

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

FILED

Sep 17, 2026

10:51 am

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

In the Matter of:	:	
	:	
Lower Lackawanna Valley Sanitary Authority	:	U.S. EPA Docket No. CWA-03-2026-0087DN
398 Coxton Road	:	
P.O. Box 2067	:	ADMINISTRATIVE ORDER ON CONSENT
Duryea, Pennsylvania 18642-0067	:	PURSUANT TO SECTION 309(a) OF THE CLEAN
	:	WATER ACT, 33 U.S.C. § 1319(a)
	:	
Respondent.	:	
	:	
Lower Lackawanna Valley Sanitary Authority	:	
398 Coxton Road	:	
Duryea, Pennsylvania 18642-0067	:	
	:	
Facility.	:	

I. STATUTORY AUTHORITY AND JURISDICTION

1. This Administrative Order on Consent ("AOC" or "Order") is issued to the Lower Lackawanna Valley Sanitary Authority ("Respondent"), under the authority vested in the United States Environmental Protection Agency ("the EPA") (hereinafter, the "Parties") by Section 309(a) of the Clean Water Act, 33 U.S.C. § 1319(a) ("CWA" or "Act"). The Administrator delegated this authority to the Regional Administrator of EPA Region 3, who further delegated it to the Director of the Enforcement & Compliance Assurance Division, EPA Region 3.
2. Section 309(a) of the Act provides that whenever, on the basis of any information available to him, the Administrator finds that any person is in violation of any permit condition or limitation implementing certain sections of the CWA, in a permit issued under Section 402 of the CWA, 33 U.S.C. § 1342, he shall issue an order requiring such person to comply with such section or requirement.
3. The EPA has jurisdiction over the above-captioned matter, as described in Paragraphs 1 and 2, above.

4. The EPA has consulted with the Pennsylvania Department of Environmental Protection (“PADEP”) regarding this action and, subsequent to the Effective Date, the EPA will mail a copy of this fully executed AOC to the appropriate PADEP representative.

II. GENERAL PROVISIONS

5. For purposes of this proceeding only, the Respondent admits to the jurisdictional allegations set forth in this AOC.
6. Except as provided in Paragraph 5, above, the Respondent neither admits nor denies the specific factual allegations set forth in this Order.
7. Respondents agree not to contest the jurisdiction of the EPA with respect to the execution or enforcement of this AOC.
8. The provisions of this AOC shall apply to and be binding upon the Respondent and the officers, directors, employees, contractors, agents, trustees, successors, and assigns of the Respondent.
9. The Respondent shall bear its own costs and attorney’s fees in connection with this proceeding and associated with the implementation or enforcement of this AOC, including any costs related to resolution of any dispute arising regarding this AOC.
10. Issuance of this AOC is intended to address the violations described herein. The EPA reserves the right to commence an action against any person, including the 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. The EPA reserves all existing rights and remedies available to it under the CWA, 33 U.S.C. § 1251 - 1389, the regulations promulgated thereunder, and any other federal laws or regulations for which the EPA has jurisdiction, including enforcement of this AOC.
11. This AOC does not constitute a waiver or modification of the terms or conditions of any permit issued to the Respondent. Nothing in this Order shall relieve the Respondent of its obligation to comply with all applicable provisions of federal, state, or 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 Order does not constitute a waiver, suspension, or modification of the requirements of the Act, 33 U.S.C. § 1251 - 1389, or any regulations promulgated thereunder.
12. The Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that the Respondent may have with respect to any issue of fact or law set forth in this AOC, including any right of judicial review pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

13. The EPA reserves all existing inspection authority otherwise available to the EPA pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, or pursuant to any other statute or law.
14. The undersigned representative(s) of the Respondent certify that they are fully authorized by the Respondent to enter the terms and conditions of this AOC and to execute and legally bind the Respondent.
15. By signing this AOC, the Respondent acknowledges that this AOC may be available to the public and represents that, to the best of the Respondent's knowledge and belief, this AOC does not contain any confidential business information or personally identifiable information from the Respondent.
16. The 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 the Respondent to the EPA regarding matters relevant to this AOC 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. The 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.

