

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Lower Susquehanna Riverkeeper Association v. Joe Darrah, Inc.,
d/b/a J&K Salvage, et al.

Lower Susquehanna Riverkeeper Association · No. 1:25-CV-01285 · Decided March 26, 2026

SUMMARY

The United States District Court for the Middle District of Pennsylvania denied without prejudice the Lower Susquehanna Riverkeeper Association’s motion for a temporary restraining order and preliminary injunction against operators of a metal-shredding facility. The court held that the motion was moot because the Pennsylvania Department of Environmental Protection had already ordered the defendants to cease operations and undertake related compliance measures. Although the court found that the plaintiff demonstrated a likelihood of success on its Clean Water Act claims, it found no non-speculative irreparable harm and concluded that the balance of equities and public interest weighed against injunctive relief.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Karoline Mehalchick
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	March 26, 2026
DOCKET	1:25-CV-01285
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for a temporary restraining order and preliminary injunction in an action alleging violations of the Clean Water Act, the Pennsylvania Clean Streams Law, and the Resource Conservation and Recovery Act.
STANDARD OF REVIEW	A party seeking a preliminary injunction must clearly demonstrate a likelihood of success on the merits and irreparable injury; courts also consider the balance of equities and the public interest. A preliminary injunction is an extraordinary remedy and must be the only way to protect the movant from the claimed harm.
PRECEDENTIAL VALUE	Unpublished district-court memorandum; precedential status unknown

TOPICS

injunctions

clean water act

environmental law

administrative law

civil procedure

PRACTICE AREAS

environmental law

Clean Water Act

administrative law

civil procedure

injunctive relief

QUESTIONS PRESENTED

1. Whether Plaintiff's motion for a temporary restraining order and preliminary injunction was moot because PADEP had already ordered the relief Plaintiff sought.
2. Whether Plaintiff demonstrated irreparable injury sufficient to support preliminary injunctive relief.
3. Whether Plaintiff demonstrated a likelihood of success on its Clean Water Act claims.
4. Whether the balance of equities and public interest favored preliminary injunctive relief.
5. Whether the action should be stayed pending PADEP proceedings.

HOLDINGS

1. The motion was moot because PADEP had already ordered Defendants to cease facility operations, stop accepting and processing waste, obtain a new NPDES permit or No Exposure Certification, and undertake testing, monitoring, compliance, and remediation measures that encompassed the relief Plaintiff requested.
2. Plaintiff failed to demonstrate irreparable injury because PADEP had already ordered Defendants to cease pollution-causing operations, Plaintiff's evidence concerned past harm, and the possibility that Defendants might disobey the PADEP order was speculative.
3. Plaintiff sufficiently demonstrated a likelihood of success because the Clean Water Act imposes strict liability for unauthorized discharges of pollutants into navigable waters without an NPDES permit or outside the limits and conditions of an NPDES permit.
4. The balance of equities and public interest weighed against injunctive relief because PADEP's order already prevented continued facility operations and environmental harm, while federal-court intervention could needlessly interfere with lawful state proceedings.
5. The court declined to stay the action because Defendants had not established that a stay was necessary, without prejudice to their filing a properly supported motion to stay.

KEY QUOTATIONS

“A preliminary injunction is an extraordinary and drastic remedy, one that should not be granted unless the movant, by a clear showing, carries the burden of persuasion.” (Section II)

“Absent Defendants refusing to follow the PADEP’s order or the PADEP rescinding its order, LSRKA’s motion is moot.” (Section III.A)

“Past harm, on its own, cannot constitute irreparable injury for purposes of a preliminary injunction” (Section III.B.1)

“the CWA unambiguously imposes strict liability for unlawful discharges” (Section III.B.2)

FACTUAL BACKGROUND

Plaintiff is an environmental organization whose members use the Susquehanna River watershed. Defendants operated a metal-shredding and scrap-yard facility in York County, Pennsylvania, under an NPDES permit that expired on November 30, 2024. Plaintiff alleged that Defendants discharged pollutants beyond the permit limits and continued discharging after the permit expired. After a February 2026 explosion and fire, Plaintiff sought an injunction halting operations and requiring environmental protection measures, but PADEP issued an order providing substantially the same relief.

PROCEDURAL HISTORY

LSRKA filed the action on July 14, 2025, and filed an amended complaint on October 20, 2025. After a February 25, 2026, explosion and fire at the facility, LSRKA moved for a temporary restraining order and preliminary injunction. While the motion was pending, the Pennsylvania Department of Environmental Protection issued an order requiring Defendants to cease operations, stop accepting and processing waste, obtain a new NPDES permit or No Exposure Certification, and undertake testing, monitoring, compliance, and remediation measures. The court denied the motion without prejudice, canceled the scheduled hearing, and declined to stay the action.

