



REGION 3

PHILADELPHIA, PA 19103

FILED

Dec 20, 2024

1:46 pm

U.S. EPA REGION 3 HEARING CLERK

In the Matter of:	:	
	:	
City of Corry	:	EPA Docket No. CWA-03-2025-0011DN
100 South Center Street,	:	
Corry, Pennsylvania 16407, and	:	
	:	
The Municipal Authority of the City of Corry	:	
100 South Center Street,	:	
Corry, Pennsylvania 16407,	:	
	:	
Respondents	:	Administrative Order on Consent
	:	Pursuant to 33 U.S.C. § 1319(a)
	:	
	:	
City of Corry Wastewater Treatment Plant	:	
100 Sciota Street	:	
Corry, Pennsylvania 16407,	:	
	:	
Facility	:	
	:	
	:	

I. STATUTORY AUTHORITY AND JURISDICTION

- The United States Environmental Protection Agency ("EPA") makes the following findings of fact and conclusions of law, below, and issues this Administrative Order on Consent ("Order") pursuant to the authority vested in the EPA Administrator under Section 309(a) of the Clean Water Act ("CWA" or "Act"), 33 U.S.C. § 1319(a). The Administrator delegated this authority to the Regional Administrator of EPA Region 3, who further delegated it to the Director, Enforcement and Compliance Assurance Division, EPA Region 3.
- Section 309(a) of the Act, 33 U.S.C. § 1319(a), provides, among other things, that whenever on the basis of any information available, the Administrator finds that any person is in violation of Section 301 of the Act, 33 U.S.C. § 1311, or any permit condition or limitation implementing certain CWA sections in a permit issued under Section 402 of

the Act, 33 U.S.C. § 1342, the Administrator 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 City of Corry and the Municipal Authority of the City of Corry (collectively, "Respondents") have agreed to the issuance of this Order.
5. The EPA has consulted with the Pennsylvania Department of Environmental Protection ("PADEP") regarding this action and, subsequent to the Effective Date, the EPA will provide a copy of this fully executed Order to the appropriate PADEP representative.

II. STATUTORY AND REGULATORY BACKGROUND

6. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant from a point source into waters of the United States except in compliance with, among other things, a permit issued pursuant to the National Pollutant Discharge Elimination System ("NPDES") program under Section 402 of the Act, 33 U.S.C. § 1342.
7. 40 C.F.R. § 122.2 defines "the discharge of a pollutant" as: "a) any addition of any 'pollutant' or combination of pollutants to 'waters of the United States' from any 'point source.' This definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works."
8. Section 402(p) of the Act, 33 U.S.C. § 1342(p), and 40 C.F.R. Sections 122.2 and 122.26 provide that, with some exceptions not relevant here, stormwater discharges are "point sources" subject to NPDES permitting requirements under Section 402(a) of the Act, 33 U.S.C. § 1342(a).
9. Section 402(a) of the CWA, 33 U.S.C. § 1342(a), provides that the Administrator of EPA, or a state upon approval by the EPA, may issue permits under the NPDES program for the discharge of pollutants from point sources to waters of the United States, to ensure compliance with the requirements of the CWA. The discharges are subject to specific terms and conditions, as prescribed in the permit. *See also* 33 U.S.C. § 1311.
10. Pursuant to Section 402(b) of the CWA, 33 U.S.C. § 1342(b), the EPA authorized PADEP to issue NPDES permits in the Commonwealth of Pennsylvania on June 30, 1978.
11. Pursuant to its authority under Section 402 of the CWA, 33 U.S.C. § 1342, the PADEP issued NPDES Permit Number PA0028223 ("Permit") to the Municipal Authority of the

City of Corry for operations at the Facility on December 1, 2014. The Permit was amended on October 2, 2019. This Permit expired on November 30, 2019, and has been administratively extended by PADEP.

