



**II. JURISDICTION**

3. The U.S. Environmental Protection Agency (“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) in assessing Class II penalties under Sections 309(g).

**III. GENERAL PROVISIONS**

5. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.

6. Except as provided in Paragraph 5, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.

7. Respondent agrees not to contest the jurisdiction of 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.

8. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and Final Order and waives its right to appeal the accompanying Final Order.

9. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.

10. Respondent shall bear its own costs and attorney’s fees in connection with this proceeding.

11. Pursuant to Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), and 40 C.F.R. § 22.45(b), EPA is providing public notice and an opportunity to comment on the Consent Agreement prior to issuing the Final Order

**IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

12. 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.

13. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of 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. Section

402(b) of the Act, 33 U.S.C. § 1342(b), provides for the authorization of state programs to issue NPDES permits.

14. Pursuant to Section 402(b) of the Act, 33 U.S.C. § 1342(b), EPA authorized the Commonwealth of Pennsylvania NPDES program on June 6, 1978. Pursuant to Section 402(b) of the Act, 33 U.S.C. § 1342(b), PADEP is authorized to administer the NPDES program in the Commonwealth of Pennsylvania.

15. Pursuant to Section 402(i) of the CWA, 33 U.S.C. § 1342(i), EPA retains its authority to take enforcement action within Pennsylvania for NPDES permit violations.

16. The Central Wayne Regional Authority is a municipality, and as such, it is a “person” within the meaning of Section 502(4) and (5) of the Act, 33 U.S.C. § 1362(4) and (5).

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.

18. “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 *See also* 33 U.S.C. § 1362(12).

19. Respondent owns and operates the Central Wayne Regional Wastewater Treatment Plant (“WWTP” or “Facility”) located at 574 Bucks Cove Road, Honesdale, PA 18431. The WWTP discharges treated domestic wastewater with outfalls to the Lackawaxen River.

20. At all times relevant to this Consent Agreement and Final Order, Respondent’s operation of the WWTP has been subject to NPDES Discharge Permit No. PA0023469-A1 (“WWTP Permit”), issued by PADEP and became effective on May 5, 2014. The Permit was amended on December 1, 2016, expired on May 31, 2019 and is currently administratively extended.

21. Respondent is authorized to discharge pollutants, in the form of wastewater from the WWTP, to waters of the United States in accordance with the terms and conditions of its WWTP Permit.

22. The Lackawaxen River is waters of the United States within the meaning of Section 502(7) of the Act, 33 U.S.C. § 1362(7).

23. At all times relevant to this Consent Order and Final Agreement, the WWTP discharged wastewater into the Lackawaxen River through a “point source” as that term is defined at Section 502(14) of the Act, 33 U.S.C. § 1362(14).

24. On February 3, 2021, representatives of EPA inspected the WWTP for purposes of determining compliance with the Permit (“Inspection”).

**Count 1**  
**Effluent Exceedances**

25. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.

26. Part A of NPDES Permit No. PA0023469-A1 sets forth the effluent limits in effect from June 1, 2014, through May 31, 2019, which has been administratively extended until a new permit is issued.

27. There were a total of 97 effluent limit violations from 4/30/2017 to 8/31/21. Permit limits were exceeded for total suspended solids (TSS) (13), total phosphorous (7), 5-day carbonaceous biochemical oxygen demand (CBOD<sub>5</sub>) (1), fecal coliform (2), total copper (66), dissolved oxygen (4), ammonia-nitrogen (1), and total zinc (3). The repeated violations caused the Facility to be in significant non-compliance (SNC). A summary of those effluent exceedances is as follows:

