

FILED

Aug 28, 2026

11:25 am

**U.S. EPA REGION 3
HEARING CLERK**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103**

In the Matter of:	:	
	:	U.S. EPA Docket No. CWA-03-2026-0073
City of Scranton	:	
340 N Washington Avenue	:	Proceeding to Assess Class II Administrative
Scranton, Pennsylvania 18503	:	Penalty Under Section 309(g) of the Clean
	:	Water Act
Respondent.	:	
	:	
City of Scranton Small Municipal	:	
Separate Storm Sewer System	:	
Scranton, Pennsylvania	:	
	:	
Facility.	:	

CONSENT AGREEMENT

PRELIMINARY STATEMENT

1. This Consent Agreement is entered into by the Acting Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 (Complainant) and the City of Scranton, Pennsylvania, (Respondent) (collectively the "Parties"), pursuant to Section 309(g) of the Clean Water Act (CWA or the Act), 33 U.S.C. § 1319(g), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits (Consolidated Rules of Practice), 40 C.F.R. Part 22. The CWA, including Section 309(g)(2)(B), authorizes the Administrator of the U.S. Environmental Protection Agency (the EPA or the Agency) to assess penalties and undertake other actions required by this Consent Agreement. The Administrator of the EPA has delegated such authority to the EPA, Region 3, Regional Administrator who, in turn, has delegated such authority to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the "Consent Agreement and Final Order") resolve Complainant's civil penalty claims against Respondent under section 309(g) of the CWA for the violations alleged herein.
2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The EPA has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(6).
5. In accordance with Section 309(g) of the CWA, 33 U.S.C. § 1319(g), the EPA has consulted with the Commonwealth of Pennsylvania, through the Pennsylvania Department of the Environment (PADEP), of the EPA's intent to commence this administrative action against Respondent in response to the violations of the CWA which are alleged herein.

GENERAL PROVISIONS

6. For purposes of this proceeding only, Respondent admits only the jurisdictional allegations set forth in this Consent Agreement and Final Order.
7. Except as provided in Paragraph 6, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
8. Respondent agrees not to contest the jurisdiction of the EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
9. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and waives its right to appeal the accompanying Final Order.
10. Respondent consents to the assessment of the civil penalty stated herein and to any conditions specified herein .
11. Respondent shall bear its own costs and attorney's fees in connection with this proceeding.
12. Public notice of this Consent Agreement is required by section 309(g)(4)(A) of the CWA, 33 U.S.C. § 1319(g)(4)(A), and 40 C.F.R. § 22.45(b)(1). The EPA is providing public notice and an opportunity to comment on the Consent Agreement prior to issuing the Final Order.
13. By signing this Consent Agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the Final Order accompanying the Consent Agreement.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

14. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.
15. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant (other than dredged or fill material) from a point source into waters of the United States except in compliance with a permit issued pursuant to the National Pollutant Discharge Elimination System ("NPDES") program under Section 402 of the Act, 33 U.S.C. § 1342.
16. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of the EPA may issue permits under the NPDES program (NPDES Permits) for the discharge of pollutants from point sources to waters of the United States. The discharges are subject to specific terms and conditions as prescribed in such NPDES Permits. Section 402(b) of the Act provides for the authorization of state programs to issue NPDES Permits.
17. "Discharge of a pollutant" includes "any addition of any pollutant or combination of pollutants to waters of the United States from any point source." 40 C.F.R. § 122.2.
18. "Storm water" is defined as "storm water runoff, snow melt runoff and surface runoff and drainage." 40 C.F.R. § 122.26(b)(13).
19. The term "municipal separate storm sewer system" (MS4) includes, "a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States." 40 C.F.R. § 122.26(b)(8)(i).
20. The term "small municipal separate storm sewer system" or "small MS4" means "all separate storm sewers that are: (i) Owned or operated by the United States, a State, city, town, borough ... or other public body (created by or pursuant to State law) having jurisdiction over disposal of ... storm water. ... ; [and] (ii) Not defined as 'large' or 'medium' municipal separate storm sewer systems." 40 C.F.R. § 122.26(b)(16).
21. Small MS4s are regulated pursuant to Section 402(p) of the Act, 33 U.S.C. § 1342(p) and the regulations promulgated thereunder. Pursuant to 40 C.F.R. §122.26(a)(9)(i), small MS4s require a NPDES permit if they are required to be regulated pursuant to 40 C.F.R. § 122.32.
22. Respondent is a "municipality" within the meaning of Section 502(4) of the Act, 33 U.S.C. § 1362(4).