III. GENERAL PROVISIONS

12. For the purpose of this proceeding only, Respondents admit each jurisdictional allegation set forth in this Order.
13. Respondents agree not to contest the jurisdiction of the EPA with respect to the execution or enforcement of this Order.
14. The provisions of this Order shall apply to and be binding upon the Respondents and their officers, directors, employees, contractors, agents, trustees, successors and assigns of the Respondent.
15. Respondents shall bear their own costs and attorney's fees in connection with this proceeding and associated with the implementation or enforcement of this Order, including any costs related to resolution of any dispute arising regarding this Order.
16. Issuance of this Order is intended to address the violations described herein. 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. The EPA also reserves any 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. Further, the EPA reserves any rights and remedies available to it under the CWA, the regulations promulgated thereunder, and any other federal laws or regulations for which the EPA has jurisdiction, to enforce the provisions of this Order, following the Effective Date, as defined below.
17. This Order does not constitute a waiver or modification of the terms or conditions of any permit issued to Respondent. Nothing in this Order shall relieve Respondents of their 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.
18. Respondents waive any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondents may have with respect to any issue of fact or law set forth in this Order, including any right of judicial review pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

19. 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.
20. The undersigned representative of each Respondent certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this Order and to execute and legally bind the Respondent.
21. By signing this Order, each Respondent acknowledges that this Order may be available to the public and represents that, to the best of Respondent's knowledge and belief, this Order does not contain any confidential business information or personally identifiable information from Respondent.
22. Each 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 any Respondent to the EPA, regarding matters relevant to this Order, 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. Each 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.
23. Notwithstanding any other provisions of this AOC, no action or decision by the EPA, including, without limitation, decisions of the Chief, Water Branch, Enforcement & Compliance Assurance Division ("ECAD"), or Director, ECAD, EPA, Region 3, shall constitute a final agency action giving rise to any right to judicial review prior to the EPA's initiation of judicial action to compel either, or both, Respondent's compliance with, or otherwise enforce, this AOC.

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

24. Respondent, City of Corry, is a Pennsylvania third-class city and is a "municipality" within the meaning of Section 502(4) of the CWA, 33 U.S.C. § 1362(4).
25. Respondent, the Municipal Authority of the City of Corry, is a Pennsylvania municipal authority and a public body which has jurisdiction over disposal of sewage, industrial wastes, or other wastes, and is therefore a "municipality" within the meaning of Section 502(4) of the CWA, 33 U.S.C. § 1362(4).

26. Respondents are each a “person” within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5) and 40 C.F.R. § 122.2.
27. At all times relevant herein, upon information and belief, Respondent the Municipal Authority of the City of Corry has owned, and continues to own the Facility, that discharges to waters of the United States.
28. At all times relevant herein, upon information and belief, Respondent City of Corry has operated, and continues to operate the Facility, that discharges to waters of the United States.
29. The Facility provides sewage treatment for a population of approximately 6,000-8,000 people within the City of Corry, Pennsylvania and portions of Columbus, Concord, and Wayne Townships. The Facility is designed to treat and discharge up to 3.5 million gallons per day (“MGD”) to Hare Creek. At all times relevant to this Order, the Respondents have discharged wastewater to Hare Creek.
30. Hare Creek is a relatively permanent water connected to Brokenstraw Creek and the Allegheny River. Portions of the Allegheny River are a traditional navigable water. Hare Creek, Brokenstraw Creek and the Allegheny River are “waters of the United States” within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7).
31. On May 4, 2023, pursuant to the EPA’s authority under Section 308 of the CWA, 33 U.S.C. § 1318, the EPA Inspectors conducted an inspection of the Facility (“Inspection”) to determine the Facility’s compliance with the CWA and with its Permit.
32. Following the Inspection, the EPA issued an Inspection Report, dated July 3, 2023. By email dated July 3, 2023, the EPA sent the Inspection Report to the Respondents.
33. Based on the observations of the EPA Inspectors during the Inspection, and information obtained from the Facility before and after the Inspection, the EPA concluded that the Respondents violated various terms and conditions of the Facility’s NPDES Permit No. PA0028223.
34. On April 29, 2024, the EPA sent a Notice of Potential Violations and Opportunity to Confer letter (“NOPVOC letter”) to the Respondents, summarizing certain alleged violations of the Permit observed during the Inspection. By letter dated May 3, 2024, the Respondents requested to confer with the EPA in response to EPA’s NOPVOC letter.

COUNT 1

Failure to Comply with Effluent Limitations and Monitoring Requirements

35. The allegations in the preceding paragraphs are incorporated by reference.

36. Part A I.A of the Permit defines effluent limitations and monitoring requirements for Outfall 001 discharges.
37. The Facility experienced 15 effluent limit exceedances from Outfall 001 between February 28, 2019, and September 30, 2022. These exceedances included bis (2-ethylhexyl) phthalate, fecal coliform, total copper (as Cu), and total suspended solids ("TSS"). See Table 1 below for the list of effluent exceedances.

