

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In The Matter Of:

Borough of Mifflinburg	:	Sewerage – NPDES No. PA0028461
120 North Third Street	:	
Mifflinburg, PA 17844	:	

ORDER

This Order is issued this 16 day of April 2026, by the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department") against the Borough of Mifflinburg.

The Department has found and determined the following:

- A. The Department is the agency with the duty and authority to administer and enforce The Clean Streams Law, the Act of June 22, 1937, P.L. 1987, *as amended*, 35 P.S. §§ 691.1 - 691.1001 ("Clean Streams Law"), Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. § 510-17 ("Administrative Code"); the rules and regulations promulgated thereunder; and which has been delegated authority to administer the National Pollutant Discharge Elimination System ("NPDES") permit program under Section 402 of the Federal Water Pollution Control Act, 33 U.S.C. § 1342.
- B. The Borough of Mifflinburg is a municipality with a mailing address of 120 North Third Street, Mifflinburg, Pennsylvania 17844.
- C. The Borough of Mifflinburg owns and operates the Mifflinburg Borough Municipal Sewage Treatment Plant located at 200 Gessner Lane, Mifflinburg, Pennsylvania in Mifflinburg Borough, Union County ("Facility").

D. On March 21, 2017, the Department issued National Pollutant Discharge Elimination System Permit No. PA0028461 to the Borough of Mifflinburg authorizing the discharge of treated sewage effluent from the Facility to Buffalo Creek (“NPDES Permit”).

E. The Borough of Mifflinburg’s NPDES Permit became effective for a five-year period commencing on April 1, 2017.

F. On September 29, 2021, the Borough of Mifflinburg submitted an NPDES renewal application to the Department. The Department’s acceptance of this renewal application administratively extended the terms and conditions of the Borough of Mifflinburg’s NPDES Permit beyond the expiration date of March 31, 2022.

G. On April 6, 2022, the Department renewed NPDES Permit No. PA0028461 to the Borough of Mifflinburg authorizing the discharge of treated sewage effluent from the Facility to Buffalo Creek.

H. The Borough of Mifflinburg’s NPDES Permit became effective for a five-year period commencing on May 1, 2022.

I. On July 25, 2008, the Department issued Water Quality Management Permit No. 6006401 A-1 which authorizes the construction and operation of the Facility’s current Membrane Bioreactor Treatment Process (“WQM Permit”).

J. The Membrane Bioreactor treatment process integrates a biological treatment process with membrane filtration. The Facility’s treatment system, as approved by the WQM Permit, includes a course mechanical bar screen, grit removal system, a mechanical fine screen, two equalization tanks, two pre-anoxic tanks, two anoxic tanks, two aeration tanks, two post-anoxic tanks, four membrane bioreactor tanks, UV disinfection, aerobic digester and sludge press.

K. Flow through the Facility's treatment system is restricted by the current operational capacity of the four membrane bioreactor tanks. When the current operational capacity of those tanks is less than the volume of sewage entering the Facility, the treatment system becomes hydraulically overloaded. This overloaded status will cause partially treated sewage to flow into the first of the Facility's two equalization tanks which operate in series. If the Facility's overloaded status is not rectified in a timely manner, the second equalization tank will overflow, allowing partially treated sewage to discharge directly to Buffalo Creek.

L. Between September 10, 2018 through March 27, 2026, the Borough of Mifflinburg experienced 21 unauthorized discharges of partially treated sewage from the Facility's equalization tank. The total volume of partially treated sewage discharged to Buffalo Creek from the Facility's equalization tank from September 10, 2018 through March 27, 2026 was approximately 37.645 million gallons, as illustrated in the table below.

DISCHARGE START DATE	DISCHARGE VOLUME
9/10/2018	5.68 million gallons
12/21/2018	3.513 million gallons
12/24/2020	1.75 million gallons
9/1/2021	1.9 million gallons
9/22/2021	0.73 million gallons
2/18/2022	0.001 million gallons
5/7/2022	0.784 million gallons
12/23/2022	1.757 million gallons
8/7/2023	1.12 million gallons
8/15/2023	1.12 million gallons

DISCHARGE START DATE	DISCHARGE VOLUME
12/18/2023	0.33 million gallons
1/9/2024	5.81 million gallons
4/4/2024	4.72 million gallons
8/9/2024	3.51 million gallons
5/14/2025	0.59 million gallons
6/15/2025	0.64 million gallons
3/6/2026	0.67 million gallons
3/12/2026	0.55 million gallons
3/16/2026	0.91 million gallons
3/23/2026	1.38 million gallons
3/27/2026	0.18 million gallons

Applicable Law

M. The Borough of Mifflinburg is a “municipality” and a “person” as those terms are defined in Section 1 of The Clean Streams Law, 35 P.S. § 691.1, and 25 Pa. Code § 92a.2.