23. Respondent is a "person" within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5).
24. At all times relevant to this Order, Respondent has owned and/or operated a MS4 and had jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, into such MS4. Such MS4 meets the definition for "municipal separate storm sewer system" as that term is defined in 40 C.F.R. § 122.26(b)(8).
25. Respondent's MS4 is located within the City of Scranton, within Lackawanna County, Pennsylvania, which is an urbanized area, with a population of 50,000 or more people as determined by the latest Decennial Census by the Bureau of the Census, and requires a NPDES permit to discharge storm water pursuant to 40 C.F.R. §122.32(a)(1).
26. The City of Scranton encompasses a total area of approximately 25.3 square miles. Respondent's MS4 is located in an urban area.
27. The Respondent's MS4 is a "small MS4" within the meaning of 40 C.F.R. § 122.26(b)(16).
28. Pursuant to Section 402(b) of the Act, 33 U.S.C. § 1342(b), during 1978, the EPA authorized the Commonwealth of Pennsylvania to issue NPDES permits.
29. On October 9, 2014, PADEP issued a NPDES Individual Permit (No. PAI132203) for Stormwater Discharges From Small Municipal Separate Storm Sewer Systems (MS4s) (MS4 Permit 1), which authorized the discharge of stormwater from the Respondent's MS4 to several waterways, including the Lackawanna River. MS4 Permit 1 was effective from November 1, 2014, until July 31, 2022.
30. MS4 Permit 1 authorized stormwater discharges from the Respondent's MS4 to several waterways, including the Lackawanna River. The Lackawanna River is a "water of the United States" within the meaning of Section 502(7) of the Act, 33 U.S.C. § 1362(7) and 40 C.F.R. § 122.2.
31. On July 12, 2022, PADEP issued a subsequent NPDES Individual Permit for Stormwater Discharges From Small Municipal Separate Storm Sewer Systems (MS4s) (MS4 Permit 2) (also assigned No. PAI132203), which authorized the discharge of stormwater from the Respondent's MS4 to several waterways, including the Lackawanna River. MS4 Permit 2 became effective on August 1, 2022, and remains in effect as of the date of this Consent Agreement and Final Order.
32. MS4 Permit 2 authorizes stormwater discharges from the Respondent's MS4 to several waterways, including the Lackawanna River. The Lackawanna River is a "water of the United States" within the meaning of Section 502(7) of the Act, 33 U.S.C. § 1362(7) and 40 C.F.R. § 122.2.
33. During June 2023, duly authorized EPA representatives conducted an inspection to evaluate Respondent's compliance with the MS4 Permit 1 and MS4 Permit 2 (the 2023 MS4

Inspection). The inspection was composed of off-site interviews on June 7, 2023, and on-site field inspections on June 13 and 14, 2023.

34. On August 9, 2023, an EPA Region 3 representative transmitted, via e-mail, a copy of the August 8, 2023 inspection report (the Inspection Report) to representatives of the Respondent.
35. Based upon the EPA's investigation, including the 2023 MS4 Inspection and information submitted subsequent thereto, the EPA representatives identified violations during the time period prior to July 31, 2023 of the MS4 Permit 1, MS4 Permit 2 and the CWA, as described below.
36. On the basis of information obtained and reviewed by the EPA, the EPA concludes that Respondent has violated certain requirements of MS4 Permit 1, MS4 Permit 2, and the CWA, as enumerated below during the aforementioned time period.