DISPOSITION

other

CASES CITED

- Grill v. Aversa, 908 F. Supp. 2d 573, 591 (M.D. Pa. 2012)
- Gerardi v. Pelullo, 16 F.3d 1363, 1373 (3d Cir. 1994)
- SI Handling Systems, Inc. v. Heisley, 753 F.2d 1244, 1254 (3d Cir. 1985)
- Highmark, Inc. v. UPMC Health Plan, Inc., 276 F.3d 160, 170-71 (3d Cir. 2001)
- Am. Tel. & Tel. Co. v. Winback & Conserve Program, Inc., 42 F.3d 1421, 1426-27 (3d Cir. 1994)
- Instant Air Freight Co. v. C.F. Air Freight, Inc., 882 F.2d 797, 800-01 (3d Cir. 1989)
- Hohe v. Casey, 868 F.2d 69, 72 (3d Cir. 1989)
- Morton v. Beyer, 822 F.2d 364 (3d Cir. 1987)
- Campbell Soup Co. v. ConAgra, Inc., 977 F.2d 86, 91 (3d Cir. 1992)
- Madison Square Garden Corp. v. Braddock, 90 F.2d 924, 927 (3d Cir. 1937)
- Holiday Inns of Am., Inc. v. B&B Corp., 409 F.2d 614, 618 (3d Cir. 1969)
- Angstadt ex rel. Angstadt v. Midd-West Sch., 182 F. Supp. 2d 435, 437 (M.D. Pa. 2002)
- Continental Grp., Inc. v. Amoco Chems. Corp., 614 F.2d 351, 359 (3d Cir. 1980)
- Fisher v. Goord, 981 F. Supp. 140, 168 (W.D.N.Y. 1997)
- ECRI v. McGraw-Hill, Inc., 809 F.2d 223, 226 (3d Cir. 1987)

- *Glasco v. Hills*, 558 F.2d 179, 181 (3d Cir. 1977)
- *Acierno v. New Castle County*, 40 F.3d 645, 653 (3d Cir. 1994)
- *Marxe v. Jackson*, 833 F.2d 1121 (3d Cir. 1987)
- *Solid Rock Baptist Church v. Murphy*, 480 F. Supp. 3d 585, 594 n.8 (D.N.J. 2020)
- *Enoch v. Perry*, No. 1:19-CV-00026, 2019 WL 2393783, at *3 (W.D. Pa. June 6, 2019)
- *Smith v. Powanda*, No. 1:19-CV-2174, 2020 WL 1183682, at *2 (M.D. Pa. Mar. 12, 2020)
- *Ferring Pharms., Inc. v. Watson Pharms., Inc.*, 765 F.3d 205, 219 (3d Cir. 2014)
- *ASI Bus. Sols., Inc. v. Otsuka Am. Pharm., Inc.*, 233 F. Supp. 3d 432, 440 (E.D. Pa. 2017)
- *Pella Prods., Inc. v. Pella Corp.*, No. 3:18-CV-01030, 2018 WL 2734820, at *10 (M.D. Pa. June 7, 2018)
- *Freedom Med. Inc. v. Whitman*, 343 F. Supp. 3d 509, 530 (E.D. Pa. 2018)
- *Ecosave Automation, Inc. v. Delaware Valley Automation, LLC*, 540 F. Supp. 3d 491, 507 (E.D. Pa. 2021)
- *Ali v. FCI Allenwood*, No. 3:CV-17-1171, 2017 WL 3008545, at *3 (M.D. Pa. July 14, 2017)
- *Adams v. Freedom Forge Corp.*, 204 F.3d 475, 488 (3d Cir. 2000)
- *Moneyham v. Ebbert*, 723 F. App'x 89, 92 (3d Cir. 2018)
- *Zoom Tan, Inc. v. 1024 Mkt. St. Inc.*, No. CV 24-324, 2025 WL 579630, at *6 (W.D. Pa. Feb. 21, 2025)
- *Amoco Prod. Co. v. Vill. of Gambell, AK*, 480 U.S. 531, 545 (1987)
- *State of Delaware Dep't of Nat. Res. & Env't Control v. U.S. Army Corps of Eng'rs*, 681 F. Supp. 2d 546, 561 (D. Del. 2010)
- *United States v. Allegheny Ludlum Corp.*, 366 F.3d 164, 171, 175 (3d Cir. 2004)
- *Lower Susquehanna Riverkeeper Ass'n v. Republic Servs. of Pennsylvania LLC*, No. 1:23-CV-00044, 2025 WL 976694, at *9 (M.D. Pa. Mar. 31, 2025)
- *Cornette v. Graver*, 473 F. Supp. 3d 437, 477 (W.D. Pa. 2020)
- *Lewis v. Keuerleber*, No. 1:25-CV-447, 2025 WL 1550110, at *6 (M.D. Pa. May 30, 2025)
- *Bradley v. Pittsburgh Bd. of Educ.*, 910 F.2d 1172, 1176 (3d Cir. 1990)
- *Pletcher v. Giant Eagle Inc.*, No. CV 2:20-754, 2020 WL 6263916, at *3 (W.D. Pa. Oct. 23, 2020)
- *Reed v. Chambersburg Area Sch. Dist.*, No. 1:13-CV-00644, 2014 WL 1028405, at *19 (M.D. Pa. Mar. 17, 2014)
- *Akishev v. Kapustin*, 23 F. Supp. 3d 440, 445 (D.N.J. 2014)
- *Doe (A.A.M.) v. Wyndham Hotels & Resorts, Inc.*, No. 24-CV-11502 (ES) (CLW), 2025 WL 1911578, at *2 (D.N.J. July 11, 2025)