**NPDES Permit No. PA0023469-A1 effluent violations 4/30/2017 – 8/31/21**

<b>Outfall #</b>	<b>Monitoring Period End Date</b>	<b>Parameter Name</b>	<b>DMR Value</b>	<b>Permit Limit</b>	<b>Units</b>	<b>Limit Type</b>	<b>% Exceeding Limit</b>
001	04/30/2017	5 day carbonaceous BOD	811	422	lbs/day	Weekly Average	92.2%
001	08/31/2017	Coliform, fecal general	240	200	CFU/100 ml	Average Monthly	20.0%
001	01/31/2018	Solids, total suspended	40.6	21.0	mg/L	Average Monthly	93.3%
001	01/31/2018	Solids, total suspended	103.8	31.5	mg/L	Weekly Average	229.5%
001	01/31/2018	Solids, total suspended	596	385	lbs/day	Average Monthly	54.8%
001	01/31/2018	Solids, total suspended	2043	578	lbs/day	Weekly Average	253.5%
001	02/28/2018	Solids, total suspended	26.8	21.0	mg/L	Average Monthly	27.6%
001	02/28/2018	Solids, total suspended	47.5	31.5	mg/L	Weekly Average	50.8%
001	02/28/2018	Solids, total suspended	398	385	lbs/day	Average Monthly	3.4%
001	02/28/2018	Solids, total suspended	817	578	lbs/day	Weekly Average	41.3%
001	04/30/2018	Solids, total suspended	23.1	21.0	mg/L	Weekly Average	10.0%
001	04/30/2018	Solids, total suspended	41.5	31.5	mg/L	Average Monthly	31.7%
001	04/30/2018	Solids, total suspended	801	578	lbs/day	Weekly Average	38.6%
001	05/31/2018	Coliform, fecal general	2420	1000	CFU/100 ml	Instant Max	142.0%

<b>Outfall #</b>	<b>Monitoring Period End Date</b>	<b>Parameter Name</b>	<b>DMR Value</b>	<b>Permit Limit</b>	<b>Units</b>	<b>Limit Type</b>	<b>% Exceeding Limit</b>
001	07/31/2018	Phosphorus, total [as P]	1.47	1.25	mg/L	Average Monthly	17.6%
001	12/31/2018	Solids, total suspended	24.6	21.0	mg/L	Average Monthly	17.1%
001	12/31/2018	Solids, total suspended	47.5	31.5	mg/L	Weekly Average	50.8%
001	05/31/2019	Copper, total [as Cu]	0.015	0.013	mg/L	Average Monthly	15.4%
001	06/30/2019	Copper, total [as Cu]	0.021	0.013	mg/L	Average Monthly	61.5%
001	06/30/2019	Copper, total [as Cu]	0.036	0.020	mg/L	Daily Max	80.0%
001	07/31/2019	Oxygen, dissolved [DO]	6.9	7.0	mg/L	Minimum	1.4%
001	07/31/2019	Nitrogen, ammonia	7.1	6.5	mg/L	Average Monthly	9.2%
001	07/31/2019	Copper, total [as Cu]	0.019	0.013	mg/L	Average Monthly	46.2%
001	07/31/2019	Copper, total [as Cu]	0.027	0.020	mg/L	Daily Max	35.0%
001	08/31/2019	Oxygen, dissolved [DO]	4.7	7.0	mg/L	Minimum	32.9%
001	08/31/2019	Phosphorus, total [as P]	1.67	1.25	mg/L	Average Monthly	33.6%
001	08/31/2019	Copper, total [as Cu]	0.38	0.36	lbs/day	Daily Max	5.6%
001	08/31/2019	Copper, total [as Cu]	0.017	0.013	mg/L	Average Monthly	30.8%
001	09/30/2019	Oxygen, dissolved [DO]	5.4	7.0	mg/L	Minimum	22.9%
001	09/30/2019	Phosphorus, total [as P]	2.5	1.25	mg/L	Average Monthly	100.0%
001	09/30/2019	Copper, total [as Cu]	0.016	0.013	mg/L	Average Monthly	23.1%
001	10/31/2019	Phosphorus, total [as P]	2.07	1.25	mg/L	Average Monthly	65.6%
001	10/31/2019	Copper, total [as Cu]	0.022	0.013	mg/L	Average Monthly	69.2%
001	10/31/2019	Copper, total [as Cu]	0.028	0.020	mg/L	Daily Max	40.0%
001	11/30/2019	Copper, total [as Cu]	0.022	0.013	mg/L	Average Monthly	69.2%
001	11/30/2019	Copper, total [as Cu]	0.031	0.020	mg/L	Daily Max	55.0%
001	12/31/2019	Copper, total [as Cu]	0.027	0.013	mg/L	Average Monthly	107.7%
001	12/31/2019	Copper, total [as Cu]	0.031	0.020	mg/L	Daily Max	55.0%
001	01/31/2020	Copper, total [as Cu]	0.28	0.23	lbs/day	Average Monthly	21.7%
001	01/31/2020	Copper, total [as Cu]	0.031	0.013	mg/L	Average Monthly	138.5%
001	01/31/2020	Copper, total	0.041	0.020	mg/L	Daily Max	105.0%