Count 1

**Failure to Implement a Stormwater Management Program (SWMP)
In Accordance With MS4 Permit 1**

37. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
38. Part A (Stormwater Management Program (SWMP)), Section 2 (Effluent Limitations And Other Requirements For This Individual Permit) (hereinafter referred to as Section A.2.) of MS4 Permit 1 requires the Respondent to implement, enforce and report on the SWMP as set forth in the Appendix A (Stormwater Management Program) of MS4 Permit 1.
39. Among other Minimum Control Measure (MCM) requirements, the Appendix A includes Best Management Practices (BMP) associated with MCM #3 (Illicit Discharge Detection and Elimination (IDD&E)).
40. Pursuant to BMP 4 of MCM #3 of MS4 Permit 1, no later than July 31, 2022, the Respondent was required to conduct dry weather screenings of each MS4 outfall subject to MS4 Permit 1.
41. Respondent did not conduct dry weather screenings of each MS4 outfall subject to MS4 Permit 1 on or before July 31, 2022.
42. The Respondent's failure to conduct dry weather screenings of each MS4 outfall, subject to MS4 Permit 1, on or before July 31, 2022, was a violation of Section A.2. of MS4 Permit 1.
43. In failing to conduct dry weather screenings of each MS4 outfall, subject to MS4 Permit 1, on or before July 31, 2022, Respondent violated the MS4 Permit 1 and the Act and is subject to the assessment of civil penalties under the CWA.

Count 2

Failure to Timely Submit Annual Reports In Accordance With MS4 Permit 1

44. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
45. Part B (Standard Conditions), Section 3 (Monitoring, Reporting, And Recordkeeping), subsection d (Periodic Reports (Annual Reports and Progress Reports)) (hereinafter referred to as Section B.3.d.) of MS4 Permit 1 required the Respondent to submit an Annual Report by January 31, 2022.
46. Respondent failed to submit the required Annual Report by January 31, 2022.
47. Respondent's failure to timely submit an Annual Report by January 31, 2022, was a violation of Section B.3.d. of MS4 Permit 1.
48. In failing to timely submit an Annual Report by January 31, 2022, Respondent violated the MS4 Permit 1 and the Act and is subject to the assessment of civil penalties under the CWA.

Count 3

Failure to Develop a Complete IDD&E Plan in Accordance with MS4 Permit 2

49. The information and allegations in the preceding Paragraphs of this Consent Agreement are incorporated herein by reference.
50. Part C (Special Conditions), Section I (Stormwater Management Program (SWMP)) of MS4 Permit 2 includes subsection A (hereinafter referred to as "Subsection C.I.A.") and subsection B ((Minimum Control Measures (MCMs)) (hereinafter referred to as "Subsection C.I.B.")).
51. Subsection C.I.A. of MS4 Permit 2 requires the Respondent to "... develop, implement, and enforce an SWMP designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable..." and which meets the MCMs set forth in Subsection C.I.B.
52. Subsection C.I.B. of MS4 Permit 2 includes MCM #3 (Illicit Discharge Detection and Elimination (IDD&E) (25 Pa. Code § 92a.32(a) and 40 C.F.R. § 122.34(b)(3))) (hereinafter referred to as "MCM #3 IDD&E Section of MS4 Permit 2").
53. MCM #3 IDD&E Section of MS4 Permit 2 requires the Respondent to "... develop, implement and enforce a program to detect and eliminate illicit discharges into the permittee's regulated small MS4." Additionally, these requirements state: "The permittee shall develop and implement a written program for the detection, elimination, and prevention of illicit discharges into the regulated small MS4."
54. During the period of at least August 1, 2022 through July 31, 2023, the Respondent failed to develop a written program for the detection, elimination, and prevention of illicit discharges into the Respondent's MS4 (hereinafter referred to as an "IDD&E Plan") in accordance with MCM #3 IDD&E Section of MS4 Permit 2.

- 55. Respondent's failure to develop an IDD&E Plan in accordance with MCM #3 IDD&E Section of MS4 Permit 2 was a violation of Subsection C.I.B. of MS4 Permit 2.
- 56. During the period of at least August 1, 2022 through July 31, 2023, the Respondent failed to develop a SWMP that included an IDD&E Plan that met the requirements set forth in Subsection C.I.B.
- 57. Respondent's failure to develop a SWMP that included an IDD&E Plan that met the requirements set forth in Subsection C.I.B, was a violation of Subsection C.I.A. of MS4 Permit 2.
- 58. In failing to develop a SWMP that included an IDD&E Plan, in accordance with Subsections C.I.A. and C.I.B.3. of MS4 Permit 2, during the period of at least August 1, 2022 through July 31, 2023, Respondent violated the MS4 Permit 2 and the Act and is subject to the assessment of civil penalties under the CWA.

