

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION III
Four Penn Center – 1600 John F. Kennedy Blvd.
Philadelphia, Pennsylvania 19103



In the Matter of:	:	
	:	
City of Williamsport	:	U.S. EPA Docket No. CWA-03-2023-0077DN
100 West 3rd Street, 3rd Floor	:	
Williamsport, PA 17701	:	ADMINISTRATIVE ORDER
Respondent.	:	ON CONSENT
	:	PURSUANT TO 33 U.S.C. § 1319(a)
CITY OF WILLIAMSPORT, PA	:	
MUNICIPAL SEPARATE STORM	:	
SEWER SYSTEM	:	
Facility	:	

I. PRELIMINARY STATEMENT

1. The United States Environmental Protection Agency (EPA) has made the following findings of fact and issues this Administrative Order on Consent (AOC) pursuant to the authority vested in the Administrator of EPA 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 III, who further delegated it to the Director of the Enforcement & Compliance Assurance Division, EPA Region III.
2. Section 309(a) of the CWA, 33 U.S.C. § 1319(a), provides, inter alia, that whenever on the basis of any information available to him the Administrator finds that any person is in violation of any permit condition or limitation implementing certain sections of the CWA, in a permit issued under Section 402 of the CWA, 33 U.S.C. § 1342, he shall issue an order requiring such person to comply with such section or requirement.
3. EPA has jurisdiction over the above-captioned matter, as described in Paragraphs 1 and 2, above.
4. The City of Williamsport, Pennsylvania, (Respondent) has agreed to the issuance of this AOC.
5. EPA has consulted with the Commonwealth of Pennsylvania Department of Environmental Protection (PADEP) regarding this action and, subsequent to the Effective Date, EPA will mail a copy of this fully executed AOC to a representative designated by PADEP.

II. STATUTORY AND REGULATORY BACKGROUND

6. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant (other than dredged or fill material) from a point source into waters of the United States

- except in compliance with a permit issued pursuant to the National Pollutant Discharge Elimination System (NPDES) program under Section 402 of the CWA, 33 U.S.C. § 1342.
7. Section 402(a) of the CWA, 33 U.S.C. § 1342(a), provides that the Administrator of EPA, or a state upon approval by EPA, may issue permits under the 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 such permits.
 8. Pursuant to Section 402(b) of the CWA, 33 U.S.C. § 1342(b), EPA authorized PADEP to issue NPDES permits in the Commonwealth of Pennsylvania (Pennsylvania).
 9. Section 402(p) of the CWA, 33 U.S.C. § 1342(p), and 40 C.F.R. §§ 122.2 and 122.26 provide that, with some exceptions not relevant here, storm water discharges are "point sources" subject to NPDES permitting requirements under Section 402(a) of the CWA, 33 U.S.C. § 1342(a).
 10. 40 C.F.R. § 122.2 states, in relevant part: "Discharge of a pollutant means: 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."
 11. 40 C.F.R. § 122.26(b)(13) defines the term "Storm water" as "storm water runoff, snow melt runoff, and surface runoff and drainage."
 12. 40 C.F.R. § 122.26(b)(8)(i) defines the term "municipal separate storm sewer [system]" or "MS4" as a system, inter alia, "[o]wned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States."
 13. 40 C.F.R. § 122.26(b)(19) defines the term "MS4" as "a municipal separate storm sewer system."
 14. 40 C.F.R. § 122.26(b)(16) defines the term "small municipal separate storm sewer system" as "all separate storm sewers that are: (i) Owned or operated by the United States, a State, city, town, borough ... or other public body (created by or pursuant to State law) having jurisdiction over disposal of ... storm water..."; and "(ii) Not defined as 'large' or 'medium' municipal separate storm sewer systems... ."
 15. 40 C.F.R. § 122.26(b)(17) defines the term "Small MS4" as "a small municipal separate storm sewer system."

16. Small MS4s are regulated pursuant to Section 402(p) of the CWA, 33 U.S.C. § 1342(p) and the regulations promulgated thereunder.
17. Pursuant to 40 C.F.R. § 122.26(a)(9)(i), small MS4s require a NPDES permit if they are required to be regulated pursuant to 40 C.F.R. § 122.32.
18. 40 C.F.R. § 122.32(a)(l) states: “(a) Unless you qualify for a waiver under paragraph (c) of this section, you are regulated if you operate a small MS4, including but not limited to systems operated by federal, State, Tribal, and local governments, including State departments of transportation; and: (1) Your small MS4 is located in an urbanized area as determined by the latest Decennial Census by the Bureau of the Census. (If your small MS4 is not located entirely within an urbanized area, only the portion that is within the urbanized area is regulated).”
19. 40 C.F.R. § 122.34(a) provides: “General requirements. For any permit issued to a regulated small MS4, the NPDES permitting authority must include permit terms and conditions to reduce the discharge of pollutants from the MS4 to the maximum extent practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act. Terms and conditions that satisfy the requirements of this section must be expressed in clear, specific, and measurable terms. Such terms and conditions may include narrative, numeric, or other types of requirements (e.g., implementation of specific tasks or best management practices (BMPs), BMP design requirements, performance requirements, adaptive management requirements, schedules for implementation and maintenance, and frequency of actions).”
20. Pursuant to its authority under the CWA and the NPDES program approval, PADEP approved coverage to Respondent for discharges from the small MS4 located in the City of Williamsport, Pennsylvania, (the MS4), under: a) Individual Permit No. PAI134808 A-2 (MS4 Permit 1), which was effective from April 2, 2014, until March 31, 2019, after which the permit was administratively extended and b) Individual Permit No. PAI134813 (MS4 Permit 2), effective from December 1, 2020, until November 30, 2025, (collectively, the MS4 Permit).