Outfall #	Monitoring Period End Date	Parameter Name	DMR Value	Permit Limit	Units	Limit Type	% Exceeding Limit
		[as Cu]					
001	02/29/2020	Copper, total [as Cu]	0.34	0.23	lbs/day	Average Monthly	47.8%
001	02/29/2020	Copper, total [as Cu]	0.44	0.36	lbs/day	Daily Max	22.2%
001	02/29/2020	Copper, total [as Cu]	0.039	0.013	mg/L	Average Monthly	200.0%
001	02/29/2020	Copper, total [as Cu]	0.05	.020	mg/L	Daily Max	150.0%
001	02/29/2020	Zinc, total [as Zn]	0.14	0.11	mg/L	Average Monthly	27.3%
001	03/31/2020	Copper, total [as Cu]	0.28	0.23	lbs/day	Average Monthly	21.7%
001	03/31/2020	Copper, total [as Cu]	0.032	0.013	mg/L	Average Monthly	146.2%
001	03/31/2020	Copper, total [as Cu]	0.035	0.020	mg/L	Daily Max	75.0%
001	03/31/2020	Zinc, total [as Zn]	0.12	0.11	mg/L	Average Monthly	9.1%
001	03/31/2020	Zinc, total [as Zn]	0.21	0.18	mg/L	Daily Max	16.7%
001	04/30/2020	Copper, total [as Cu]	0.3	0.23	lbs/day	Average Monthly	30.4%
001	04/30/2020	Copper, total [as Cu]	0.38	0.36	lbs/day	Daily Max	5.6%
001	04/30/2020	Copper, total [as Cu]	0.035	0.013	mg/L	Average Monthly	169.2%
001	04/30/2020	Copper, total [as Cu]	0.042	0.020	mg/L	Daily Max	110.0%
001	05/31/2020	Copper, total [as Cu]	0.25	0.23	lbs/day	Average Monthly	8.7%
001	05/31/2020	Copper, total [as Cu]	0.035	0.013	mg/L	Average Monthly	169.2%
001	05/31/2020	Copper, total [as Cu]	0.04	0.020	mg/L	Daily Max	100.0%
001	06/30/2020	Copper, total [as Cu]	0.028	0.013	mg/L	Average Monthly	115.4%
001	06/30/2020	Copper, total [as Cu]	0.031	0.020	mg/L	Daily Max	55.0%
001	07/31/2020	Copper, total [as Cu]	0.027	0.013	mg/L	Average Monthly	107.7%
001	07/31/2020	Copper, total [as Cu]	0.029	0.020	mg/L	Daily Max	45.0%
001	08/31/2020	Copper, total [as Cu]	0.025	0.013	mg/L	Average Monthly	92.3%
001	09/30/2020	Copper, total [as Cu]	0.024	0.013	mg/L	Average Monthly	84.6%
001	09/30/2020	Copper, total [as Cu]	0.031	0.020	mg/L	Daily Max	55.0%
001	10/31/2020	Copper, total [as Cu]	0.024	0.013	mg/L	Average Monthly	84.6%
001	10/31/2020	Copper, total [as Cu]	0.027	0.020	mg/L	Daily Max	35.0%
001	11/30/2020	Copper, total [as Cu]	0.026	0.013	mg/L	Average Monthly	100.0%
001	11/30/2020	Copper, total	0.035	0.020	mg/L	Daily Max	75.0%