Count 4

**Failure to List All City Owned or Operated Facilities in the SWMP
In Accordance With MS4 Permit 2**

- 59. The information and allegations in the preceding Paragraphs of this Consent Agreement are incorporated herein by reference.
- 60. Section C.I.A. of MS4 Permit 2 requires the Respondent to "... develop, implement, and enforce an SWMP designed to reduce the discharge of pollutants from the MS4 to the maximum extent practicable..." and which meets the MCMs set forth in Subsection C.I.B.
- 61. Subsection C.I.B. of MS4 Permit 2 includes MCM #6 Pollution Prevention / Good Housekeeping, set forth at Subsection C.I.B.6. (hereinafter referred to as "Subsection C.I.B.6.").
- 62. Subsection C.I.B.6. of MS4 Permit 2 requires the Respondent to, among other tasks: a) "...develop and implement an O&M program that ... has the ultimate goal of preventing and reducing pollutant runoff from operations, facilities and activities under the control of the permittee (collectively, "operations") and b) "(i)identify and document all operations that are owned or operated by the permittee and have the potential for generating pollution in stormwater runoff to the regulated small MS4."
- 63. During the period of at least August 1, 2022 through July 31, 2023, the Respondent failed to identify and document all operations that are owned or operated by the Respondent and have the potential for generating pollution in stormwater runoff to the MS4.
- 64. Respondent's failure, during the period of at least August 1, 2022 through July 31, 2023, to identify and document all operations that are owned or operated by the Respondent and have the potential for generating pollution in stormwater runoff to the MS4 was a violation of Subsection C.I.B. of MS4 Permit 2.

65. In failing to identify and document all operations that are owned or operated by the Respondent and have the potential for generating pollution in stormwater runoff to the MS4, during the period of at least August 1, 2022 through July 31, 2023, Respondent was in violation of Subsection C.I.B. of MS4 Permit 2 and the Act, and is subject to the assessment of penalties pursuant to Section 309(g) of CWA, 33 U.S.C. § 1319.

CIVIL PENALTY

66. In settlement of the EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **Forty-Nine Thousand Five-Hundred Dollars (\$49,500)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
67. In determining the amount of the civil penalty to be assessed, the EPA has taken into account the factors specified in Section 309(g) of the CWA, 33 U.S.C. § 1319(g). After considering these factors, the EPA has determined that an appropriate penalty to settle this action is **Forty-Nine Thousand Five-Hundred Dollars (\$49,500)**.
68. Respondent agrees to pay a civil penalty in the amount of **Forty-Nine Thousand Five-Hundred Dollars (\$49,500)** ("Assessed Penalty") within 30 days of the Effective Date of this Consent Agreement and Final Order.
69. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using one of the electronic payment options provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions relating to electronic payment options, see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>. Respondent acknowledges that the EPA has provided adequate notification that, prior to the Effective Date, in accordance with Executive Order 14247: Modernizing Payments To and From America's Bank Account, the EPA ceased accepting paper checks as a form of payment of civil penalties and the EPA only accepts specific electronic methods of payments as provided on the above website.
70. When making a payment, Respondent shall:
- a. Identify every payment with Respondent's name and the docket number of this Consent Agreement, CWA-03-2026-0073, and
 - b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve Proof of Payment simultaneously by email to the following person(s):

Kathleen J. Root, Esq.
Sr. Assistant Regional Counsel, U.S. EPA, Region 3
root.kathleen@epa.gov

U.S. Environmental Protection Agency
Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov,

and

U.S. EPA Region 3 Regional Hearing Clerk

R3_Hearing_Clerk@epa.gov.

“Proof of Payment” means, as applicable, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to the EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent’s name.

71. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed Penalty per this Consent Agreement, the EPA is authorized to recover, in addition to the amount of the unpaid Assessed Penalty, the following amounts.