III. GENERAL PROVISIONS

21. For the purpose of this proceeding only, Respondent admits each jurisdictional allegation set forth in this AOC.
22. Except as provided in Paragraph 21, above, Respondent neither admits nor denies the specific factual allegations set forth below in Section IV (FINDINGS OF FACT AND CONCLUSIONS OF LAW) of this AOC.
23. Respondent agrees not to contest the jurisdiction of EPA with respect to the execution or enforcement of this AOC.
24. 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.

25. Respondent shall bear its own costs and attorney's fees in connection with this proceeding and associated with the implementation or enforcement of this AOC, including any costs related to resolution of any dispute arising regarding this AOC.
26. 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. §1311, et seq., 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.
27. This AOC does not constitute a waiver or modification of the terms or conditions of any permit issued to Respondent. Nothing in this AOC 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 AOC does not constitute a waiver, suspension or modification of the requirements of the Act, 33 U.S.C. §§ 1251 et seq., or any regulations promulgated thereunder.
28. 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.
29. 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.
30. The undersigned representative of Respondent certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this AOC and to execute and legally bind the party.
31. 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.
32. 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.

IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW

33. Respondent is a “municipality” within the meaning of Section 502(4) of the CWA, 33 U.S.C. § 1362(4).
34. Respondent is 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.
35. At all times relevant herein, upon information and belief, Respondent has owned or operated, and continues to own and operate, a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that discharges to waters of the United States.
36. At all times relevant herein, upon information and belief, Respondent owned or operated, and continues to own or operate, the MS4, which meets the definition of: a) “municipal separate storm sewers”; and b) a “municipal separate storm sewer system” or c) “MS4”; and, d) “small municipal separate storm sewer system” or e) “small MS4”, as those terms are defined at 40 C.F.R. § 122.26(b)(8)(i), (16), (17), (18) and (19).
37. At all times, relevant to this AOC, the Respondent has discharged stormwater from the MS4 to the permitted MS4 area, which is located within the Chesapeake Bay and Susquehanna River watersheds and which include discharge points to the following receiving waterbodies: Susquehanna River, Daugherty Run, Fox Hollow Run, Spring Run, Lycoming Creek, Cemetery Run, Grafius Run and McClures Run.
38. Each of the following is a “water[s] of the United States” within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7): Susquehanna River, Daugherty Run, Fox Hollow Run, Spring Run, Lycoming Creek, Cemetery Run, Grafius Run and McClures Run.
39. From October 28th through 30th, 2020, representatives from EPA, Region III conducted an off-site NPDES permit compliance audit of the City’s MS4 Program (the MS4 Program) (the October 2020 Audit). By email dated December 31, 2020, EPA issued an Audit Inspection Report (the December 2020 MS4 Audit Report), dated December 16, 2020, to the City.
40. On February 9, 2021, EPA conducted a site visit and inspection of the MS4 Program (the February 2021 Inspection). By email dated March 31, 2021, EPA issued an Inspection Report, dated March 30, 2021, (the March 2021 MS4 Inspection Report) to the Permittee.
41. On July 7, 2022, EPA sent a Notice of Potential Violations and Opportunity to Confer letter (NOPVOC letter) to the Respondent, summarizing certain alleged violations of the CWA and the MS4 Permit observed during the October 2020 Audit or the February 2021

Inspection.

42. By email dated July 11, 2022, Respondent responded to the NOPVOC letter and, subsequent thereto, entered into negotiations with EPA.

