



REGION 3

PHILADELPHIA, PA 19103

SENT VIA ELECTRONIC SERVICE

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**Re: Administrative Order – Docket No. CWA-03-2021-0039DN
MS4 Program for the City of Pittsburgh and Pittsburgh Water and Sewer Authority
Pittsburgh, Pennsylvania
NPDES Permit No. PAI136133**

Dear Mr. Kennedy, Ms. Erickson, and Ms. Walaan:

On January 26, 2021, the United States Environmental Protection Agency, Region 3, (“EPA”) issued the above-referenced Administrative Order on Consent (“Order”) to the City of Pittsburgh (the “City”) and Pittsburgh Water and Sewer Authority (PWSA) regarding their Municipal Separate Storm Sewer System (“MS4”) program and compliance with their MS4 National Pollutant Discharge Elimination System (“NPDES”) Permit No. PAI136133. The Order required the City and PWSA to develop and implement a program for conducting inspections and enforcement of construction erosion and sediment (E&S) controls and post-construction best management practices (BMPs), which include the following deliverables:

- 1) Submission of amended unified Stormwater Code to City Council;
- 2) Submission of a budget request to City Council to increase capacity for inspections and enforcement;
- 3) Submission of a notification that inspection and enforcement program staff is in place for construction E&S controls and post-construction stormwater management BMPs; and:
- 4) Submission of quarterly progress reports to EPA detailing the activities completed during the reporting period, dates by which the activities were completed, any barriers to the timely completion of activities encountered, and activities currently in progress.

EPA received the first quarterly progress report from the City and PWSA on March 31, 2021, detailing the status of the completion of the requirements of the Order. EPA subsequently received all quarterly progress reports required by the Order. The final quarterly progress report provided by the City and PWSA, dated March 30, 2024, contained information demonstrating all the terms and conditions of the Order have been fulfilled. Based on EPA's review, the Respondent has complied with all actions required by the Order, and EPA is therefore terminating the Order.

The March 30, 2024 progress report states: "While the City has successfully recruited and hired all three Stormwater Inspector positions, these inspectors are not yet ready to be deployed. Once two stormwater inspectors have all PLI-required certifications, they will be deployed to perform stormwater permit inspections."

Please ensure that the certifications are obtained as set forth in the March 30th progress report. Note that the City and PWSA must continue to comply with any applicable Clean Water Act ("CWA") requirements and applicable NPDES permits, including any requirement for training of stormwater management program personnel. Any noncompliance with the CWA or a current or future NPDES permit could result in the initiation of an additional enforcement action pursuant to the federal enforcement provisions set forth in Section 309 of the CWA, 33 U.S.C. § 1319. You are therefore encouraged to pay close attention to all permit conditions at all times, and to maintain and implement any plans or Standard Operating Procedures ("SOPs") to assure compliance.

Thank you for your cooperation in this matter. If you have questions regarding any of the above information or future compliance obligations, please contact Shane McAleer, NPDES Enforcement Section, Enforcement and Compliance Assurance Division, at (215) 814-5616 or mcaleer.shane@epa.gov, or have your attorney contact Natalie Katz, Senior Assistant Regional Counsel, at 215-814-2615 or katz.natalie@epa.gov.

Sincerely,

Karen Melvin
Director
Enforcement and Compliance Assurance Division

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