- a. Interest. Interest begins to accrue from the Effective Date of this Consent Agreement. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States, the rate of interest is set at the Internal Revenue Service (“IRS”) standard underpayment rate, any lower rate would fail to provide Respondent adequate incentive for timely payment.
- b. Handling Charges. Respondent will be assessed monthly a charge to cover the EPA’s costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Consent Agreement, the EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Effective Date. Additional handling charges will be assessed every thirty (30) days, or any portion thereof, until the unpaid portion of the Assessed Penalty as well as any accrued interest, penalties, and other charges are paid in full.
- c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any unpaid portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days. Any such amounts will accrue from the Effective Date.

72. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Consent Agreement, the EPA may take additional actions. Such actions the EPA may take include, but are not limited to, the following:

- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.

- b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.
 - c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, per 40 C.F.R. § 13.17.
 - d. Refer this matter to the United States Department of Justice for litigation and collection, per 40 C.F.R. § 13.33.
73. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.
74. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.
75. Payment of the civil penalty is due and payable immediately upon the Effective Date of this Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed as of the effective date of this Consent Agreement and Final Order by Respondent in accordance with 40 C.F.R. § 13.9(a).
76. The Parties consent to service of the Final Order by e-mail at the following valid email addresses: Root.Kathleen@epa.gov (for Complainant) and pkeays@hangley.com, smiano@hangley.com, and jeskra@scranton.gov (for Respondent).

GENERAL SETTLEMENT CONDITIONS

77. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
78. Respondent certifies that any information or representation it has supplied or made to the EPA concerning this matter was, at the time of submission, true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. The EPA shall have the right to institute further actions to recover appropriate relief if the EPA obtains evidence that any information

provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, including information about Respondent's ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that the EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

CERTIFICATION OF COMPLIANCE

79. Respondent certifies to the EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement.

OTHER APPLICABLE LAWS

80. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension or modification of the requirements of the CWA, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

81. This Consent Agreement and Final Order resolves only the EPA's claims for civil penalties for the specific violation[s] alleged against Respondent in this Consent Agreement and Final Order. The EPA reserves the right to commence action against any person, including Respondent, in response to any condition which the EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). The EPA reserves any rights and remedies available to it under the CWA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

EXECUTION /PARTIES BOUND

82. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By providing the signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that the person signing is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

EFFECTIVE DATE

83. Pursuant to 40 C.F.R. § 22.45(b), this Consent Agreement and Final Order shall be issued only after a 40-day public notice and comment period is concluded. This Consent Agreement and Final Order will become final and effective ("Effective Date") thirty (30) days after having been signed by the Regional Administrator or his delegate, the Regional Judicial Officer, and filed with the Regional Hearing Clerk.

ENTIRE AGREEMENT

84. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

In The Matter of: City of Scranton, Pennsylvania

EPA Docket No. CWA-03-2026-0073

For Respondent: City of Scranton, Pennsylvania

Date: 5-18-26

By: 
Name: Eileen Cipriani
Title: Business Administrator
City of Scranton, Pennsylvania

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Acting Director of the Enforcement & Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or the Regional Administrator's designee, the Regional Judicial Officer, issue the attached Final Order.

By:

[*Digital Signature and Date*]

Andrea Bain

Acting Director

Enforcement and Compliance Assurance Division

U.S. EPA – Region 3

Complainant

FILED

Aug 28, 2026

11:25 am

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HEARING CLERK**

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	:	
City of Scranton Small Municipal	:	
Separate Storm Sewer System	:	
Scranton, Pennsylvania	:	
	:	
Facility.	:	

FINAL ORDER

Pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3), the Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

The Respondent is hereby ORDERED to comply with all of the terms of the Consent Agreement.

The Effective Date of the foregoing Consent Agreement and this Final Order is thirty (30) days after having been signed by the Regional Administrator or his delegate, the Regional Judicial Officer, and filed with the Regional Hearing Clerk.

By: _____
Regional Judicial Officer and Presiding Officer
U.S. EPA Region 3

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103**

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	:	
City of Scranton Small Municipal	:	
Separate Storm Sewer System	:	
Scranton, Pennsylvania	:	
	:	
Facility.	:	

CERTIFICATE OF SERVICE

I certify that the foregoing *Consent Agreement and Final Order* was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the *Consent Agreement and Final Order*. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Peter Keays, Esq.
Hangley Aronchick Segal Pudlin & Schiller
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