Count I

Failure to Implement an Illicit Discharge Detection and Elimination (IDD&E) Program

43. The allegations of Paragraphs 1 through 42 of this AOC are incorporated herein by reference.
44. Part C (Special Conditions), Section I (Stormwater Management Program (SWMP)), Subsection B (Minimum Control Measures (MCMs)) (hereinafter referred to as Subsection B) of the MS4 Permit includes MCM #3 (Illicit Discharge Detection and Elimination (IDD&E) (25 Pa. Code § 92a.32(a) and 40 C.F.R. § 122.34(b)(3))) (MCM #3). Furthermore, the MS4 Permit, Subsection B, MCM #3 sets forth required BMPs.
45. Subsection B, MCM #3 of the MS4 Permit includes, among other requirements, that:
 - The permittee shall develop, implement and enforce a program to detect and eliminate illicit discharges into the permittee’s regulated small MS4.
46. Subsection B, MCM #3, BMP #2 requires, among other requirements, that:
 - The permittee shall develop and maintain map(s) that show permittee and urbanized area boundaries, the location of all outfalls and, if applicable, observation points, and the locations and names of all surface waters that receive discharges from those outfalls. Outfalls and observation points shall be numbered on the map(s).
47. Subsection B, MCM #3, BMP #4 requires, among other requirements, that:
 - The permittee shall conduct dry weather screenings of its MS4 outfalls and observation points to evaluate the presence of illicit discharges. If any illicit discharges are present, the permittee shall identify the source(s) and take appropriate actions to remove or correct any illicit discharges. The permittee shall also respond to reports received from the public or other agencies of suspected or confirmed illicit discharges associated with the storm sewer system, as well as take enforcement action as necessary. The permittee shall immediately report to DEP illicit discharges that would endanger users downstream from the discharge, or would otherwise result in pollution or create a danger of pollution or would damage property, in accordance with Part A III.D.4 of this permit. An observation point must be established by the permittee at a location upstream of any discharge of stormwater into storm sewers owned or operated by an adjoining municipality.
 -
 - (2) For existing permittees, each of the identified regulated small MS4 outfalls

shall be screened during dry weather at least once by November 30, 2025. For areas where past problems have been reported or known sources of dry weather flows occur on a continual basis, outfalls shall be screened annually during each year of permit coverage.

48. The December 2020 MS4 Audit Report and March 2021 MS4 Inspection Report document Respondent's failures to: (a) develop and maintain map(s) that show the location of all outfalls; (b) conduct dry weather screenings of its MS4 outfalls and observation points to evaluate the presence of illicit discharges; (c) identify the source(s) of each illicit dry weather discharge(s); (d) take appropriate actions to remove or correct any illicit discharge(s); and (e) annually screen MS4 outfalls with known dry weather flows.
49. From at least December 2020 through December 2022, Respondent failed to: (a) develop and maintain map(s) that show the location of all outfalls; (b) conduct dry weather screenings of the MS4 outfalls and observation points to evaluate the presence of illicit discharges; (c) identify the source(s) of each illicit dry weather discharge(s); (d) take appropriate actions to remove or correct any illicit discharge(s); and (e) annually screen MS4 outfalls with known dry weather flows, in accordance with Subsection B, MCM #3, BMP #2 and #4 of the MS4 Permit.
50. From at least December 2020 through December 2022, Respondent failed to develop, implement and enforce a program to detect and eliminate illicit discharges into the MS4 in accordance with Subsection B, MCM #3 of the MS4 Permit.
51. By failing to comply with Subsection B, MCM #3 of the MS4 Permit from at least December 2020 through December 2022, Respondent failed to comply with the terms and conditions of the MS4 Permit and, therefore, has violated Section 301 of the CWA, 33 U.S.C. § 1311.

Count II
Failure to Implement Permit Requirements Relating to Stormwater Management Ordinance

52. The allegations of Paragraphs 1 through 51 of this AOC are incorporated herein by reference.
53. Subsection B, MCM #3 of the MS4 Permit includes BMP #5, which requires that the Respondent: "(e)nact a Stormwater Management Ordinance or [Standard Operation Procedure (SOP)] to implement and enforce a stormwater management program that includes prohibition of non-stormwater discharges to the regulated small MS4."
54. During April of 2012, Respondent approved the "City of Williamsport Stormwater Management Ordinance" (the Ordinance). Section 1397.01 (Prohibited Discharges and Connections) of the Ordinance includes prohibitions regulating non-stormwater discharges to the MS4.
55. Section 1397.01 (Prohibited Discharges and Connections) of the Ordinance includes

prohibitions regulating non-stormwater discharges to the MS4. Section 1398.3 (Enforcement) authorizes enforcement of specific provisions of the Ordinance, but does not provide authority for enforcement of Section 1397.01 of the Ordinance. For limited classes of noncompliance with the Ordinance, Section 1398.05 (Penalties) provides for authority to assess a maximum penalty of \$300 per day for periods of noncompliance subsequent to receipt of a notification by a designated municipal representative and conviction.

56. The Ordinance does not provide Respondent with the authority to seek penalties for noncompliance with Ordinance Section 1397.01 for any time period prior to a citizen's receipt of such notification.
57. Since at least December 2020, Respondent has not developed any policies, procedures, or guidance for effective enforcement of a stormwater management program that includes enforceable prohibition of non-stormwater discharges to the regulated small MS4 generally or Section 1397.01 specifically.
58. Since at least December 2020, Respondent failed to comply with MCM #3 of the MS4 Permit by failing to enact a stormwater management ordinance which includes an enforceable prohibition of non-stormwater discharges to the MS4 outfalls.
59. By failing to comply with Subsection B, MCM #3 of the MS4 Permit, Respondent failed to comply with the terms and conditions of the MS4 Permit since December 2020 and, therefore, has violated Section 301 of the CWA, 33 U.S.C. § 1311.

