



## **II. GENERAL PROVISIONS**

5. For purposes of this proceeding, Respondent admits the jurisdiction allegations set forth in this AOC.
6. Except as provided in Paragraph 5, above, Respondent neither admits nor denies the specific factual allegations set forth in this AOC.
7. The provisions of this AOC shall apply to and be binding upon the Respondent and its officers, directors, employees, contractors, agents, trustees, successors and assigns of the Respondent.
8. Respondent shall bear its own costs and attorneys' 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.
9. Issuance of this AOC is intended to address the violations described herein. 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. 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 EPA has jurisdiction. Further, 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 EPA has jurisdiction, to enforce the provisions of this AOC, following the Effective Date, as defined below.
10. This AOC does not constitute a waiver or modification of the terms or conditions of any permit issued to Respondent. Nothing in this Order shall relieve Respondent of its obligation to comply with all applicable provisions of federal, state, or 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 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.
11. Respondent waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that 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.
12. EPA reserves all existing inspection authority otherwise available to EPA pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, or pursuant to any other statute or law.
13. The undersigned representative of Respondent certifies that he or she is fully authorized by the Respondent to enter into the terms and conditions of this AOC and to execute and legally bind the Respondent.

14. By signing this AOC, Respondent acknowledges that this AOC may be available to the public and represents that, to the best of Respondent's knowledge and belief, this AOC does not contain any confidential business information or personally identifiable information from Respondent.
15. Respondent certifies that 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 AOC are 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.
16. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 162-21(b)(2), performance of the tasks set forth in Section V of this AOC (Compliance Order) is deemed restitution, remediation, or required to come into compliance with the law.

### **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 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 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.
19. "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).
20. Pursuant to Section 402(b) of the Act, 33 U.S.C. § 1342(b), EPA authorized PADEP to administer the NPDES program in the Commonwealth of Pennsylvania.
21. 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.

**IV. FINDINGS OF FACT AND JURISDICTIONAL ALLEGATIONS**

22. As a municipality, Respondent is a “person” within the meaning of Section 502(4) and (5) of the Act, 33 U.S.C. § 1362(4) and (5).
23. At all times relevant to this AOC, Respondent owned and operated the Wastewater Treatment Plant (“WWTP” or “Facility”), a municipal wastewater treatment facility that treats domestic wastewater from Mid-Centre County in Milesburg, Pennsylvania. The WWTP discharges domestic wastewater into an unnamed tributary to Bald Eagle Creek.
24. At all times relevant to this AOC, the operation of the WWTP has been subject to Pennsylvania NPDES Discharge Permit No. PA0110965 (“Permit”), which was issued by PADEP on March 7, 2018 and became effective on April 1, 2018 with an expiration date of March 31, 2023. The Permit is currently administratively extended.
25. Respondent is authorized to discharge pollutants, in the form of domestic wastewater from the WWTP, to waters of the United States only in accordance with the terms and conditions of the Permit.
26. The Bald Eagle Creek is a water of the United States within the meaning of Section 502(7) of the Act, 33 U.S.C. § 1362(7).
27. At all times relevant to this AOC, the WWTP discharged wastewater into an unnamed tributary to Bald Eagle Creek through a “point source,” as that term is defined at Section 502(14) of the Act, 33 U.S.C. § 1362(14).
28. On September 17, 2020, representatives of PADEP inspected the WWTP for purposes of determining compliance with the Permit (“Inspection”). Subsequently, on April 2, 2021, EPA issued to Respondent an information request letter pursuant to Section 308 of the CWA, 33 U.S.C. § 1318.

**Count 1  
Effluent Exceedances**

29. Part A of the Permit sets forth the effluent limits under the Permit.
30. There were a total of 24 effluent limit violations from 9/30/2018 to 9/30/22 that were reported in Respondent’s discharge monitoring reports (“DMRs”). Permit limits were exceeded for total suspended solids (TSS) (5 exceedances), total phosphorous (5 exceedances), 5-day carbonaceous biochemical oxygen demand (CBOD<sub>5</sub>) (1 exceedance), fecal coliform (6 exceedances), and ammonia-nitrogen (7 exceedances). The repeated violations caused the Facility to be in significant non-compliance (SNC). A summary of those effluent exceedances is as follows:

Monitoring Period Date	Parameter Description	Limit Type	Limit Value	DMR Value	Value Unit
9/30/2018	Solids, total suspended	WKLY AVG	125	265	lb/day
9/30/2018	Solids, total suspended	MO AVG	83	102	lb/day
9/30/2018	Coliform, fecal general	INST MAX	1000	9678.4	CFU/100mL
12/31/2018	Phosphorus, dissolved	WKLY AVG	1.5	2.2	mg/L
12/31/2018	Biochemical Oxygen Demand (“BOD”), carbonaceous, 5-day, 20 C	WKLY AVG	30	43	mg/L
7/31/2019	Nitrogen, ammonia total (as N)	WKLY AVG	37	47	lb/day
7/31/2019	Nitrogen, ammonia total (as N)	WKLY AVG	4.5	12	mg/L
7/31/2019	Phosphorus, dissolved	WKLY AVG	1.5	2	mg/L
4/30/2020	Phosphorus, dissolved	WKLY AVG	13	18	lb/day
6/30/2020	Coliform, fecal general	INST MAX	1000	2419.6	CFU/100mL
7/31/2020	Coliform, fecal general	INST MAX	1000	2419.6	CFU/100mL
10/31/2020	Phosphorus, dissolved	WKLY AVG	1.5	2	mg/L
06/30/2022	Coliform, fecal general	INST MAX	1000	2419.6	CFU/100ml
06/30/2022	Nitrogen, ammonia total	WKLY AVG	4.5	12	mg/L
06/30/2022	Nitrogen, ammonia total	MO AVG	3	9.8	mg/L
06/30/2022	Nitrogen, ammonia total	MO AVG	25	26	lb/day
07/31/2022	Coliform, fecal general	INST MAX	1000	1011.2	CFU/100ml
07/31/2022	Nitrogen, ammonia total	WKLY AVG	4.5	13	mg/L
07/31/2022	Nitrogen, ammonia total	MO AVG	3	6.4	mg/l
08/31/2022	Solids, total suspended	WKLY AVG	15	89.8	mg/L

Monitoring Period Date	Parameter Description	Limit Type	Limit Value	DMR Value	Value Unit
08/31/2022	Solids, total suspended	MO AVG	10	22	mg/L
08/31/2022	Solids, total suspended	WKLY AVG	125	178	lb/day
09/30/2022	Coliform, fecal general	INST MAX	1000	1299.7	CFU/100ml
09/30/2022	Phosphorus, dissolved	MO AVG	1.0	1.3	mg/L

31. Based on the above allegations, Respondent violated Part A of the Permit by failing to comply with the effluent limitations contained in the Permit on 24 occasions from September 30, 2018 through September 30, 2022.
32. In failing to comply with the effluent limitations contained in Part A of the Permit, Respondent has violated Section 301 of the CWA, 33 U.S.C. § 1311.

**Count 2  
Improper Whole Effluent Toxicity Testing**

33. Part C.III.B. of the Permit sets forth the whole effluent toxicity (“WET”) test frequency and reporting requirements.
34. Part C.III.B.3. of the Permit states that “[i]f a test failure is determined for any endpoint during a quarterly or annual monitoring, the permittee shall initiate a re-test for the species with the failure, at a minimum, within 45 days of test completion.”
35. The WWTP had a WET failure in January 2020. Pursuant to the Permit, Respondent was required to re-test within 45 days of the failed test.
36. At the time of the PADEP Inspection on September 17, 2020, Respondent failed to re-test within 45 days following a WET test end-point failure result in accordance with Part C.III.B.3. of the Permit.
37. Based on the above allegations, Respondent violated Part C.III.B.3. of the Permit by failing to comply with the WET testing and reporting requirements in the Permit.
38. In failing to comply with the WET testing and reporting requirements in Part C.III.B.3 of the Permit, Respondent has violated Section 301 of the CWA, 33 U.S.C. § 1311.

## V. COMPLIANCE ORDER

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

39. Within thirty (30) days of the Effective Date of the AOC, the Respondent shall provide to EPA any and all reports, studies, and engineering evaluation(s) of the WWTP that Respondent has performed as of the Effective date of this AOC regarding inflow and infiltration (“I&I”), and the identification of the sources and/or causes of I&I, including necessary infrastructure upgrades to the WWTP that have been identified by Respondent or its contractors and have not been constructed or implemented by Respondent as of the Effective Date of this AOC.
40. The Respondent proposed to EPA a list of corrective actions to address the effluent exceedances listed in Count 1, Paragraphs 29 through 32 above.
41. Within ninety (90) days of the Effective Date of this AOC, the Respondent shall submit in writing to EPA a Corrective Action Plan (“CAP”) which shall include, at a minimum, a schedule and implementation plan to complete the following corrective actions proposed by Respondent to correct the effluent exceedances at the WWTP within twenty-four (24) months of the Effective Date of this AOC:
  - A. Upgrade the existing ultraviolet light (UV) disinfection system to monitor and adjust for effluent transmissivity;
  - B. Evaluate the effluent sampling location to determine the location that best represents effluent quality, and modify the effluent sampling location based on the results of the evaluation;
  - C. Evaluate the use of polyaluminum chloride (PAC) liquid coagulant versus the existing use of sodium chloride liquid coagulation for phosphorous removal, and modify the coagulant use based on the results of the evaluation;
  - D. Upgrade the SCADA plant control system to regulate the coagulant feed volume to be flow-proportional to the effluent volume;
  - E. Install dissolved oxygen meters in each of the sequencing batch reactor (SBR) tanks; and
  - F. Respondent shall extract and inspect each of the (6) fine-bubble diffuser aeration grids in each of the SBR tanks. This corrective action shall be a regular maintenance item as of the Effective Date of this AOC.
42. After review of the CAP:
  - a. EPA will in writing: (a) accept the submission; (b) accept the submission upon specified conditions; (c) accept part of the submission and request resubmission of the remainder; or (d) request a new submission.
  - b. If the submission is accepted pursuant to Paragraph 42(a) (above), Respondent shall take all actions required by the CAP, in accordance with the schedule and