III. STATUTORY AND REGULATORY BACKGROUND

17. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person into waters of the U.S. except in compliance with sections 301, 302, 306, 307, 318, 402, and 404 of the Act, 33 U.S.C. §§ 1311, 1312, 1316, 1317, 1328, 1342, and 1344.
18. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of the EPA may issue permits under the National Pollutant Discharge Elimination System ("NPDES") program 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 the permit.
19. Pursuant to Section 402(b) of the Act, 33 U.S.C. § 1342(b), the EPA authorized the Commonwealth of Pennsylvania's NPDES program on June 30, 1978. PADEP administers the NPDES program in the Commonwealth of Pennsylvania.
20. "Discharge of a pollutant" means "[a]ny addition of any 'pollutant' or combination of pollutants to 'waters of the United States' from any 'point source.'" 40 C.F.R. § 122.2.

21. "Pollutant" is defined as "dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water." 33 U.S.C. § 1362(6). *See also*, 40 C.F.R. § 122.2.
22. Pursuant to Section 402(i) of the CWA, 33 U.S.C. § 1342(i), the EPA retains its authority to take enforcement action within Pennsylvania for NPDES permit violations.

IV. FINDINGS OF FACT, JURISDICTIONAL ALLEGATIONS, AND CONCLUSIONS OF LAW

23. The Respondent is a corporate and political subdivision of a State, organized under the Pennsylvania Municipal Authorities Act, 53 Pa.C.S. § 5607. As such, the Respondent is a "person" within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5) and 40 C.F.R. § 122.2.
24. At all times relevant to this AOC, the Respondent owned and operated the Lower Lackawanna Valley Sanitary Authority Wastewater Treatment Plant ("Facility"), which is a publicly owned treatment works ("POTW") as that term is defined under 40 C.F.R. § 403.3(q), located at 398 Coxton Road, Durysa, Pennsylvania 18642.
25. At all times relevant to this AOC, the operation of the Facility has been subject to Pennsylvania NPDES Permit No. PA0026361 ("Permit"), pursuant to the laws of the Commonwealth of Pennsylvania, and within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.
26. Pennsylvania NPDES Permit No. PA0026361 was issued on July 1, 2013, effective through June 30, 2018, and administratively extended on November 8, 2017, through October 1, 2021 ("2017 Permit"). On October 1, 2021, PADEP renewed Pennsylvania NPDES Permit No. PA0026361, effective through September 30, 2026 ("2021 Permit").
27. The Facility is designed to treat up to 8.5 million gallons of wastewater per day.
28. The Facility discharges to the Lackawanna River.
29. The Lackawanna River is a traditional navigable water. The Lackawanna River is a "waters of the United States" within the meaning of Section 502(7) of the Act, 33 U.S.C. § 1362(7).
30. The Respondent is authorized to discharge wastewater from the Facility to waters of the United States only in accordance with the terms and conditions of the Permit.
31. At all times relevant to this AOC, the Facility discharged treated wastewater into waters of the United States through a "point source" at the Facility, as that term is defined at Section 502(14) of the Act, 33 U.S.C. § 1362(14).

32. From May 23 to May 25, 2023, inspectors from the EPA conducted a Pretreatment Compliance Inspection (“Inspection”) at the Facility to determine the Respondent’s compliance with the 2017 Permit and the 2021 Permit.

Count 1
Effluent Exceedances

33. Part A Section I.A. of the 2017 Permit defines effluent limitations and monitoring requirements for Outfall 001A discharges during the period from November 8, 2017, until September 30, 2021. Part A Sections I.A., I.B., and I.C. of the 2021 Permit defines effluent limitations and monitoring requirements for Outfall 001A discharges. Part A Section I.A. of the 2021 Permit applies to the discharge of certain parameters during the period from October 1, 2021 to three (3) years after October 1, 2021. Part A Sections I.B. applies to the discharge of certain parameters during the period from three (3) years after October 1, 2021, to September 30, 2026. Part Section I.C. applies to the discharge of certain parameters during the period from October 1, 2021, to September 30, 2026.
34. During the period from December 31, 2020 to October 1, 2024, the Facility experienced the following effluent limit exceedances from Outlet 001A, based on a review of EPA’s Integrated Compliance Information System (“ICIS”) database and as reported in the Respondent’s Discharge Monitoring Reports (“DMRs”):

Table 1 Outlet 001A Effluent Violations (December 2020 to October 2024)¹

Parameter	Date of Violation	Permit Limit	Reported Value
Dissolved Oxygen	April 30, 2024	5.0 mg/l (instant minimum concentration)	3.67 mg/l
Total Suspended Solids	December 31, 2020	2,252 lbs/day (mass weekly average)	6,797 lbs/day
	December 31, 2020	1,501 lbs/day (mass monthly average)	1,713 lbs/day
	April 30, 2021	45.0 mg/l (weekly average concentration)	96 mg/l
	April 30, 2021	2,252 lbs/day (mass weekly average)	3,691 lbs/day
	April 30, 2021	30.0 mg/l (monthly average concentration)	40 mg/l

¹ The measurement units and abbreviations used in this table are as follows: coliform units per milliliter (cfu/ml); milligrams per liter (mg/l); and pounds per day (lbs/day).