**Table 1. Effluent Exceedances for Outfall 001
(February 28, 2019 – September 30, 2022)**

NPDES ID	Monitoring Period End Date	Parameter	Limit Type	DMR Value	Permit Limits	Units
PA0028223	2/28/2019	Bis(2-ethylhexyl) phthalate	WKLY AVG	0.2	0.17	lbs/d
PA0028223	3/31/2019	Bis(2-ethylhexyl) phthalate	WKLY AVG	0.3	0.17	lbs/d
PA0028223	3/31/2019	Bis(2-ethylhexyl) phthalate	MO AVG	0.006	0.004	mg/L
PA0028223	3/31/2019	Bis(2-ethylhexyl) phthalate	MO AVG	0.2	0.11	lbs/d
PA0028223	4/30/2019	Copper, total (as Cu)	MO AVG	0.141	0.012	mg/L
PA0028223	4/30/2019	Copper, total (as Cu)	MO AVG	5	0.35	lbs/d
PA0028223	4/30/2019	Copper, total (as Cu)	WKLY AVG	21	0.52	lbs/d
PA0028223	4/30/2019	Bis(2-ethylhexyl) phthalate	WKLY AVG	0.6	0.17	lbs/d
PA0028223	4/30/2019	Bis(2-ethylhexyl) phthalate	MO AVG	0.4	0.11	lbs/d
PA0028223	4/30/2019	Bis(2-ethylhexyl) phthalate	MO AVG	0.025	0.004	mg/L
PA0028223	5/31/2022	Solids, total suspended	WKLY AVG	46	45	mg/L
PA0028223	5/31/2022	Solids, total suspended	WKLY AVG	1792	1314	lbs/d
PA0028223	7/31/2022	Coliform, fecal general	INST MAX	2419.6	2000	#/100mL
PA0028223	9/30/2022	Solids, total suspended	WKLY AVG	1845	1314	lbs/d
PA0028223	9/30/2022	Coliform, fecal general	INST MAX	2419.6	2000	#/100mL

38. On 15 occasions, shown in Table 1, above, Respondents failed to comply with the discharge limits set in its Permit.

39. Part A III.A.4.c of the Permit states:

“Test procedures (methods) for the analysis of pollutant parameters shall be sufficiently sensitive. A method is sufficiently sensitive when 1) the method minimum level is at or below the level of the effluent limit established in the permit for the measured pollutant or pollutant parameter; . . .”

**Table 2. Laboratory Results at Detection Levels
(February 29, 2020 – September 30, 2022)**

NPDES ID	Monitoring Period End Date	Parameter	Limit Type	DMR Value	Permit Limits	Units
PA0028223	2/29/2020	Coliform, fecal general	INST MAX	2419.6	10000	#/100mL
PA0028223	10/31/2020	Coliform, fecal general	INST MAX	2419.6	10000	#/100mL
PA0028223	7/31/2022	Coliform, fecal general	INST MAX	2419.6	2000	#/100mL
PA0028223	9/30/2022	Coliform, fecal general	INST MAX	2419.6	2000	#/100mL

40. On four occasions, shown in Table 2, above, Discharge Monitoring Report (DMR) values of 2419.6 #/mL were reported. It appears that these values are a result of the test method not being sensitive enough to measure a concentration above that value.
- On at least two occasions, on 2/29/2020 and 10/31/2020, the maximum detection level of the test method used was below the level of the effluent limit established in the Permit for fecal coliform.
 - As an additional concern, on at least two occasions, on 7/31/2022 and 9/30/2022, the maximum detection level of the test method used was above the Permit limit, but still did not accurately measure the concentration of fecal coliform.
41. By failing to comply with effluent limitations in the Permit on at least 15 occasions, Respondents violated Part A I.A of the Permit, issued under Section 402 of the CWA, 33 U.S.C. § 1342, and Section 301 of the CWA, 33 U.S.C. § 1311.
42. By failing to use test procedures (methods) for the analysis of fecal coliform which were sufficiently sensitive to measure the minimum level of the effluent limit established in the Permit, on at least two occasions, Respondents violated Part A III.A.4.c of the Permit, issued under Section 402 of the CWA, 33 U.S.C. § 1342, and Section 301 of the CWA, 33 U.S.C. § 1311.