Outfall #	Monitoring Period End Date	Parameter Name	DMR Value	Permit Limit	Units	Limit Type	% Exceeding Limit
		[as Cu]					
001	12/31/2020	Copper, total [as Cu]	0.021	0.013	mg/L	Average Monthly	61.5%
001	12/31/2020	Copper, total [as Cu]	0.03	0.020	mg/L	Daily Max	50.0%
001	01/31/2021	Copper, total [as Cu]	0.035	0.013	mg/L	Average Monthly	169.2%
001	01/31/2021	Copper, total [as Cu]	0.044	0.020	mg/L	Daily Max	120.0%
001	01/31/2021	Copper, total [as Cu]	0.26	0.23	lbs/day	Average Monthly	13.0%
001	02/28/2021	Copper, total [as Cu]	0.025	0.013	mg/L	Average Monthly	92.3%
001	02/28/2021	Copper, total [as Cu]	0.028	0.020	mg/L	Daily Max	40.0%
001	03/31/2021	Copper, total [as Cu]	0.035	0.013	mg/L	Average Monthly	169.2%
001	03/31/2021	Copper, total [as Cu]	0.049	0.020	mg/L	Daily Max	145.0%
001	03/31/2021	Copper, total [as Cu]	0.41	0.23	lbs/day	Average Monthly	78.3%
001	03/31/2021	Copper, total [as Cu]	0.58	0.36	lbs/day	Daily Max	61.1%
001	04/30/2021	Copper, total [as Cu]	0.022	0.013	mg/L	Average Monthly	69.2%
001	04/30/2021	Copper, total [as Cu]	0.029	0.020	mg/L	Daily Max	45.0%
001	5/31/2021	Copper, total [as Cu]	0.028	0.013	mg/L	Average Monthly	115.38%
001	5/31/2021	Copper, total [as Cu]	0.034	0.02	mg/L	Daily Max	70.00%
001	5/31/2021	Copper, total [as Cu]	0.67	0.36	lb/day	Daily Max	86.11%
001	5/31/2021	Copper, total [as Cu]	0.35	0.23	lb/day	Average Monthly	52.17%
001	5/31/2021	Phosphorus, total [as P]	1.39	1.25	mg/L	Average Monthly	11.20%
001	6/30/2021	Copper, total [as Cu]	0.029	0.013	mg/L	Average Monthly	123.08%
001	6/30/2021	Copper, total [as Cu]	0.034	0.02	mg/L	Daily Max	70.00%
001	6/30/2021	Phosphorus, total [as P]	1.79	1.25	mg/L	Average Monthly	43.20%
001	7/31/2021	Copper, total [as Cu]	0.025	0.02	mg/l	Daily Max	25.00%
001	7/31/2021	Copper, total [as Cu]	0.019	0.013	mg/l	Average Monthly	46.10%
001	7/31/2021	Oxygen, dissolved [DO]	6.9	7	mg/l	Minimum	1.40%
001	8/31/2021	Copper, total [as Cu]	0.37	0.36	lbs/day	Daily Max	2.70%
001	8/31/2021	Copper, total [as Cu]	0.031	0.02	mg/l	Daily Max	55.00%
001	8/31/2021	Copper, total [as Cu]	0.02	0.013	mg/l	Average Monthly	53.80%

Outfall #	Monitoring Period End Date	Parameter Name	DMR Value	Permit Limit	Units	Limit Type	% Exceeding Limit
001	8/31/2021	Phosphorus, total [as P]	1.62	1.25	mg/l	Average Monthly	29.60%

28. Based on the above allegations in Paragraph 27, above, EPA concludes that Respondent violated Part A of the Permit and Section 301(a) of the Act, 33 U.S.C. § 1311(a) on at least the dates set above.

### CIVIL PENALTY

29. In settlement of 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 **Thirty-Thousand dollars (\$30,000)**, which Respondent shall be liable to pay in accordance with the terms set forth below.