	May 31, 2021	45.0 mg/l (weekly average concentration)	46 mg/l
	July 31, 2021	45.0 mg/l (weekly average concentration)	73 mg/l
	July 31, 2021	2,252 lbs/day (mass weekly average)	3,225 lbs/day
	July 31, 2021	30.0 mg/l (monthly average concentration)	31 mg/l
	March 31, 2023	2,252 lbs/day (mass weekly average)	2,569 lbs/day
	March 31, 2023	45.0 mg/l (weekly average concentration)	59 mg/l
	May 31, 2023	2,252 lbs/day (mass weekly average)	2,687 lbs/day
	July 31, 2023	2,252 lbs/day (mass weekly average)	3,411 lbs/day
	July 31, 2023	45.0 mg/l (weekly average concentration)	95 mg/l
	July 31, 2023	1,501 lbs/day (mass monthly average)	1,510 lbs/day
	July 31, 2023	30.0 mg/l (monthly average concentration)	44 mg/l
Total Ammonia Nitrogen	February 28, 2021	11.2 mg/l (monthly average concentration)	11.7 mg/l
	March 31, 2021	11.2 mg/l (monthly average concentration)	12.06 mg/l
	April 30, 2021	11.2 mg/l (monthly average concentration)	14.3 mg/l
	December 31, 2021	11.2 mg/l (monthly average concentration)	12.5 mg/l
	January 31, 2022	11.2 mg/l	11.26 mg/l

		(monthly average concentration)	
	February 28, 2022	11.2 mg/l (monthly average concentration)	12.46 mg/l
	March 31, 2022	11.2 mg/l (monthly average concentration)	11.65 mg/l
	May 31, 2022	11.2 mg/l (monthly average concentration)	12.7 mg/l
	February 28, 2023	11.2 mg/l (monthly average concentration)	14.3 mg/l
	April 30, 2023	11.2 mg/l (monthly average concentration)	13.5 mg/l
Fecal Coliform, general	June 30, 2020	1,000 cfu/100ml (instant maximum concentration)	1,600 cfu/100ml
	May 31, 2021	1,000 cfu/100ml (instant maximum concentration)	2,419.6 cfu/100ml
	June 30, 2021	1,000 cfu/100ml (instant maximum concentration)	2,419.6 cfu/100ml
	July 31, 2021	1,000 cfu/100ml (instant maximum concentration)	2,419.6 cfu/100ml
	August 31, 2021	1,000 cfu/100ml (instant maximum concentration)	1,011.2 cfu/100ml
	September 30, 2021	1,000 cfu/100ml (instant maximum concentration)	2,419.6 cfu/100ml
	February 28, 2022	10,000 cfu/100ml (instant maximum concentration)	>2,419.6 cfu/100ml
	August 31, 2022	1,000 cfu/100ml (instant maximum concentration)	>2,419.6 cfu/100ml
	August 31, 2022	200 cfu/100ml (average monthly concentration)	253.91 cfu/100ml

	December 31, 2022	10,000 cfu/100ml (instant maximum concentration)	>2,419.6 cfu/100ml
	July 31, 2023	1,000 cfu/100ml (instant maximum concentration)	>2,419.6 cfu/100ml
	July 31, 2023	200 cfu/100ml (average monthly concentration)	1,052.04 cfu/100ml
	August 31, 2023	1,000 cfu/100ml (instant maximum concentration)	>2,419.6 cfu/100ml
	September 30, 2023	1,000 cfu/100ml (instant maximum concentration)	>2,419.6 cfu/100ml
	October 31, 2023	10,000 cfu/100ml (instant maximum concentration)	>2,419.6 cfu/100ml
	November 30, 2023	10,000 cfu/100ml (instant maximum concentration)	>2,419.6 cfu/100ml
	December 31, 2023	10,000 cfu/100ml (instant maximum concentration)	>2,419.6 cfu/100ml
	January 31, 2024	10,000 cfu/100ml (instant maximum concentration)	>2,419.6 cfu/100ml

35. Based on the allegations above, the EPA concludes that the Respondent violated Part A Section I.A of the 2017 Permit and Part A Section I.C of the 2021 Permit and the CWA on the dates identified in Table 1 above.

