

# The Times-Tribune

We're *All* About It

SATURDAY, MARCH 9, 2024

\$2.00 NEWSSTAND

## Water provider did not inform DEP about polluted channels amid work

Agency issues violation notice to Pennsylvania American Water for the incident.



CHRISTOPHER DOLAN / STAFF PHOTOGRAPHER

Silt is seen Feb. 16 in Roaring Brook around the Myrtle Street bridge at Richter Avenue in Scranton.

BY JIM LOCKWOOD  
STAFF WRITER

Pennsylvania American Water failed to inform the state Department of Environmental Protection about a release of large amounts of silt from a dam rehabilitation project at the No. 7 Reservoir in Dunmore into Roaring Brook and the Lackawanna River, according to a DEP notice of violation released Friday.

The failure to immediately alert the DEP about the sediment pollution of the waterways was among violations of the state's Clean Streams Law and regulations on sediment control, according to the DEP notice to PAW dated Thursday, March 7, and provided Friday, March 8, to media outlets.

The violations "subject Pennsylvania

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### Good morning



P.M. rain  
High: 43°  
Low: 38°

Weather, B8

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## VIOLATION: Response sought within 15 days

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American Water to appropriate enforcement action including, but not limited to, civil penalties," according to the notice. It does not specify amounts of possible fines.

The discharge of sediment polluted approximately 2 miles of Roaring Brook from the No. 7 Reservoir to the confluence with the Lackawanna River, as well as an unspecified stretch of the Lackawanna River, the notice says.

Other violations included:

**Pollution of a magnitude** to harm human, animal, plant or aquatic life.

**Activities and facilities** on the reservoir dam construction site were not conducted and operated in a manner that avoided the unpermitted discharge of the silt.

**Construction was not done** in a manner to minimize disturbance of the regimen of the stream and its bed and banks.

The notice of violation requests that the water company respond within 15 days.

"We received the notice of violation from DEP. We are reviewing the document and will respond to the notice within 15 days, per DEP's request," water company spokesman David Misner said in a statement.

The DEP became aware of the pollution muddying the waterways from the public on Feb. 4 and began investigating. Environmental advocates of clean waterways, including the Lackawanna River Conservation Association and Trout Unlimited, have expressed fears that ecological damage from the sediment will significantly impair the waters and their aquatic wildlife of macroinvertebrates and fish for some time, perhaps years. Some advocates have said they think the silt release began around Feb. 2.

A response should indicate the cause of the unpermitted discharge, why PAW did not notify DEP immediately, and what actions have been taken to remediate the affected watercourse and to prevent reoccurrence and/or continuance of the incident.

DEP also asks the water company to plan on cleaning up the environmental damage from the pollution and restoring the waterways.

"If the department finds that construction of a dam or reservoir has substantially disrupted aquatic life to preclude natural restoration of the stream ecology within a reasonable period of time, the permittee (PAW) shall be required to submit and implement a plan to restore

the aquatic life of the stream to its prior condition, to the maximum extent possible," the notice says.

A remediation plan shall be subject to review and modification by the DEP and state Fish and Boat Commission. The plan must include the following: placement of bed gravel; stabilization of banks and bed; installation of stream improvement devices; revegetation of stream and banks; stocking of fish and other aquatic life; and removal of excess sediment.

The notice of violation is not a DEP order or final action and does not impose or waive any other possible enforcement action.

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