30. The civil penalty is based upon EPA's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in Section 309(g) of the CWA, 33 U.S.C. § 1319(g), including, the following: the nature, circumstances, extent and gravity of the violation(s), and the violator's ability to pay, any prior history of such violations, the degree of culpability, economic benefit or savings resulting from the violation, and such other matters as justice may require. These factors were applied to the particular facts and circumstances of this case and adjusted in accordance with the appropriate *Adjustment of Civil Monetary Penalties for Inflation*, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing EPA's civil penalty policies to account for inflation.

31. Payment of the civil penalty amount, and any associated interest, administrative fees, and late payment penalties owed, shall be made by either cashier's check, certified check or electronic wire transfer, in the following manner:

- a. All payments by Respondent shall include reference to Respondent's name and address, and the Docket Number of this action, *EPA Docket No. CWA-03-2022-0090*;
- b. All checks shall be made payable to the "United States Treasury;"
- c. All payments made by check and sent by regular mail shall be addressed and mailed to:

U.S. Environmental Protection Agency  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

- d. For additional information concerning other acceptable methods of payment of the civil penalty amount see:

<https://www.epa.gov/financial/makepayment>

e. A copy of Respondent's check or other documentation of payment of the penalty using the method selected by Respondent for payment shall be sent simultaneously by email to:

Louis F. Ramalho  
Senior Assistant Regional Counsel  
Ramalho.Louis@epa.gov

and

U.S. EPA Region III Regional Hearing Clerk  
[R3\\_Hearing\\_Clerk@epa.gov](mailto:R3_Hearing_Clerk@epa.gov).

32. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment of the penalty as specified herein shall result in the assessment of late payment charges including interest, penalties and/or administrative costs of handling delinquent debts.

33. 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).

34. INTEREST: Interest on the civil penalty assessed in this Consent Agreement and Final Order will begin to accrue on the effective date of this Consent Agreement and Final Order. However, EPA will not seek to recover interest on any amount of the civil penalties that is paid within thirty (30) calendar days after the effective date of this Consent Agreement and Final Order. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

35. ADMINISTRATIVE COSTS: The costs of the EPA's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives – Case Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.

36. LATE PAYMENT PENALTY: A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety

(90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

37. Respondent agrees not to deduct for federal tax purposes the civil penalty assessed in this Consent Agreement and Final Order.

38. The parties consent to service of the Final Order by e-mail at the following valid email addresses: [ramalho.louis@epa.gov](mailto:ramalho.louis@epa.gov) (for Complainant), and [cwrasewer@verizon.net](mailto:cwrasewer@verizon.net) (for Respondent).

## **V. GENERAL SETTLEMENT CONDITIONS**

39. 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.

40. Respondent certifies that to the best of its knowledge and belief, any information or representation it has supplied or made to 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. EPA shall have the right to institute further actions to recover appropriate relief if 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 knowingly false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that 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.

## **VI. CERTIFICATION OF COMPLIANCE**

41. Respondent certifies to EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with the Administrative Order on Consent between Respondent and EPA, Docket No. CWA-03-2022-0091DN, which addresses the violations alleged herein.

## **VII. OTHER APPLICABLE LAWS**

42. 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 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 Clean Water Act, 33 U.S.C. §§ 1251 et seq., or any regulations promulgated thereunder.

**VIII. RESERVATION OF RIGHTS**

43. This Consent Agreement and Final Order resolves only EPA’s claims for civil penalties for the specific violations alleged against Respondent in this Consent Agreement and Final Order. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which 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). EPA reserves any rights and remedies available to it under the Clean Water Act, 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. Respondent reserves whatever rights or defenses it may have to defend itself in any such action.

**IX. EXECUTION /PARTIES BOUND**

44. 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 his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she 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.

**X. EFFECTIVE DATE**

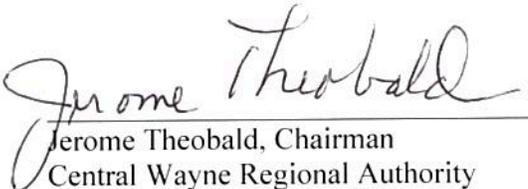
45. Pursuant to 40 C.F.R. § 22.45(b), this Consent Agreement and Final Order shall be issued only after a 40-day public notice and comment period is concluded. This Consent Agreement and Final Order will become final and effective thirty (30) days after having been signed by the Regional Administrator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

**XI. ENTIRE AGREEMENT**

46. 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.