Count 2

Failure to Provide Required Information in Annual Reports

36. Part C Section III.B of the 2017 Permit and Part C Section IV.B of the 2021 Permit require the Respondent to submit an Annual Report by March 31 that describes the Respondent's pretreatment activities for the previous calendar year. The report must contain a summary of any interference, pass-through, or permit violations by the Respondent and indicate which, if any, permit violations may be attributed to industrial users, which industrial users are responsible for such violation, and any actions taken to address the violations. The report must also include all sampling and analysis of the Facility's influent, effluent, and sludge conducted during the year for local limit and

priority pollutants identified pursuant to Section 303(d) of the Clean Water Act, 33 U.S.C. 1313(d).

37. At the time of the Inspection, the Respondent's 2021 Annual Report did not include effluent limit violations. The Respondent's 2021, 2022, and 2023 Annual Reports did not identify which permit violations may be attributable to industrial users during the reporting periods relevant to the Annual Reports. The Respondent's 2020, 2021, 2022, and 2023 Annual Reports did not contain documentation of all sampling and analysis of the Facility's influent, effluent, and sludge.
38. Based on the allegations above, the EPA concludes that the Respondent violated Part C Section III.B of the 2017 Permit and Part C Section IV.B of the 2021 Permit and the CWA from 2020 to 2023.

Count 3

Failure to Use Correct Sensitivity for Compliance Analyses

39. Part A Section III.A.5 of the 2017 Permit and the 2021 Permit requires the Respondent, or its designated laboratory, to develop and implement a program to assure the quality and accurateness of the analyses performed to satisfy the requirements of the Permits, in accordance with 40 C.F.R. § 122.41(j)(4) and 40 C.F.R. Part 136.
40. Part A Section I.C of the 2021 Permit provides that during the period of October 1, 2021, through September 30, 2026, samples collected between October 1 to April 30 have an instantaneous limit of 10,000 cfu/100ml for fecal coliform, and samples collected between May 1 to September 30 have an instantaneous limit of 1,000 cfu/100ml for fecal coliform.
41. Between May 31, 2021 and January 31, 2024, the Respondent reported thirty (30) instances of instantaneous fecal coliform with a value of either 2419.6 cfu/100ml or ">2419.6" cfu/100ml. The Respondent reported two (2) instances of instantaneous fecal coliform with a value of ">2419.6" between October 1 to April 30, during which the permitted instantaneous limit is 10,000 cfu/100ml. These reported values do not provide a figure which can be used to determine whether each reported instance is below the instantaneous limit of 10,000 cfu/100ml.
42. Based on the allegations above, the EPA concludes that the Respondent violated the CWA and Part A Section III.A.5 of the 2017 Permit and the 2021 Permit from 2021 to 2024 based on failure to implement a program to assure the quality and accurateness of the analyses performed to satisfy the requirements of the Permits.

V. COMPLIANCE ORDER

Therefore, based on the foregoing, Respondent is hereby ORDERED, pursuant to Section 309(a) of the CWA, 33 U.S.C. § 1319(a), to conduct, and consents to conduct, the following activities:

43. The Respondent shall take any and all steps necessary to comply fully with the 2021 Permit as soon as practicable. Such steps include, but are not limited to, the activities outlined in this section. To the extent the Respondent is able to achieve compliance more expeditiously than the timeframes set forth in this Order, the Respondent shall do so.
44. Effluent Limit Exceedance Determination and Response. The Respondent shall determine the cause of and respond to any future effluent limit exceedance in accordance with the procedures incorporated into the Facility's existing Operations and Maintenance Plan (Attachment A).
45. Quarterly Reports. The Respondent shall submit to the EPA quarterly reports of its sample analysis data. If any data indicates a parameter exceedance at the Facility, the Respondent shall perform an assessment to determine the cause of any such parameter exceedance and identify the appropriate corrective action(s). The quarterly reports must include information concerning corrective action(s) taken to address the exceedance or report of noncompliance, including but not limited to, the nature and scope of corrective action taken, date of such corrective action, and proof of the work performed to undertake such corrective action(s). The Respondent shall submit the results by January 31, April 30, July 31, and October 31 for twelve (12) months from the effective date of this Order.
46. Annual Training. The Respondent shall conduct an annual training program for staff at its Facility to refresh and enhance knowledge and awareness of the requirements of the Permit. The Respondent shall provide to the EPA a description of any such training program it develops and conducts.
47. The Respondent shall implement its Standard Operating Procedure (SOP, see Attachment A) for the preparation and submittal of its Annual Pretreatment Reports.