Count III

Failure to Implement Permit Requirements Relating to Post-Construction Stormwater Management (PCSM) Ordinance

60. The allegations of Paragraphs 1 through 59 of this AOC are incorporated herein by reference.
61. Subsection B, MCM #5 of the MS4 Permit includes the following requirements:

BMP #1: Enact, implement and enforce an ordinance or SOP to require post-construction stormwater management from new development and redevelopment projects, including sanctions for non-compliance.

...

BMP #3: Ensure adequate O&M (operations and maintenance) of all post-construction stormwater management BMPs that have been installed at development or redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale.

An inventory of PCSM BMPs shall be developed by new permittees by the end of the first year of Permit coverage and shall be continually updated during the term of coverage under the Permit as development projects are reviewed, approved, and constructed. Existing permittees shall update and maintain its

current inventory during the term of coverage under the Permit. The permittee must track the following information in its PCSM BMP inventory:

- All PCSM BMPs that were installed to meet requirements in NPDES Permits for Stormwater Discharges Associated with Construction Activities approved since March 10, 2003.
- The exact location of the PCSM BMP (e.g., latitude and longitude, with street address).
- Information (e.g., name, address, phone number(s)) for BMP owners and entities responsible for BMP O&M, if different from BMP owners.
- The type of BMP and the year it was installed.
- Maintenance required for the BMP type according to the Pennsylvania Stormwater BMP Manual or other manuals and resources.
- The actual inspection/maintenance activities conducted for each BMP.
- An assessment by the permittee if proper O&M has occurred during the year and if not, what actions the permittee has taken, or shall take, to address compliance with O&M requirements.

62. The City of Williamsport’s 2012 Stormwater Management Ordinance states, in relevant part:

1395.01 RESPONSIBILITIES OF DEVELOPERS AND LANDOWNERS.

(a) The City of Williamsport shall make the final determination on the continuing maintenance responsibilities prior to final approval of the [Stormwater Management (SWM)] site plan. The City of Williamsport may require a dedication of such facilities as part of the requirements for approval of the SWM site plan. Such a requirement is not an indication that the City of Williamsport will accept the facilities. The City of Williamsport reserves the right to accept the ownership and operating responsibility for any or the entire stormwater management controls.

...

1395.02 OPERATION AND MAINTENANCE AGREEMENTS.

The owner is responsible for operation and maintenance of the SWM BMPs. If the owner fails to adhere to the operation and maintenance agreement, the City of Williamsport may perform the services required and charge the owner appropriate fees. Non-payment of fees may result in a lien against the property....

63. The Respondent has not enacted an ordinance or SOP that specifically requires identification of each PCSM BMP and provides necessary access to long-term operations and maintenance for the PCSM BMP.
64. From at least December 2020 through December 2022, Respondent failed to comply with MCM #5 of the MS4 Permit by failing to enact, implement and enforce an ordinance or SOP to require post-construction stormwater management from new development and redevelopment projects, including sanctions for non-compliance.
65. Prior to February 2021, the Respondent failed to document inspections of City-owned PCSM BMPs, either within Respondent’s PCSM BMP Inventory or otherwise.

66. The City's PCSM BMP Inventory does not include: a) projects within the City that involve less than one acre and b) all of the information required by Subsection B, MCM #5 of the MS4 Permit, including installation date, required maintenance, and associated inspection/maintenance activities, for projects that involve greater than one acre.
67. From at least December 2020 through December 2022, Respondent failed to comply with MCM #5 of the MS4 Permit by failing to update and maintain a complete PCSM BMP inventory and failing to ensure adequate operation and maintenance of all PCSM BMPs.
68. By failing to comply with Subsection B, MCM #5 of the MS4 Permit, Respondent failed to comply with the terms and conditions of the MS4 Permit from December 2020 through December 2022 and, therefore, 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, 33 U.S.C. § 1319(a), to conduct, and consents to conduct, the following activities:

MS4 Outfalls Maps and List(s) Updates and Reports

69. MS4 Outfalls Maps and List(s): No later than sixty (60) calendar days following the Effective Date of this AOC, Respondent shall submit to EPA an updated MS4 Map(s), which accurately and clearly depicts to the extent information is currently available as of Effective Date of this AOC, each of the following categories of information, and accompanying MS4 Outfall List(s), including at a minimum the following information (Updated MS4 Outfall Map and List):
 - a. The Respondent's urbanized area boundaries within which the regulated MS4 is located;
 - b. The location of each regulated MS4 Outfall depicted with an assigned unique numeric, or alpha-numeric, MS4 Outfall identifier;
 - c. The locations and names of all surface waters that receive discharges from each such MS4 Outfall;
 - d. If applicable, each observation point for each such regulated MS4 Outfall depicted with an assigned unique numeric or alpha-numeric MS4 Outfall observation point identifier; and,
 - e. Accompanying list (MS4 Outfall List(s)) to each such MS4 Map(s), providing a listing of: i) the assigned unique numeric, or alpha-numeric, identifier for each MS4 Outfall; ii) the location of each such outfall; iii) the assigned unique numeric, or alpha-numeric, observation point identifier for each such regulated MS4 Outfall and iv) the date such MS4 Outfall was last inspected.
70. Monthly Review of MS4 Outfall Maps and List(s): Subsequent to submission to EPA of

the MS4 Outfall Maps and List(s), Respondent shall on a calendar monthly basis review each such MS4 Outfall Map and List to ensure that each such map and list is complete and accurate to the extent information is currently available to the best of the Respondent's knowledge, and, as appropriate, update or correct any such map and list to ensure information therein is complete and accurate.

71. Biannual MS4 Outfall Maps and List(s) Report to EPA: No later than the last business day of the sixth (6th) calendar month following the Effective Date of this AOC, Respondent shall submit an initial Biannual MS4 Outfall Map and List(s) Report (Biannual MS4 Outfall Maps and List(s) Report) to EPA identifying any revisions made to any MS4 Outfall Map or List during the previous six (6) calendar months. No later than the last business day of each subsequent sixth (6th) calendar month period, Respondent shall submit to EPA a subsequent MS4 Outfall Maps and List(s) Biannual Report. Each Biannual MS4 Outfall Maps and List(s) Report shall be included in the Biannual AOC Progress Report required pursuant to Section VI.

MS4 Outfall Inspections and Reports

72. MS4 Outfall Dry Weather Inspections: Subsequent to the Effective Date of this AOC, for each MS4 Outfall identified on an MS4 Outfall Map and List, Respondent shall inspect each such MS4 Outfall per the below schedules for dry weather flow (Dry Weather Inspection) from such MS4 Outfall. As part of each such MS4 Outfall inspection, if dry weather flow is observed, then Respondent shall identify each source of any dry weather flows observed at each MS4 Outfall. For each Dry Weather Inspection or any other inspection of an MS4 Outfall, Respondent shall complete an MS4 Outfall Field Screening Report, and such report shall be consistent with the MS4 Outfall Field Screening Report required pursuant to the MS4 Permit, or any subsequent applicable MS4 Permit issued to Respondent prior to termination of this AOC.
- a. Group A: Outfalls which were identified by Respondent prior to the effective date of MS4 Permit 2 will be inspected, at a minimum, once prior to November 30, 2025.
 - b. Group B: Outfalls which were identified by Respondent subsequent to the effective date of MS4 Permit 2 will be inspected, at a minimum, twice during the time period beginning January 1, 2023, and ending November 30, 2025.
73. Biannual MS4 Outfall Inspections List to EPA: No later than the last business day of the sixth (6th) calendar month following the Effective Date of this AOC, Respondent shall submit an initial Biannual MS4 Outfall Inspections List (Biannual MS4 Outfall Inspections List) to EPA, which shall include, at a minimum, the following information for each MS4 Outfall inspected during the previous six (6) calendar months: (a) the assigned unique numeric, or alpha-numeric, identifier for each such MS4 Outfall; (b) the location of each such MS4 Outfall; (c) the date(s) such MS4 Outfall was inspected and (d) to the extent applicable, the date any dry weather flow was observed from such MS4 Outfall. No later than the last business day of each subsequent sixth (6th) calendar month period, Respondent shall submit to EPA a subsequent Biannual MS4 Outfall Inspections List. Each Biannual

MS4 Outfall Inspections List shall be included in the Biannual AOC Progress Report required pursuant to Section VI.

