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Mishap will cost PAW, but not in fines

State agrees that water company can avoid punitive action by carrying out project on Roaring Brook

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The state Department of Environmental Protection agreed not to fine Pennsylvania American Water for polluting Roaring Brook and the Lackawanna River with silt from a dam project, in lieu of PAW doing remediation and enhancements valued at \$300,000, according to the pact released Friday by Lackawanna County.

Earlier this year, PAW's renovation of the old dam at the No. 7 Reservoir in Dunmore inadvertently released large amounts of silt and sediment into the lower 4.8 miles of Roaring Brook, and beyond.

The DEP became aware of the silt pollution Feb. 4 and investigated.

In March, the DEP determined the silt pollution in Roaring Brook violated state law and regulations. Later that month, the agency released a study that determined the excessive silt has significantly impaired Roaring Brook, nearly

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nearly wiping out macro-invertebrates by 90-95% in some areas by burying stream-bottom habitats in sandy silt up to 3.5 feet deep.

On Thursday, the DEP entered into a "Consent Order and Agreement" requiring the water company to take steps that include devising a plan of action for cleanup of the sediment in Roaring Brook, as approved by the DEP, and a plan of study for Roaring Brook and the Lackawanna River.

Remediation will include bank stabilization and installation of a fishing dock for disabled people, according to the consent order released publicly by the county.

Monitoring and testing requirements will include:

- Implement a plan of action, approved by DEP on April 18.
- Install a staff gauge to monitor sediment accumulation at Cedar and Mattes avenues in Scranton; and inspect the area every two weeks and remove the sediment as required.
- Submit sediment removal reports to the DEP.
- Reevaluate Roaring Brook for additional sediment removal.
- Continue sediment removal activities until 12 months after dam project is completed.
- Submit a plan of study for DEP approval to conduct twice-a-year cause and effect surveys at locations on Roaring Brook and the Lackawanna River.
- Conduct cause and

effect surveys twice a year, during March to April and November to December beginning in November-December 2024 until 36 months from the date PAW completes the dam rehabilitation.

The water company also will undertake a community environmental project for in-stream habitat enhancement features and stream-bank stabilization.

"The value of the work is estimated to exceed \$300,000, which is in lieu of a civil penalty against PAWC," states a letter dated June 20 from DEP Northeast Regional Director Joseph Buczynski to six environmental organizations.

Those groups include the Lackawanna River Conservation Association, Lackawanna Valley Heritage Valley Authority, Trout Unlimited and its Lackawanna Valley chapter and Pennsylvania Council, and the Eastern Pennsylvania Coalition for Abandoned Mine Reclamation. The letter also was copied to federal and state legislators, the city of Scranton and borough of Dunmore.

The community environmental project requires PAW to do the following along Roaring Brook:

- Install fish habitat J-hooks, random boulder placement and other DEP-approved fish enhancement structures.
- Stabilize streambanks.
- Create educational features, native plantings and signs explaining benefits.
- Construct a disabled-accessible fishing deck and

parking lot. The location was not specified.

Tara Jones, executive director of the Lackawanna River Conservation Association, called the project a "positive step" on several levels, including removing silt, improving fish habitat, stabilizing stream banks and creating disabled-accessible access and educational facets.

"Those are all positive ways for us to move on from this disaster that happened," Jones said. "I think this goes a long way to make it right, and we want to work with Pennsylvania American Water to make it right."

PAW has 120 days to apply for permits and work must start within 45 days after permits are received. It's expected that the entire project would be completed within a year of issuance of all permits.

"We agree with you on the importance and value of both Roaring Brook and the Lackawanna River. The DEP specifically built in measures into the Consent Order and Agreement to address your concerns," Buczynski told the recipients of his letter.

"The DEP will continue to work with PAWC on implementing activities to prevent future sediment releases, removal of current sediment deposition, implementation of new fish enhancements in Roaring Brook, and monitoring the recovery of both aquatic resources into the future."

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