VI. PROCEDURES FOR SUBMISSIONS

48. All documents required to be submitted by this Order and any Request for Termination shall be accompanied by a certification signed by a responsible officer, as defined in 40 CFR § 122.22(d), that reads as follows:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signed: _____

Title: _____

Date: _____

49. Unless otherwise directed in writing, Respondent shall submit any submission or written communication, including any accompanying data, relating to this AOC via email to:

Aaron Thomson
thomson.aaron@epa.gov
Environmental Engineer
Enforcement and Compliance Assurance Division
U.S. EPA, Region 3

Any information submitted electronically shall be submitted in a widely recognized electronic format.

50. The Respondent may assert a business confidentiality claim covering part or all the information which this Order requires it to submit to the EPA, but only to the extent and only in the manner described in Part 2 Subpart B of Title 40 of the C.F.R. The EPA will disclose information submitted under a confidentiality claim only as provided in Part 2 Subpart B of Title 40 of the C.F.R. If, at the time any information is submitted to the EPA, the Respondent submitting such information do not assert a confidentiality claim, the EPA may make the submitted information available to the public without further notice to the Respondent.

VII. CERTIFICATION OF COMPLIANCE AND TERMINATION OF AOC

51. Upon completion of all items required by this AOC, the Respondent shall submit to the EPA a Certification of Compliance and Request for Termination of this AOC. Such certification and request shall include:
- a. A certification that the Respondent has maintained compliance with this AOC for the term of this AOC; and
 - b. All necessary documentation, including photo documentation as appropriate, to support a finding that the Respondent has complied with Section V (Compliance Order) of this AOC.
52. If, following review of any Certification of Compliance and Request for Termination of this Order, the EPA determines that any requirement has not been completed and implemented in accordance with this Order, the EPA will notify the Respondent in writing, provide a written summary of such deficiencies, and require the Respondent to modify its actions as appropriate to correct such deficiencies. If so required, the EPA may also require the Respondent to submit a revised Certification of Compliance and Request for Termination of this Order.
53. If, following review of any Certification of Compliance and Request for Termination of this AOC, the EPA agrees that the Respondent has adequately complied with all

requirements of this AOC, then the EPA will provide written notification of termination of this AOC.

54. The EPA, at all times, reserves the right to unilaterally terminate this Order in its unreviewable discretion.

VIII. AOC MODIFICATIONS

55. Any request to modify the terms of, or parties to, this AOC shall be submitted, in writing, by the Respondent to the EPA and shall be subject to review and approval by the EPA, in its sole and unreviewable discretion. The Respondent's submission of a written request for modification of this AOC shall not relieve the Respondent of any obligation under this AOC and shall have no effect on the EPA's statutory or regulatory authority to enforce the terms of this AOC, in its sole and unreviewable discretion.

IX. CHANGE OF OWNERSHIP OR OPERATION OF THE FACILITY

56. Until or unless this AOC is modified or terminated, in accordance with the terms of this AOC, the Respondent shall remain responsible for compliance with the terms of this AOC following any transfer of ownership or operation of the Facility.
57. At least ninety (90) days prior to any transfer of ownership or operation of any of the WWTPs, the Respondent shall submit a written notification to the EPA of any such anticipated change in ownership or operation which shall include, at a minimum, a detailed summary of the anticipated change in ownership or operation, contact information for the proposed new owner or operator of the Facility, and a schedule for such anticipated change.
58. The Respondent shall condition any sale or transfer of ownership or operation of the Facility, in whole or in part, upon the execution by such Prospective Third-Party Purchaser, or Transferee, of an agreement, which creates an obligation that shall survive the closing of such sale or transfer of the Facility, whereby such Prospective Third-Party Purchaser or Transferee agrees to comply with and be bound by the terms of this AOC.

