UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

AUG 10 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Curtis Keller
General Manager
Berkeley County Public Service Sewer District
65 District Way
Martinsburg, West Virginia 25404

Re: Clean Water Act Section 308 Information Requirement

Dear Mr. Keller,

Enclosed please find an Information Requirement issued this date pursuant to Section 308 of the Act, 33 U.S.C. § 1318 that requires, among other things, that Berkeley County Public Service Sewer District personnel provide detailed information regarding compliance of their Municipal Separate Storm Sewer System (MS4) program (WV/NPDES General Permit No. WV011602). The requirement to provide EPA with the information requested is mandatory, and you must respond in accordance with the instructions and deadlines set forth in the Information Requirement.

Compliance with this Information Requirement is mandatory. Failure to respond fully and truthfully to the Information Requirement in accordance with deadlines set forth in the Information Requirement, or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 309 of the Act, 33 U.S.C. § 1319. EPA is authorized to seek the imposition of penalties up to $51,570 for each day of continued noncompliance with the Information Requirement. Please be further advised that the provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

You may assert a business confidentiality claim covering all or part of the information required herein in the manner described in 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no claim of confidentiality accompanies the information required herein when it is received, EPA may make the information available to the public without further notice to you.

Printed on 100% recycled/recyclable paper with 100% post-consumer fiber and process chlorine free.
Customer Service Hotline: 1-800-438-2474

This Information Requirement is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35 (See 5 C.F.R. § 1320.3(c)).

Please contact Mr. Michael Greenwald at (215) 814-2398 if you have any questions regarding this Information Requirement.

Sincerely,

M Zolandz for

David B. McGuigan, Associate Director
Office of NPDES Permits & Enforcement
Water Protection Division

Enclosure

cc: Robin Dolly, WVDEP

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

In The Matter of Berkeley County Public Service Sewer District 65 District Way Martinsburg, West Virginia 25404 Respondent	:	Proceeding under Section 308 of the Clean Water Act, 33 U.S.C. § 1318 **INFORMATION REQUIREMENT**

I. STATUTORY AUTHORITY

1. This Information Requirement is issued under the authority vested in the United States Environmental Protection Agency (EPA) by Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318. The Administrator of the EPA has delegated this authority to the Regional Administrator of EPA Region III who in turn has delegated it to the Director of the Water Protection Division of EPA Region III, who in turn has delegated it to the Associate Director of the Office of NPDES Permits and Enforcement. EPA hereby requires the Berkeley County Public Service Sewer District (BCPSSD or Respondent) to provide the information specified below.

II. STATUTORY AND REGULATORY BACKGROUND

2. EPA is authorized under Section 308 of the CWA, 33 U.S.C. § 1318, to require owners and operators of point sources to establish records and make such reports as may be necessary to carry out the purpose of the Act, including but not limited to:

   a. developing or assisting in the development of any effluent limitation, or other limitation, prohibition, effluent standard, pretreatment standard, or standard of performance under the CWA;

   b. determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or

standard of performance;

c. any requirement under Section 308 of the CWA; and

d. carrying out Sections 305, 311, 402, 404, and 504 of the CWA.

3. Failure to respond as directed to a CWA Section 308 Information Requirement is punishable under the civil and criminal provisions of Section 309 of the CWA, which provide for the assessment of penalties, injunctive relief and imprisonment. Providing misleading or false information may subject you to civil and criminal sanctions. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

4. You may, if you desire, assert a business confidentiality claim covering all or part of the information Requirement herein in the manner described in 40 C.F.R. Part 2 Subsection B. Information covered by such a claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Subpart B, 40 C.F.R. Part 2. If no claim of confidentiality accompanies the Information Requirement herein when it is received by EPA, it may be made available to the public by EPA without further notice. You may not withhold any information from EPA on the grounds that it is confidential business information. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act 44 U.S.C. Chapter 35. (See 5 C.F.R. Section 1320.3(c)).

III. INSTRUCTIONS

5. Provide a separate narrative response for each question contained in this Information Requirement and for each subpart of each question. Precede each answer with the corresponding number of the question to which it responds.

6. Identify each person responding to each question contained in this Information Requirement on behalf of the Respondent, as well as each person consulted in the preparation of the response.

7. For each question, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question.

8. Indicate on each document produced in response to this Information Requirement, or in some other reasonable manner, the number of the question to which it corresponds.

9. If tabulation is required, provide your response in tabular form in both hard copy and as an electronic spreadsheet file in Microsoft Excel format.

10. If requested information or documents are not known or are not available at the time of your response to this Information Requirement, but later become known or available, the Respondent must supplement its response to EPA. Moreover, should the Respondent find at any time after submission of its response that any portion is or becomes false, incomplete, or misrepresents the facts; the Respondent must provide EPA with a corrected response as soon as possible.

11. All submissions provided pursuant to this Requirement shall be signed and dated by a responsible official of Respondent and include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signed _____
Title _____
Date _____

12. Submit a copy of your response to the following individual:

Mr. Michael Greenwald (3WP42)
NPDES Enforcement Branch
Water Protection Division
U. S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029

13. If you have questions regarding this Information Requirement, you may contact Mr. Michael Greenwald of the NPDES Enforcement Branch at (215) 814-2398.

IV. DEFINITIONS

14. The terms "Document", "Documents" and "Documentation" shall mean any format that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hard copy, including any form or format of these types. If in computer format or memory, each such document shall be provided in a translated form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include: (a) a copy of each document which is not an exact duplicate of a document which is provided; (b) each copy on which there is any writing, notation, or the like; (c) drafts;

(d) attachments to or enclosures with any document; and (e) every other document referred to or incorporated into each document.

15. The term "identify" with respect to a natural person means to provide that person's name, address, telephone number, title, and relationship to Respondent. The term "identify" with respect to a business entity means to provide that entity's name, address, and relationship to the Respondent, and to provide the name, address, telephone number, and title of an individual who can provide information related to, and on behalf of, the entity.

16. The term "Day" shall mean a calendar day. In computing any period of time under this Request pursuant to Section 308, where the last day would fall on a Saturday, Sunday, federal or state holiday, the period shall run until the close of the next business day.

V. INFORMATION REQUIREMENT

AND NOW, this 9th day of August, 2016, Respondent is hereby directed, pursuant to Section 308 of the Act, 33 U.S.C. § 1318, to provide the following information, within fifteen (15) days of the effective date of this Information Requirement:

17. An inventory, in table form, of all of the BCPSSD's Post Construction Stormwater BMPs both before and after 2010. The inventory should include the BMPs name, structure type, location, date of installation, date of last inspection, and latitude and longitude.

18. E&S inspection reports of permitted construction sites performed from 2014 to present.

19. Copies of any violations or stop work orders issued to construction sites in regards to compliance with their E&S plans from 2014 to present.

VI. EFFECTIVE DATE

This INFORMATION REQUIREMENT is effective upon receipt.

Date: 8/9/16

M Zolandz for

David B. McGuigan, Ph.D.
Associate Director
Office of NPDES Permits and Enforcement
Water Protection Division