COUNT 2**Failure to Implement a Preparedness, Prevention and Contingency (PPC) Plan**

43. The allegations in the preceding paragraphs are incorporated herein by reference.

44. Part C. VI.B.1 of the Permit states:

“The permittee shall develop and implement a PPC Plan in accordance with 25 Pa. Code § 91.34 following the guidance contained in DEP’s “Guidelines for the Development and Implementation of Environmental Emergency Response Plans” (DEP ID 400- 2200-001) ...

d. *The PPC Plan must identify areas which, due to topography or other factors, have a high potential for soil erosion, and identify measures to limit erosion.”*

45. Part C. VI.D of the Permit states:

“Areas contributing to a stormwater discharge associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. [Best management practices (“BMPs”)] in the PPC Plan and required by this permit shall be inspected on a semiannual basis, at a minimum, to determine whether they are adequate and properly implemented in accordance with the terms of this permit or whether additional control measures are needed. Documentation of inspections shall be maintained on-site and be made available to DEP upon request.”

46. During the Inspection, the EPA Inspection Team observed evidence of discharges of sediment and other particulate matter from the area between the sludge drying beds into an storm drain inlet. This inlet discharges through Outfall 004 to Hare Creek. Respondents’ Preparedness, Prevention and Contingency Plan did not specify what Best Management Practices should be installed to prevent discharges from the sludge drying beds into the storm drain inlet.

47. In failing to install Best Management Practices to prevent discharges to Hare Creek, Respondents violated Part C. VI.B.1 and VI.D of the Permit, issued under Section 402 of the CWA, 33 U.S.C. § 1342, and Section 301 of the CWA, 33 U.S.C. § 1311.

COUNT 3**Failure to Conduct and/or Document Stormwater Inspections**

48. The allegations in the preceding paragraphs are incorporated herein by reference.

49. Part C.VI.D of the Permit states:

“Areas contributing to a stormwater discharge associated with industrial activity shall be visually inspected for evidence of, or the potential for, pollutants entering the drainage system. BMPs in the PPC Plan and required by this permit shall be inspected on a semiannual basis, at a minimum, to determine whether they are adequate and properly implemented in accordance with the terms of this permit or whether additional control measures are needed. Documentation of inspections shall be maintained on-site and be made available to DEP upon request.”

50. Part C.VI.B.1 of the Permit states:

“The permittee shall develop and implement a PPC Plan in accordance with 25 Pa. Code § 91.34 following the guidance contained in DEP’s “Guidelines for the Development and Implementation of Environmental Emergency Response Plans” (DEP ID 400-2200-001), its NPDES-specific addendum and the minimum requirements below.”

51. Section 3.7 of the PPC Plan addresses Routine Visual Inspections and states:

“The Pollution Prevention Team, or Site Manager (or designees), will conduct regular visual inspections of designated areas of facility for the evidence of, or the potential for, pollutants entering the stormwater drainage system...”

52. Section 5.1 of the PPC Plan addresses Annual Inspections and states:

“In addition to the routine visual inspections (Section 3.7), the Permit requires that an annual facility inspection be conducted...”

53. Section 5.2 of the PPC Plan addresses the Annual Inspection Report and states:

“An Annual Inspection Report (PA DEP Form 3800-PM-WSFR0083v) is required annually. The Annual Inspection Report form is included in Appendix E. The report shall be signed by the authorized personnel that conducted the inspections and shall be kept in Appendix E of this document. The report shall be made available upon request and retained for at least one year after termination of coverage of the present NPDES permit.”

54. The Annual Report Form (PA DEP Form 3800-PM-WSFR0083v) is included as Appendix E in the Facility’s PPC Plan.

55. During the records review portion of the Inspection, the EPA Inspection Team asked a Facility representative for copies of the stormwater annual reports for the prior three years. The Facility representative stated no annual reports were conducted for stormwater.

56. In failing to conduct and/or document routine annual stormwater inspections at the Facility from May 2020 to May 2023, Respondents violated Part C.VI., Subsections B.1. and D of the Permit, issued under Section 402 of the CWA, 33 U.S.C. § 1342, and Section 301 of the CWA, 33 U.S.C. § 1311.