N. The Facility is a “publicly-owned treatment works” as that term is defined in 25 Pa. Code § 92a.2.

O. Buffalo Creek, referenced in Paragraphs D, G, K, and L, above, is a “waters of the Commonwealth” as that phrase is defined in Section 1 of The Clean Streams Law, 35 P.S. § 691.1.

P. Treated sewage effluent, referenced in Paragraphs D and G, above, and partially treated sewage, referenced in Paragraphs K and L, above, are “sewage” and “pollution” as those

terms are defined in Section 1 of The Clean Streams Law, 35 P.S. § 691.1, and “sewage” and a “pollutant” as those terms are defined by 25 Pa. Code § 92a.2.

Q. Pursuant to Section 201 of The Clean Streams Law, 35 P.S. § 691.201, no municipality shall place or permit to be placed, or discharge or permit to flow, or continue to discharge or permit to flow, into any of the waters of the Commonwealth any sewage.

Unlawful Conduct

R. The Borough of Mifflinburg’s unauthorized discharges, as described in Paragraphs K and L, above, violate Section 201 of The Clean Streams Law, P.S. § 691.201.

S. The violations described in Paragraph R above constitute unlawful conduct under Section 611 of The Clean Streams Law, 35 P.S. § 691.611; statutory nuisances under Section 202 of the Clean Streams Law, 35 P.S. § 691.202; and subject the Borough of Mifflinburg to civil penalty liability under Section 605 of The Clean Streams Law, 35 P.S. § 691.605.

ORDER

NOW, THEREFORE, pursuant to Sections 5, 316, 402 and 610 of the Clean Streams Law, 35 P.S. §§ 694.5, 691.316, 691.402 and 691.610 and Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P.L. 177, *as amended*, 71 P.S. § 510-17, it is hereby ORDERED as follows:

1. **Upon receipt of this Order**, the Borough of Mifflinburg shall maintain an hourly log of equalization tank freeboard height when partially treated sewage is diverted to the Facility’s equalization tanks due to hydraulic overload. The Borough of Mifflinburg shall immediately provide the hourly log for inspection to the Department upon request by the Department.

2. **Upon receipt of this Order,** the Borough of Mifflinburg shall maintain a minimum freeboard of 2 feet in all equalization tanks. If the equalization tank has 2 feet of freeboard or less, the Borough of Mifflinburg shall immediately take steps to maintain a minimum freeboard of 2 feet. The Borough of Mifflinburg shall notify the Department orally within 24 hours of commencing the steps to reduce the freeboard to 2 feet or greater.

3. **Within 7 days after the date of this Order,** the Borough of Mifflinburg shall submit to the Department, at the address listed in Paragraph 5, below, a written plan outlining the steps the Borough of Mifflinburg intends to take to prevent the equalization tank from having 2 feet or less of freeboard. If the Borough of Mifflinburg is unable to meet this deadline, it must contact the Department and provide a legitimate reason prior to the deadline to request additional time. This Order may only be extended by agreement of the parties and shall be effective only if the agreement is preserved in writing by the Department.

4. **Submission of Documents.** With regard to any document that the Borough of Mifflinburg is required to submit pursuant to Paragraph 3, above, of this Order, the Department will review the document and will approve or disapprove the document, or any portion thereof, in writing. If the document, or any portion thereof, is disapproved by the Department, the Borough of Mifflinburg shall submit a revised document to the Department that addresses the Department's concerns within a reasonable time, as specified by the Department. Upon approval by the Department, the document, including any Department-approved implementation schedules, shall become a part of this Order for all purposes and shall be enforceable as such.

5. **Submissions to the Department.** All submissions required under this Order shall be sent to:

Thomas M. Randis
Environmental Program Manager
Clean Water Program
Pennsylvania Department of Environmental Protection
208 West Third Street, Suite 101
Williamsport, PA 17701-6448
email: trandis@pa.gov

6. This Order of the Department is effective IMMEDIATELY upon receipt.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board ("Board") pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A. The Board's address is:

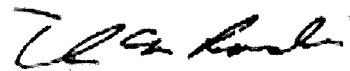
Environmental Hearing Board
Rachel Carson State Office Building, Second Floor
400 Market Street
P.O. Box 8457
Harrisburg, PA 17105-8457

TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law. A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.pa.gov/> or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD 717-787-3483 FOR MORE INFORMATION.

**IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE
FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT
OF THIS ACTION.**

FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION

A handwritten signature in black ink, appearing to read "T. M. Randis", is positioned above a horizontal line.

Thomas M. Randis
Environmental Program Manager
Northcentral Regional Office