74. Dry Weather Flow Suspected MS4 Outfall Inspections: Subsequent to the Effective Date of this AOC, at least once every twelve (12) calendar months, Respondent shall conduct and document an inspection and screening at each MS4 Outfall identified on an MS4 Outfall Map and MS4 List for which Respondent has reason to believe is a location of potential dry weather flows occurring at any frequency (Dry Weather Flow Suspected MS4 Outfall). For each MS4 Outfall, Respondent may simultaneously conduct a Biannual MS4 Outfall Inspection and a Dry Weather Flow Suspected MS4 Outfall Inspection.
75. Biannual Dry Weather Flow Suspected MS4 Outfall Inspections Summary Report: No later than the last business day of the sixth (6th) calendar month following the Effective Date of this AOC, Respondent shall submit to EPA a Biannual Dry Weather Flow Suspected MS4 Outfall Inspection Summary Report identifying the following information for each Dry Weather Flow Suspected MS4 Outfall: (a) the assigned unique numeric, or alpha-numeric, identifier for each such MS4 Outfall and (b) the location of each such outfall; (c) the date such MS4 Outfall was last inspected; (d) a summary of findings related to such inspection, (e) an indication of whether Respondent has developed a Dry Weather Flow Confirmed Outfall Corrective Action Plan pursuant to this AOC; (f) a summary of any illicit discharge enforcement action relating to such inspection(s) observation(s) and (g) a copy of any MS4 Outfall Field Screening Report completed as a result of each such inspection. Such report shall be updated and submitted by Respondent to EPA by the last business day of each subsequent six (6) month calendar time period. Each Biannual Dry Weather Flow Suspected MS4 Outfall Inspection Summary Report shall be included in the Biannual AOC Progress Report required pursuant to Section VI.
76. Dry Weather Flow Confirmed Outfall Corrective Action Plan: Within thirty (30) calendar days of identifying any dry weather flow from any MS4 Outfall (Dry Weather Flow Confirmed Outfall), Respondent shall document and implement a Dry Weather Flow Confirmed Outfall Corrective Action Plan (Dry Weather Flow Confirmed Outfall CAP), which shall include, at a minimum: (a) a plan to investigate any potential sources of illicit discharge(s) and eliminate any identified source of any illicit discharges from each such Dry Weather Flow Confirmed Outfall; (b) a plan to initiate appropriate enforcement action(s) and (c) a related schedule to implement such Dry Weather Flow Confirmed Outfall CAP.

PCSM BMPs Inventory

77. PSCM BMP Inventory Update: No later than sixty (60) calendar days following the Effective Date of this AOC, Respondent shall review and revise, as necessary, to the extent information is currently available to the best of the Respondent's knowledge, Respondent's PCSM BMP Inventory (the PCSM BMP Inventory) to ensure that each currently known PCSM BMP is uniquely identified in Respondent's written PSCM BMP Inventory and the information required pursuant to MCM 5 (Post-Construction Stormwater Management (PCSM) in New Development and Redevelopment), BMP #3 of the MS4 Permit

is accurately included in such inventory.

78. PSCM BMP Inventory Improvement Process: Respondent shall take necessary steps to coordinate with the Williamsport Sanitary Authority (WSA) to ensure that the following PSCM BMP Inventory Improvement Process is followed:
- a. As required by the Transfer Agreement between the Respondent and the WSA, the Respondent will provide the required BMP information to the WSA as development and redevelopment projects are approved by officials acting on behalf of Respondent. Further, Respondent will notify the WSA, in writing, for purpose of ensuring that the WSA is aware of all projects that have MS4 PCSM BMP implications.
 - b. The WSA's stormwater fee program includes the ability for stormwater users to obtain credit on their bill for existing PCSM BMPs that are properly operated and maintained. Respondent shall request in writing that WSA provide notification to Respondent of any such credit application received. To the extent that Respondent is notified of such credit application, Respondent shall review the PCSM BMP Inventory and make a determination if such PCSM BMP is identified within such inventory. For each existing PCSM BMP which Respondent determines is not included in Respondent's PCSM BMP Inventory, Respondent shall revise such inventory as necessary to clearly include such PCSM BMP within such inventory.
 - c. Respondent shall request in writing that the WSA provide notification to Respondent of any industrial user inspection, conducted by WSA employee(s) as part of the WSA pretreatment program, during which the WSA's employee(s) identify an existing PCSM BMP. To the extent that Respondent is notified of such industrial user PCSM BMP, Respondent shall review the PCSM BMP Inventory and make a determination if such industrial user PCSM BMP is identified within such inventory. For each existing industrial user PCSM BMP which Respondent determines is not included in Respondent's PCSM BMP Inventory, Respondent shall revise such inventory as necessary to clearly include such industrial user PCSM BMP within such inventory.
 - d. Respondent shall create and implement written procedures and schedules for canvassing or surveying the geographic area subject to the Permit to identify PCSM BMPs (PCSM BMP Identification Survey Inspections) and ensure that during each such inspection any new PCSM BMP observed is documented and recorded on the PCSM BMP Inventory. Subsequent to each PCSM BMP Identification Survey Inspection, Respondent shall review the PCSM BMP Inventory to determine if any observed PCSM BMP is not included in such inventory. To the extent that Respondent determines that an observed PCSM BMP is not included in such inventory, Respondent shall revise such inventory to clearly include such observed PCSM BMP.
 - e. Respondent shall create and implement written procedures to ensure that each construction project affecting less than one acre must be subject to a deed restriction that includes: identification of each PCSM BMP; provides necessary access to Respondent for long-term operations and maintenance for each PCSM BMP; and

provides notice that the responsibility of the long term operating and maintenance of each PCSM BMP is a covenant that runs with the land which is binding upon and enforceable against subsequent grantees.