V. ORDER

Therefore, Respondents are hereby ORDERED, pursuant to Section 309(a) of the CWA, 33 U.S.C. § 1319(a), to conduct the following activities:

57. The Respondents shall take all actions necessary to comply with the Clean Water Act, including, but not limited to, complying with all requirements of the Permit, along with any subsequent permit or permit modifications.
58. On November 16, 2024, the Respondents submitted to the EPA for review a Corrective Action Plan (“CAP”), in order to meet the requirements set forth in this AOC. The CAP has been approved by the EPA, is attached hereto as Exhibit A, and includes plans and a schedule for implementing corrective actions to address the following:
- a. Short-term corrective actions to address effluent violations that occurred during the time period of February 28, 2019 to September 30, 2022, for the following parameters: (1) bis (2-ethylhexyl) phthalate, (2) fecal coliform, (3) total copper (as Cu), and (4) total suspended solids (“TSS”).
 - b. Installation of Best Management Practices to prevent stormwater and other particulate matter from flowing from the sludge drying bed area through Outfall 004 to Hare Creek.
 - c. Conducting and documenting stormwater inspections, including routine visual inspections, semiannual BMP inspections, and annual facility inspections.
 - d. Provide to EPA verification that a test method is being used for Fecal Coliform that has a detection limit above the 10,000 #/100 mL Permit Limit.

Respondents shall implement the CAP in accordance with the schedule set forth in the CAP.

59. Respondents shall implement the Act 537 Plan/Plan Update, as adopted by each Respondent, and submitted to PADEP for approval on June 28, 2024, and in accordance with the schedule below.

PROJECT MILESTONE TIMELINE	
Milestone	Schedule
Submit Applications for NPDES (Part I) and WQM (Part II) Permit	Within eighteen (18) months after issuance and receipt of PADEP approval of Act 537 Plan
Apply for PennVest or Other Funding	Within six (6) months after issuance and receipt of all required PADEP permits
Start Construction	Within three (3) months after closing on PennVest or other funding
Substantial Completion of Construction	Within thirty-six (36) months after commencement of construction
Start Up of New Facilities	Within six (6) months after substantial completion of construction

60. Reporting

- a. For a period of two years following the Effective Date of this Order, Respondents shall submit to EPA reports of all stormwater inspections, including routine visual inspections, semiannual BMP inspections, and annual facility inspections using PA DEP Form 3800-PM-WSFR0083v. The stormwater inspections including semiannual BMP inspection reports shall be submitted by March 31st and by September 30th each calendar year, and the annual facility inspection reports shall be submitted by March 31st of each year, for calendar years 2025 and 2026.
- b. Respondents shall submit to EPA a biannual status report with an explanation of the progress made and any obstacles encountered in implementing the Act 537 Plan and the Act 537 Plan Update. The status reports shall be submitted by March 31st and by September 30th each calendar year until this Order is terminated.

VI. PROCEDURES FOR SUBMISSIONS

61. 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 C.F.R. § 122.22(a), 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.

Signature _____

Printed Name _____

Title _____

Date _____

62. Any submission or communication relating to this Order shall be submitted (via electronic transmission) to:

Dominic Cotton
Enforcement and Compliance Assurance Division
U.S. EPA, Region 3
Philadelphia, PA 19103
cotton.dominic@epa.gov

and

R3_ORC_mailbox@epa.gov

ATTN: Natalie Katz
Senior Assistant Regional Counsel
U.S. EPA, Region 3
Philadelphia, PA 19103
katz.natalie@epa.gov

63. For each submission required pursuant to this Order, the EPA will review the submission. If the EPA comments on a submission, Respondents agree to respond in writing via email within 30 calendar days.

64. Respondents may assert a business confidentiality claim covering part or all of 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. Information which is effluent data or a standard or limitation is not eligible for confidential treatment pursuant to 40 C.F.R. § 2.302(e). If Respondents do not assert a confidentiality claim, the EPA may make the submitted information available to the public without further notice to Respondents.