requirements of the CAP, as approved. If the CAP is conditionally accepted or accepted only in part, pursuant to Paragraph 42(a) (above), Respondent shall, upon written direction from EPA, take all actions required by the accepted CAP that EPA determines are technically severable from any unacceptable portions.

- c. If the CAP is unacceptable in whole or in part, Respondent shall, within thirty (30) days or such other time as the Parties agree to in writing, correct all deficiencies and resubmit the CAP, or any unacceptable portion thereof, for approval, in accordance with the preceding Paragraphs. If the resubmission is accepted in whole or in part, Respondent shall proceed in accordance with the preceding Paragraph.
- d. CAP Deadlines. No later than twenty (20) days from EPA’s acceptance of the CAP, Respondent shall submit to EPA for review a list of deadlines included in the CAP. The list shall be submitted in an electronic format (e.g., unlocked spreadsheet or similar format agreed to by the Parties). Within ten (10) days of modification of any deadline under the CAP, Respondent shall provide an updated list reflecting changes to the future schedule.

- 43. Respondent shall submit a notice to EPA within thirty (30) days of completing a scheduled event in the CAP until all work as identified in and required by the CAP has been completed.

**VI. PROCEDURES FOR SUBMISSIONS**

- 44. 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: \_\_\_\_\_

- 45. Respondent may assert a business confidentiality claim covering part or all of the information which this AOC requires it to submit to 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 EPA, Respondent does not assert a confidentiality claim, EPA may make the submitted information available to the public without further notice to Respondent.



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

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

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

#### **VII. CERTIFICATION OF COMPLIANCE AND REQUEST FOR TERMINATION OF AOC**

47. Upon completion of all items required by the CAP and a determination of completeness of each item, Respondent shall submit to EPA a Certification of Compliance and Request for Termination of this AOC. Such certification and request shall include:
- a. a certification that 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 Respondent has complied with Section V (Compliance Order) of this AOC.
48. If, following review of any Certification of Compliance and Request for Termination of this AOC, EPA agrees that Respondent has adequately complied with all requirements of this AOC, then EPA may, in its unreviewable discretion, provide written notification of termination of this AOC.

#### **VIII. AOC MODIFICATIONS**

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

50. Until or unless this AOC is modified or terminated, in accordance with the terms of this AOC, Respondent shall remain responsible for compliance with the terms of this AOC following any transfer of ownership or operation of the WWTP.
51. At least ninety (90) days prior to any transfer of ownership or operation of the WWTP, Respondent shall submit a written notification to EPA of any such anticipated change in

ownership or operation of the WWTP (Notification of Change of Ownership or Operation). Each such Notification of Change of Ownership or Operation 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 WWTP and a schedule for such anticipated change.


52. Respondent shall condition any sale or transfer of ownership or operation of the WWTP, 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 WWTP, whereby such Prospective Third-Party Purchaser or Transferee agrees to comply with and be bound by the terms of this AOC.

**X. EFFECTIVE DATE**

53. This AOC will become effective upon the Respondent's receipt of a fully-executed copy of this AOC.

**MID-CENTRE COUNTY AUTHORITY**

Date: 9/27/2023

By:   
Bryce Taylor  
Chairman

**SO ORDERED:**

**FOR U.S. ENVIRONMENTAL PROTECTION AGENCY**

By:

\_\_\_\_\_

[*Digital Signature and Date*]  
Karen Melvin, Director

Enforcement & Compliance Assurance Division

U.S. Environmental Protection Agency, 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-03-2023-0113DN**

Mid-Centre County Authority  
296 Mid-Centre Lane  
Milesburg, PA 16853

**Respondent**

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

Mid-Centre County Authority Wastewater  
Treatment Plant  
296 Mid-Centre Lane  
Milesburg, PA 16853  
NPDES Permit No. PA0110965

**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:

David S. Gaines, Jr., Esq.  
MILLER, KISTLER & CAMPBELL  
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[dgaines@mkclaw.com](mailto:dgaines@mkclaw.com)

Brice Taylor  
Chairman  
Mid-Centre County Authority  
296 Mid-Centre Lane  
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*[Digital Signature and Date]*

Bevin Esposito  
Regional Hearing Clerk  
U.S. EPA, Region III