79. Biannual PCSM BMP Inventory Update Report Submittal to EPA: No later than the last business day of the sixth (6th) calendar month following the Effective Date of this AOC, Respondent shall submit to EPA an initial Biannual PCSM BMP Inventory Update Report, which includes at a minimum the following information: (a) Respondent's current PCSM BMP inventory; (b) a separate list(s) of the location and unique identifier for each PCSM BMP that has been identified in the previous six (6) months; and, (c) an indication for each such PCSM BMP of whether such PCSM BMP is associated with a construction project of less than, equal to or greater than one acre. No later than the last business day of each subsequent sixth (6th) calendar month period, Respondent shall submit to EPA a subsequent Biannual PCSM BMP Inventory Update Report. Each Biannual PCSM BMP Inventory Update Report shall be included in the Biannual AOC Progress Report required pursuant to Section VI.

PCSM BMP Inspection and Operation and Maintenance (O&M) Program

80. PCSM BMP Inspections: Subsequent to the Effective Date of this AOC, Respondent shall ensure that each PCSM BMP identified in Respondent's PCSM BMP Inventory is inspected at a minimum once each twelve (12) calendar months and the findings of each such inspection are documented by one or more of the following applicable O&M PCSM BMP checklists, submitted by Respondent to EPA during November 2022:
- a. WSA Stormwater BMP Inspection Form – Rain Garden;
 - b. WSA Stormwater BMP Inspection Form – Vegetative Swale;
 - c. WSA Stormwater BMP Inspection Form – Infiltration Trench / Basin;
 - d. WSA Stormwater BMP Inspection Form – Underground Detention; and/or
 - e. WSA Stormwater BMP Inspection Form – Permeable Pavement.
81. Biannual PCSM BMP Inspection Progress Report Submittal to EPA Deadlines: No later than the last business day of the sixth (6th) calendar month following the Effective Date of this AOC, Respondent shall submit to EPA an initial Biannual PCSM BMP Inspection Progress Report. No later than the last business day of each subsequent sixth (6th) calendar month period, Respondent shall submit to EPA a subsequent Biannual PCSM BMP Inspection Progress Report. Each Biannual PCSM BMP Inspection Progress Report shall be included in the Biannual AOC Progress Report required pursuant to Section VI.
82. Biannual PCSM BMP Inspection Progress Report to EPA Content: Each Biannual PCSM BMP Inspection Progress Report submitted to EPA shall, at a minimum, include the following information:
- a. For each PCSM BMP inspection that was conducted during the previous six (6) calendar months, the following information shall be included:
 - i. The address, or GPS, location of the PCSM BMP which was inspected;

- ii. The date of such PCSM BMP inspection;
 - iii. The name and contact information of the person responsible for conducting such PCSM BMP;
 - iv. A description of any PCSM BMP deficiency that was observed at such location;
 - v. A summary description of any PCSM BMP corrective action undertaken during or subsequent to such inspection, including photographs documenting such corrective action completion;
 - vi. The date on which any such PCSM BMP corrective action was completed or the deadline by which such PCSM BMP corrective action is scheduled to be performed; and
 - vii. A summary of each formal enforcement action which has been initiated related to completion of such PCSM BMP corrective action.
- b. For each PCSM BMP that was not inspected during the previous standard calendar quarter (January-March, April-June, July-September or October-December), the following information shall be included:
- i. The address, or GPS, location of each such PCSM BMP;
 - ii. The date of the most recent previous inspection;
 - iii. The date of completion of any previous corrective action;
 - iv. A summary of any corrective action that is required to be completed and has not been completed; and
 - v. The deadline for any corrective action that is required to be completed.

Stormwater Ordinance Revision and Stormwater Ordinance Enforcement Program Improvement

83. Stormwater Ordinance Revision: No later than the last business day of the sixth (6th) calendar month following the Effective Date of this AOC, Respondent shall revise the Ordinance to ensure that the City has adequate authority to timely enforce and assess penalties for violations of any prohibition regulating non-stormwater discharges from the MS4, which is set forth in such Ordinance, including Ordinance Section 1397.01.
84. Stormwater Ordinance Revision Proposal and Schedule: No later than ninety (90) calendar days following the Effective Date of this AOC, Respondent shall submit to EPA proposed revisions to the Ordinance, which are intended to ensure that the City has adequate authority to enforce and assess penalties for violations of prohibitions regulating non-stormwater discharges from the MS4, and a proposed schedule for revising such Ordinance consistent with this AOC.
85. Stormwater Ordinance Enforcement Program: No later than the last business day of the sixth (6th) calendar month following the Effective Date of this AOC, Respondent shall develop and finalize policies, procedures, and guidance for effective enforcement of any prohibition relating to the MS4 (Stormwater Ordinance Enforcement

Program), including effective enforcement of and tracking noncompliance with Section 1397.01 (Prohibited Discharges and Connections).