VII. CERTIFICATION OF COMPLIANCE AND TERMINATION

65. Upon Respondents' determination that Respondents have completed all tasks required pursuant to this Order, Respondents shall submit to EPA a Certification of Compliance and Request for Termination of this Order. Such certification and request shall include:
- a. a certification that Respondents complied with this Order for the term of this Order; and
 - b. all necessary documentation, including photo documentation as appropriate, to support a finding that Respondents have complied with Section V of this Order.
66. 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 Respondents in writing, provide a written summary of deficiencies, and require Respondents to modify their actions as appropriate to correct such deficiencies. If so required, the EPA may also require Respondents to submit a revised Certification of Compliance and Request for Termination of this Order.
67. If, following review of any Certification of Compliance and Request for Termination of this Order, the EPA agrees that Respondents have adequately complied with all requirements of this Order, then the EPA may, in its discretion, provide written notification of termination of this Order.
68. The EPA, at all times, reserves the right to unilaterally terminate this Order in its discretion.
69. The EPA shall provide Respondents with written notification of termination of this Order.

VIII. ORDER MODIFICATIONS

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

IX. EFFECTIVE DATE

71. This Order is effective after receipt by Respondent, or Respondent's counsel, of a fully executed copy of this Order.

SO ORDERED:

STACIE PRATT Digitally signed by STACIE PRATT
Date: 2024.12.20 09:54:55 -05'00'

Karen Melvin
[Digitally signed and dated]
Director, Enforcement and Compliance Assurance Division
U.S. EPA Region 3

AGREED TO FOR THE RESPONDENT CITY OF CORRY



Name: Michael E. Baker
Title: Mayor
City of Corry

12/10/24
Date

AGREED TO FOR THE RESPONDENT THE MUNICIPAL AUTHORITY OF THE CITY OF CORRY



Name: Len Clark
Title: Chairman
The Municipal Authority of the City of Corry

12/17/2024
Date



REGION 3

PHILADELPHIA, PA 19103

In the Matter of:	:	
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City of Corry	:	EPA Docket No. CWA-03-2025-0011DN
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The Municipal Authority of the City of Corry :	:	
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Respondents	:	Pursuant to 33 U.S.C. § 1319(a)
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City of Corry Wastewater Treatment Plant :	:	
100 Sciota Street	:	
Corry, Pennsylvania 16407,	:	
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Facility	:	
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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 and UPS to:

Michael E. Baker, Mayor
City of Corry
mbaker@corrypa.gov
100 South Center Street
Corry, Pennsylvania 16407

Len Clark, Chairman
The Municipal Authority of the City of Corry
lclark@corrypa.gov
100 South Center Street
Corry, Pennsylvania 16407

Russell S. Warner
MacDonald, Illig, Jones & Britton LLP
rwarner@mijb.com
100 State Street, Suite 700
Erie, PA 16507-1459

Copies served via email to:

Natalie Katz
Sr. Assistant Regional Counsel
U.S. EPA, Region 3
katz.natalie@epa.gov

Dominic Cotton
Environmental Scientist
U.S. EPA, Region 3
cotton.dominic@epa.gov

CATHERINE
MCCOOL

Digitally signed by CATHERINE
MCCOOL
Date: 2024.12.20 13:56:09
-05'00'

[Digital Signature and Date]
Regional Hearing Clerk
U.S. Environmental Protection Agency,
Region 3

EXHIBIT A

CORRECTIVE ACTION PLAN

FOR

THE MUNICIPAL AUTHORITY OF THE CITY OF CORRY

AND

THE CITY OF CORRY

NOVEMBER 2024

PREPARED BY:

BURGESS & NIPLE, INC.
100 STATE STREET, SUITE 300
ERIE, PA 16507

1889251.5

**CORRECTIVE ACTION PLAN
FOR
THE MUNICIPAL AUTHORITY OF THE CITY OF CORRY
AND
THE CITY OF CORRY
ERIE COUNTY, PENNSYLVANIA**

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**DRAFT CORRECTIVE ACTION PLAN (CAP)
FOR
THE MUNICIPAL AUTHORITY OF THE CITY OF CORRY
AND
THE CITY OF CORRY**

I. BACKGROUND

The Municipal Authority of the City of Corry ("the Authority"), a Pennsylvania municipal authority, owns the public Wastewater Treatment Plant ("WWTP") and the public sewage collection and conveyance system ("Collection System") located in the City of Corry, Erie County, Pennsylvania. The Authority's WWTP also serves portions of Columbus, Concord, and Wayne Townships. The City of Corry ("the City"), a Pennsylvania third-class city, operates and maintains the WWTP and the Collection System located within the City, pursuant to an agreement between the Authority and the City. The Pennsylvania Department of Environmental Protection ("PADEP") has issued NPDES Permit No. PA00228223 for the operation of the WWTP ("NPDES Permit").

