposed project.

If Potter Township intends to assign its claim of a penalty return to Beaver County, please advise DEP at the letterhead address. If Beaver County will be submitting a project proposal for DEP consideration, Act 57 requires that the proposal be submitted within 225 days of the date of this notification letter. If the municipality does not proactively assign its claim to the county or

submit a project proposal within the 180-day period, the county may submit a project proposal within 225 days of this letter.

Electronic submittal of project proposals to [RA-EPAIRCOMPLIANCE@pa.gov](mailto:RA-EPAIRCOMPLIANCE@pa.gov) is preferred. If electronic submittal of your project proposal is not feasible, project proposals may be mailed to:

Susan Foster, Chief  
Division of Compliance & Enforcement  
Pennsylvania DEP  
Bureau of Air Quality  
P.O. Box 8468  
Harrisburg, PA 17105-8468

Should you have any questions please do not hesitate to contact Kristin Goddard, Air Quality District Supervisor by email at [kgoddard@pa.gov](mailto:kgoddard@pa.gov) or by telephone at 412.442.4039.

Sincerely,



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

Enclosures

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