For Respondent:

Central Wayne Regional Authority

By:   
Jerome Theobald, Chairman  
Central Wayne Regional Authority  
574 Bucks Cove Road  
Honesdale, PA 1834

For the Complainant:

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

By: \_\_\_\_\_

*[Digital Signature and Date]*

Karen Melvin, Division Director

Enforcement and Compliance Assurance Division

USEPA Region 3

By: \_\_\_\_\_

*[Digital Signature and Date]*

Louis F. Ramalho

Senior Assistant Regional Counsel

USEPA Region 3



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
FOUR PENN CENTER – 1600 JOHN F. KENNEDY BLVD.
PHILADELPHIA, PENNSYLVANIA 19103-2852

In the Matter of:

Central Wayne Regional Authority
574 Bucks Cove Road
Honesdale, PA 18431

:
:
: U.S. EPA Docket No. CWA-03-2022-
:0090

Respondent

Honesdale Wastewater Treatment Plant
574 Bucks Cove Road
Honesdale, PA 18431
NPDES Discharge Permit No.
PA00223469-A1

:
: Proceeding under Section 309(g) of the
: Clean Water Act, 33 U.S.C. §1319(g)

Facility

:
:

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region III, and Respondent, Central Wayne Regional Authority, have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with 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 terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of the statutory factors set forth in Section 309(g)(3).

NOW, THEREFORE, PURSUANT TO Section 309(g) of the Clean Water Act, 33 U.S.C. Section 1319(g), and Section 22.18(b)(3) of the Consolidated Rules of Practice, IT IS HEREBY ORDERED that Respondent pay a civil penalty in the amount of Thirty Thousand Dollars (\$30,000) in accordance with the payment provisions set forth in the Consent Agreement, and in 40 C.F.R. § 22.31(c), and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order

shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief, or criminal sanctions for any violations of the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of the Clean Water Act and the regulations promulgated thereunder.

The effective date of the attached Consent Agreement and this Final Order is thirty (30) days after the date on which this Final Order is filed with the Regional Hearing Clerk.

Date: \_\_\_\_\_

By: \_\_\_\_\_

*[Digital Signature and Date]*

Joseph J. Lisa

Regional Judicial and Presiding Officer

U.S. EPA Region III



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
FOUR PENN CENTER – 1600 JOHN F. KENNEDY BLVD.  
PHILADELPHIA, PENNSYLVANIA 19103-2852**

**In the Matter of:**

**U.S. EPA Docket No. CWA-03-2022-0090**

Central Wayne Regional Authority  
574 Bucks Cove Road  
Honesdale, PA 18431

**Respondent**

**ADMINISTRATIVE ORDER ON CONSENT  
PURSUANT TO 33 U.S.C. § 1319(a)**

Honesdale Wastewater Treatment Plant  
574 Bucks Cove Road  
Honesdale, PA 18431  
NPDES Discharge Permit No. PA00223469-  
A1

**Facility**

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**CERTIFICATE OF SERVICE**

I certify that by the date of signature the foregoing Administrative Order on Consent, was filed with the EPA Region III Regional Hearing Clerk. I further certify that on the date set forth below, 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 UPS to:

Jerome Theobald, Chairman  
Central Wayne Regional Authority  
574 Bucks Cove Road  
Honesdale, PA 1834  
[cwrasewer@verizon.net](mailto:cwrasewer@verizon.net)

Copies served via email to:

Louis F. Ramalho  
Senior Assistant Regional Counsel  
U.S. EPA, Region III  
[Ramalho.Louis@epa.gov](mailto:Ramalho.Louis@epa.gov)

Shane McAleer  
NPDES Enforcement – Water Branch Enforcement and Compliance Assurance Division  
U.S. EPA, Region III  
[McAleer.Shane@epa.gov](mailto:McAleer.Shane@epa.gov)

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*[Digital Signature and Date]*  
Bevin Esposito  
Regional Hearing Clerk  
U.S. EPA, Region III