On May 4, 2023, the United States Environmental Protection Agency ("EPA") conducted an inspection of the Corry WWTP. As a result of such inspection, on April 29, 2024, EPA sent a Notice of Potential Violations and Opportunity to Confer letter ("NOPVOC Letter") to the Corry Municipal Authority and the City, alleging certain violations of the WWTP's NPDES Permit.

Subsequently, on July 30, 2024, EPA sent a draft Administrative Order On Consent to the Authority and the City relating to such alleged violations. It is anticipated that the parties will enter into a finalized Administrative Order on Consent ("AOC") in the near future, and that such AOC will require the Authority and the City to submit a proposed Corrective Action Plan to EPA for its approval. It is further anticipated that this Corrective Action Plan, once finalized and approved by EPA, will be attached to and incorporated into such final AOC, and that the final AOC will require the EPA approved CAP to be implemented by the Authority and the City.

The City and the Authority are committed to implementing appropriate corrective actions to address the alleged violations outlined in the AOC. The following items are listed in the AOC to be addressed:

- A. Short-term corrective actions to address alleged effluent violations that occurred during the time period of February 28, 2019 to September 30, 2022, for the following parameters: (1) bis (2-ethylhexyl) phthalate, (2) fecal coliform, (3) total copper (as Cu), and (4) total suspended solids ("TSS").
- B. Installation of Best Management Practices ("BMPs") to prevent stormwater and other particulate matter from flowing from the sludge drying bed area through Outfall 004 to Hare Creek.

- C. Conducting and documenting stormwater inspections, including routine visual inspections, semiannual BMP inspections, and annual WWTP facility inspections.
- D. Provide to EPA verification that a test method is being used for Fecal Coliform that has a detection limit above the 10,000 #/100 mL Permit Limit.

II. PROPOSED PLAN AND SCHEDULE FOR INTERIM CORRECTIVE ACTIONS

The City and the Authority believe that a new Corry sewage treatment plant is needed to achieve long-term and sustainable compliance with the NPDES Permit and applicable law. Therefore, the City and the Authority have prepared and submitted to PADEP, on June 28, 2024, an Act 537 Plan which proposes the construction and utilization of a new Corry sewage treatment plan and related improvements at a currently-estimated cost of almost \$40 million. The City and the Authority are committed to implementing their proposed Act 537 Plan and the construction of this new sewage treatment plant, following the necessary PADEP approval of Corry's Act 537 Plan and the issuance of the necessary PADEP permits for the new sewage treatment plan.

In the interim, the actions as set forth below have been and/or will be taken to address the compliance issues raised by EPA in the COA.

- A. Regarding effluent violations that occurred during the time period of February 28, 2019, to September 30, 2022, there were 15 effluent violations that occurred during that period for a variety of reasons. Below is an outline of the cause for each parameter violation and how it has been or will be addressed in the interim period before the new wastewater treatment plant is constructed.

- 1. Bis (2-ethylhexyl) Phthalate

The violations for bis (2-ethylhexyl) phthalate that occurred from February 2019 to April 2019 were due to the type of material that the sampling tube was made out of at the time. This has already been remedied by simply using a different type of material for the sampling tube. No violations of bis (2-ethylhexyl) phthalate have occurred since the sampling tube material was switched out.

- 2. Fecal Coliform

The violations of fecal coliform that occurred in July and September of 2022 were due to high rainfall events. On July 24, 2022, there was 2.275" of rainfall. On July 25, 2022, there was 0.715" of rainfall. The Cl2 residual was 0.16 at the time of fecal coliform sample. The treatment plant was providing only partial treatment during that limited high flow period, with flows through the contact tank reaching over 9 MG flow. The high fecal count was due to high organics, high flow, and low detention time.

Plant flow on September 27, 2022, was 9.5 MG and fecal count was 2419.6. High flows were due to rain on the 26th (2.21") and on the 27th (1.86"). This high flow to the plant was the reason for the high fecal count.

Corry has already reduced the total BOD loadings to the WWTP by establishing a "hailed-in" septage or industrial haulers program with limits on frequency and volumes on such "hailed-in" waste. This program was implemented in March of 2022 as part of the 2021 PADEP Wasteload Management Report Corrective Action Plan. This program has limited the volume of septage/hailed-in waste the WWTP will accept and has already proven to significantly reduce BOD loadings at the WWTP.

