

CITY OF BETHLEHEM

Inter-Office Memorandum

SUBJECT: RESOLUTION ESTABLISHING MONTHLY REPORTING
TO CITY COUNCIL REGARDING COMPLIANCE UNDER
THE CITY OF BETHLEHEM'S CONSENT ORDER AND
AGREEMENT ENTERED WITH THE PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

TO: Rachel Leon, Council President and City Clerks

FROM: Councilwoman Hillary Kwiatek

DATE: August 18, 2026

Colleagues:

Attached please find a proposed resolution establishing monthly reporting to City Council regarding the City of Bethlehem's Consent Order and Agreement with the Pennsylvania Department of Environmental Protection.

Given the importance of public trust in our municipal government, I believe it is critical that we as council members receive timely reporting regarding this matter.

This resolution establishes the authority, timing and the contents of said report. It also states that the resolution does not direct the technical or operational management of the wastewater treatment plant, replace the Mayor's supervision of City departments, or limit the authority of the Department under the COA, the NPDES Permit, or applicable law.

I have asked for this resolution to be placed on the agenda of the September 1, 2026 City Council meeting.

I am happy to discuss this further with you should you wish.

Best regards,



Hillary G. Kwiatek

RESOLUTION NO. 2026-_____

**RESOLUTION ESTABLISHING MONTHLY REPORTING TO CITY COUNCIL
REGARDING COMPLIANCE UNDER THE CITY OF BETHLEHEM'S
CONSENT ORDER AND AGREEMENT ENTERED WITH THE
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION**

WHEREAS, by separate resolution, the City Council authorized and designated J. William Reynolds, Mayor, George Yasso, Controller, and John F. Spirk, Jr., City Solicitor to execute a Consent Order and Agreement with the Pennsylvania Department of Environmental Protection to settle violations of The Clean Streams Law of Pennsylvania, as amended, and enforced under the City of Bethlehem National Pollution Discharge Elimination System Permit No. PA0026042; and

WHEREAS, the proposed COA requires the City to pay stipulated civil penalties that accrue under Paragraph 5 of the COA monthly, on or before the fifteenth day of the succeeding month; and

WHEREAS, City Council finds that regular, transparent reporting concerning the City's compliance with the COA, the NPDES Permit, and any stipulated civil penalties is in the public interest and necessary for Council's oversight of City affairs.

BE IT RESOLVED by the Council of the City of Bethlehem, Lehigh and Northampton Counties, Pennsylvania, as follows:

1. **Monthly COA compliance report.** Beginning with the first full calendar month after execution of the COA, the Director of Water and Sewer Resources shall prepare and submit to Council a monthly written COA Compliance Report no later than the fifteenth day of the following month. The report shall be transmitted through the Mayor and shall be a sworn statement of the Director that the report is true and correct to the best of the Director's knowledge, information, and belief.

2. **Required report contents.** The Monthly COA Compliance Report shall include, at a minimum:

- a. A copy of, or electronic access to the Discharge Monitoring Report submitted to the Department for the reporting month;
- b. A summary of each NPDES Permit effluent-limit exceedance, monitoring violation, reporting violation, sanitary sewer overflow, or other event that constitutes or may constitute noncompliance with the COA, the NPDES Permit,

or applicable law, including the date, location or outfall if applicable, parameter or condition involved, and known or suspected cause;

c. A description of corrective actions taken, planned, or required in response to each event identified under subsection 4.b;

d. The status of each corrective-action obligation, permit application, and progress report required by Paragraph 3 of the COA;

e. For each stipulated civil penalty accrued or paid under Paragraph 5 of the COA during the reporting month, the provision of Paragraph 5 implicated, the triggering event or violation, the amount accrued, the due date, the amount paid, and the payment date; and

f. The total amount of accrued Paragraph 5 stipulated civil penalties that remain unpaid as of the end of the reporting month, together with the anticipated payment date and an explanation for any payment not made by its due date.

3. **Council oversight; no operational direction.** The reports required by this Resolution are for purposes of Council's oversight of City affairs pursuant to § 4109 of the Optional Third Class City Charter Law. Nothing in this Resolution directs the technical or operational management of the wastewater treatment plant, replaces the Mayor's supervision of City departments, or limits the authority of the Department under the COA, the NPDES Permit, or applicable law.

I, the duly qualified City Clerk of the City of Bethlehem of Lehigh and Northampton Counties, PA, hereby certify that the foregoing is a true and correct copy of a Resolution duly adopted by a majority vote of the Council of the City of Bethlehem at a regular meeting held on _____, 2026 and said Resolution has been recorded in the Minutes of the Council of the City of Bethlehem and remains in effect as of this date.

Sponsored by /s/ _____
/s/ _____

ADOPTED by Council this the _____ day of _____, 2026.

/s/ _____
President of Council

ATTEST:

/s/ _____
City Clerk