X. EFFECTIVE DATE

59. This Order shall become effective upon the Respondent's receipt of a fully executed copy of this AOC.

AGREED TO:

FOR RESPONDENT LOWER LACKAWANNA VALLEY SANITARY AUTHORITY

Date:

6/23/2026

By:



John M. Mekilo
Executive Director

Lower Lackawanna Valley Sanitary Authority

SO ORDERED:

FOR U.S. ENVIRONMENTAL PROTECTION AGENCY

By: _____

[Digital Signature and Date]

Acting Director

Enforcement and Compliance Assurance Division

U.S. EPA – Region 3

STANDARD OPERATING PROCEDURE

**NPDES Effluent Violations Review
Lower Lackawanna Valley Sanitary Authority
398 Coxton Road
Duryea, PA 18642-2067**

Effective Date: March 10, 2026

Prepared by: John Mekilo, Executive Director



The following is the Standard Operating Procedure (SOP) for the review and investigation of any and all violations of the National Pollution Discharge Elimination System (NPDES) permit of the Lower Lackawanna Valley Sanitary Authority (LLVSA). It is effective immediately.

RESPONSIBLE PERSONNEL

- LLVSA Executive Director John Mekilo
- LLVSA Assistant Executive Director Francis Pero
- LLVSA Laboratory Operator/Pretreatment Coordinator Brian Willaims
- LLVSA Plant Operator Kevin Gaughan
- LLVSA Maintenance Operator Mark Timinski
- LLVSA Combined Sewer Overflow Operator Steven King
- LLVSA Pretreatment Consultant James Elden

PROCEDURE REQUIREMENTS

- This SOP has been developed to confirm that all requirements of the LLVSA NDPES Permit regarding the investigation of effluent violations are met. This includes, but is not limited to, a determination as to whether the violation was caused by a Significant Industrial User (SIU).

STANDARD OPERATING PROCEDURE

- The LLVSA is required to submit an Electronic Discharge Monitoring Report (EDMR) by the twenty-eighth (28th) day of each month for the previous month. This is a twelve-month requirement. There are also four (4) quarterly metals EDMR reports that are submitted. These reports are prepared and submitted by the LLVSA Assistant Executive Director, LLVSA Laboratory Operator/Pretreatment Coordinator Brian Williams, and LLVSA Plant Operator Kevin Gaughan. All reports listed above are subject to the following procedures:
 - Step 1: During the data entry process, the person(s) preparing the EDMR will note any violations of any NPDES permit parameters.
 - Step 2: The EDMR preparers will immediately notify the Assistant Executive Director or Executive Director, based upon the availability of either, of the violation. This notification will be verbal at first, followed by an email that includes both the Executive Director and the Assistant Executive Director.
 - Step 3: The Executive Director or Assistant Executive Director will immediately assign two responsible personnel, identified the Responsible Personnel section of this SOP, to further investigate the cause of the violation. A written form will be provided to the assigned Responsible Personnel. A copy of the form has been attached to this SOP.
 - Step 4: The assigned Responsible Personnel will have five (5) working days to investigate and complete the form before returning it to the Assistant Executive Director or Executive Director. The completed form will include a review of all LLVSA Significant Industrial User discharges during the period of the violation to determine whether the violation was caused by a Significant Industrial User.
 - Step 5: The LLVSA Assistant Executive Director or Executive Director will provide a final review of the form and direct any further actions to be taken, including, but not limited to, implementation of the corrective action required by the form.

- Step 6: All completed forms will be collected with a copy being provided, by email, to the LLVSA Pretreatment Coordinator and Pretreatment Consultant for inclusion in the annual Pretreatment Summary Report.

SUMMARY

- This Standard Operating Procedure has been prepared to confirm that the LLVSA is meeting all requirements regarding the review of NPDES permit violations and insure that any and all violations are investigated and in response to USEPA's Notice to Show Cause correspondence of April 2025.
- This SOP has been developed to further ensure that all Significant Industrial Users are investigated as a possible source of an NPDES permit violation.

Distribution Date:

March 10, 2026

Distributed by:

John M. Mekilo, LLVSA Executive Director

Francis Pero, LLVSA Assistant Executive Director

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

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CERTIFICATE OF SERVICE

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

Copies served via email to:

John M. Mekilo, Executive Director
Lower Lackawanna Valley Sanitary Authority
jackm@llvsa.com
398 Coxton Road
P.O. Box 2067
Duryea, Pennsylvania 18642-0067

Ryan Knapick
Assistant Regional Counsel
U.S. EPA, Region 3
knapick.ryan@epa.gov

Aaron Thomson
Environmental Engineer
U.S. EPA, Region 3
thomson.aaron@epa.gov

By: _____
[*Digital Signature and Date*]
Regional Hearing Clerk
U.S. EPA – Region 3