VI. BIENNIAL AOC PROGRESS REPORTS

86. Biennial AOC Progress Report Submittal Deadlines: No later than the last business day of the sixth (6th) calendar month following the Effective Date of this AOC, Respondent shall submit to EPA an initial Biennial AOC Progress Report. No later than the last business day of each subsequent sixth (6th) calendar month period, Respondent shall submit to EPA a subsequent Biennial AOC Progress Report
87. Biennial AOC Progress Report Content: Each Biennial AOC Progress Report submitted to EPA pursuant to this AOC shall, at a minimum include:
- a. The following biennial reports required pursuant to Section V (Compliance Order), above:
 - i. Biennial MS4 Outfall Maps and List(s) Report;
 - ii. Biennial MS4 Outfall Inspections List;
 - iii. Biennial Dry Weather Flow Suspected MS4 Outfall Inspection Summary Report
 - iv. Biennial PCSM BMP Inventory Update Report; and,
 - v. Biennial PCSM BMP Inspection Progress Report.
 - b. A description of any problems encountered or anticipated with respect to meeting the requirements of Section V (Compliance Order), above.
88. Within twenty (20) business days of receipt of any written request from EPA, or such other time frame mutually agreed to in writing by EPA and Respondent, Respondent shall submit to EPA any requested documents demonstrating compliance with this Section V (Compliance Order).

VII. PROCEDURES FOR SUBMISSIONS

89. All documents required to be submitted by this AOC and any Request for Termination shall be accompanied by a certification signed by a responsible corporate officer, as defined in 40 CFR § 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 _____

90. 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. 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, the Respondent submitting such information does not assert a confidentiality claim, EPA may make the submitted information available to the public without further notice to Respondent.
91. Unless otherwise directed in writing, Respondent shall submit any submission or written communication, including any accompanying data, relating to this AOC in widely recognized electronic format, via email to: Ms. Allison Gieda, Enforcement Officer, NPDES Enforcement Section, Enforcement and Compliance Assurance Division, U.S. EPA, Region III, at Gieda.Allison@epa.gov.

VIII. CERTIFICATION OF COMPLIANCE AND REQUEST FOR TERMINATION OF AOC

92. Upon Respondent's determination that Respondent has completed all tasks required pursuant to this AOC and no earlier than twenty-four (24) calendar months following the Effective Date of this AOC, 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.
93. If, following review of any Certification of Compliance and Request for Termination of this AOC, the EPA determines that any requirement has not been completed and implemented in accordance with this AOC, the EPA will notify Respondent in writing, provide a written summary of deficiencies, and require Respondent to modify its actions as appropriate to correct such deficiencies. If so required, EPA may also require Respondent to submit a revised Certification of Compliance and Request for Termination of this AOC.
94. 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.

IX. AOC MODIFICATIONS

95. 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.

X. EFFECTIVE DATE

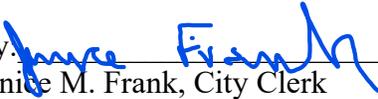
96. This AOC will become effective upon the Respondent's receipt of a fully executed copy of this AOC.

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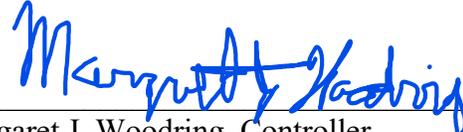
FOR CITY OF WILLIAMSPORT, PENNSYLVANIA:

Attest:

CITY OF WILLIAMSPORT

By: 
Janice M. Frank, City Clerk

By: 
Derek J. Slaughter, Mayor

By: 
Margaret J. Woodring, Controller

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IT IS SO ORDERED:

[digitally signed and dated]
Karen Melvin, Director
Enforcement and Compliance Assurance Division,
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:	:
	:
City of Williamsport	: U.S. EPA Docket No. CWA-03-2023-0077DN
100 West 3rd Street, 3rd Floor	:
Williamsport, PA 17701	: ADMINISTRATIVE ORDER
Respondent.	: ON CONSENT
	: PURSUANT TO 33 U.S.C. § 1319(a)
CITY OF WILLIAMSPORT, PA	:
MUNICIPAL SEPARATE STORM	:
SEWER SYSTEM	:
Facility	:

CERTIFICATE OF SERVICE

I certify that the foregoing Administrative Order on Consent, EPA Docket No. CWA-03-2023-0077DN, was filed with the EPA Region III 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 to each of the following persons, in the manner specified below, at the following addresses.

A copy of the Administrative Order on Consent and this Certificate of Service was served via **Overnight Delivery Via UPS, Signature Required** to:

J. Michael Wiley, Esq.
McCormick Law
835 West Fourth Street
Williamsport, PA 17701

TRACKING NUMBER: _____

A copy of the Administrative Order on Consent and this Certificate of Service was served via Electronic Transmission to each person listed below:

Kathleen Root, Esq.
Sr. Assistant Regional Counsel
Office of Regional Counsel, EPA, Region III
root.kathleen@epa.gov

Allison Gieda
Environmental Engineer
Enforcement and Compliance Assurance Division
EPA, Region III
gieda.allison@epa.gov

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