Issues with capacity and handling wet weather flows will be addressed in the design and construction of new wastewater facilities. Maintaining a proper Cl₂ residual during wet weather events has and will continue to be a focus in operations until new facilities can be constructed. It should be noted that there have not been any fecal coliform violations since the above-referenced violations occurred in 2022.

3. Total Copper (as Cu)

Total copper violations occurred in April 2019 and the reasoning for this event is unknown. It is believed that a possible lab error may be the reason. There have not been any further copper violations since that time (over five years ago). This copper event is believed to be an erroneous reporting based on possible lab error.

Corry has requested the lab to re-check its QA/QC procedures regarding copper, and to send Corry evidence of its current laboratory certification regarding copper.

4. Total Suspended Solids (TSS)

Total suspended solids violations occurred in May 2022 and September 2022. Both of these events were caused by hydraulic overloads at the plant due to high rainfall events. In May 2022, 2.95 inches of rainfall was recorded in a single day and in September 2022, 2.21 inches and 1.86 inches of rain were recorded on the 26th and 27th of the month, respectively. On September 27th, plant flow was recorded as 9.5 MG. These high flows caused the treatment plant to provide only partial treatment during that limited high flow period. Corry's implementation of the above-referenced septage/hailed-in waste limitations in March 2022 will reduce the likelihood and extent of TSS violations during wet weather periods. In addition, the planned new wastewater facilities to be constructed will address capacity and wet weather flows issues.

- B. Stormwater BMPs. Regarding the storm drains between the sludge drying beds, the City's Engineering Firm and the City have come up with a solution to prevent particulate matter from flowing into Hare Creek. Since the time this issue was noted, the City has been using a skid steer with a broom to clean up the area between the drying beds any time when City personnel are removing dried sludge.

Additionally, the City has now constructed a pipe from the westernmost catch basin to a nearby sanitary sewer manhole that flows back into the head of the plant. The City has also plugged the line at the easternmost catch basin. This will divert all flow captured in the catch basins back into the head of the treatment plant instead of to Hare Creek.

- C. Stormwater Inspections. In the future, the City's Engineering Firm will assist the WWTP Operator in ensuring that stormwater inspections are timely conducted and documented, including routine visual inspections, semiannual BMP inspections, and annual facility inspections. Further, the City's Engineering Firm will assist the City in ensuring that the stormwater inspections, including the semiannual BMP inspection reports, are completed and submitted to PADEP and EPA by March 31st and September 30th each year, and that the annual facility inspection reports are completed and submitted to PADEP and EPA by March 31st each year, in the calendar years 2025 and 2026.

- D. Fecal Coliform Test Methodology. The test method being used for fecal coliform has a maximum detection limit of 2419#/100mL. The lab does not have an analytical method that would detect fecal coliform levels above the 2,419 level. However, the lab stated that they could do a 1:5 dilution for any samples that test at 2,419#/100 mL. That dilution would theoretically have a detection limit of 12,095#/100 mL. This would ensure that if the fecal coliform level was ever over 10,000#/100 mL in the winter, that it would be detected and reported as such.

Corry will modify its fecal coliform sampling process by sending two bottles in the winter months when the instantaneous max permit limit is 10,000#/100 mL. With the operational changes that have occurred over the past few years to reduce organic loads, we do not anticipate any violations of this fecal coliform limit.

III. TIMELINE FOR INTERIM CORRECTIVE ACTIONS

A. A schedule of when the proposed interim actions outlined in this CAP will be implemented is shown below in Table 3-1.

TABLE 3-1 TIMELINE FOR CAP INTERIM ACTIONS		
Item	Action	Completion Date
A.1	Address Bis (2-ethylhexyl) Phthalate Effluent Violations	Done
A.2	Address Fecal Coliform Effluent Violations	Done
A.3	Address Copper Effluent Violations	Done
A.4	Address Total Suspended Solids Effluent Violations	Done
B.	Redirect flow from catch basins between sludge drying beds back to nearby sanitary sewer manhole and plug line	Done
C.	Submit semiannual BMP inspection reports by March 31st and September 30th each year, and submit annual facility inspection reports by March 31st each year, in the calendar years 2025 and 2026.	By September 30, 2026
D.	Modify sampling to allow lab to dilute Fecal Coliform sample if necessary to detect over 10,000#/100ml	By November 30, 2024