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

MAR 28 2014

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Betina Lesoon, Business Manager
East Deer Township
Municipal Building
707 South Pike Road
Creighton, Pennsylvania 15030

Subject: Clean Water Act Section 308 Information Requirement

Dear Ms. Lesoon:

The enclosed Information Requirement is issued this date pursuant to Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318, requires East Deer (Township) to provide information on its wastewater collection and conveyance system discharging to the Upper Allegheny Joint Sewer Authority. It is mandatory that the Township provide this information. You must respond in accordance with the instructions and deadlines set forth in the enclosed Information Requirement.

Pursuant to Section 308(a) of the Act, 33 U.S.C § 1318(a), you are hereby required to submit to EPA the information requested in this letter. If you fail to properly respond to the request, you may be subject to penalties. Pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), any person who violates Section 308 of the Act is subject to administrative penalties. Pursuant to Section 309(d) of the Act 33 U.S.C. § 1319(d), any person who violates Section 308 of the Act is subject to a civil penalty of up to $37,500 per day of violation. You also may be subject to criminal penalties pursuant to Section 309(c) of the Act, 33 U.S.C. § 1319(c), for negligently or knowingly providing false information in response to this request. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

You are entitled to assert a claim of business confidentiality covering any part or all of the information, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to you.

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Customer Service Hotline: 1-800-438-2474

If you have any questions about this Information Requirement, you may contact Mr. Andrew Seligman at (215) 814-2097.

Sincerely,

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

Enclosure

cc: Paul Eiswerth, PADEP-SWRO

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

In The Matter of:	:	
	:	Proceeding Under Section 308 of the
East Deer Township	:	Clean Water Act, 33 U.S.C. §1318
Municipal Building	:	
Creighton, Pennsylvania	:	
15030	:	
	:	
	:	INFORMATION REQUIREMENT
Respondent	:	
	:	
	:	

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 or Act), 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 Associate Director, Office of NPDES Permits and Enforcement of the Water Protection Division of EPA Region III. EPA hereby requires the Township of East Deer (Respondent) to provide the information described below related to compliance with the CWA.

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 Clean Water Act;

   (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 Clean Water Act; and

(d) Carrying out Sections 305, 311, 402, 404, and 504 of the Clean Water Act.

3. Any failure to respond as directed is punishable under the civil and criminal provisions of Section 309 of the Act, which provide for the assessment of penalties, injunctive relief and imprisonment.

4. You may, if you desire, assert a business confidentiality claim covering all or part of the information required herein in the manner described in 40 C.F.R. Section 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 Subpart B, 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information required herein when it is received by EPA, it may be made available to the public by EPA without further notice. 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. § 1320.3(c)).

III. INSTRUCTIONS

5. Provide a separate narrative response for each question and for each subpart of each question set forth below. Precede each answer with the corresponding number of the question to which it responds.

6. Identify each person responding to any 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. If a tabulation is requested, provide the required information in tabular form in hard copy and also in tabular form in an electronic spreadsheet file of Excel, or ASCII delimited format.

9. If required 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.

10. Section 308 of the Act, 33 U.S.C. § 1318, requires the Respondent to provide accurate and complete information in response to the questions contained in this request. All submissions provided pursuant to this Section 308 request shall be signed and dated by a responsible official of the Township of East Deer and must include the following certification:

"I certify that the information contained in or accompanying this submission is 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. I certify as having responsibility for the persons who, acting under my direct instruction, made the verification that this information is true, accurate, and complete.

Signed _____
Title _____

11. Submit your response to:

Andrew Seligman (3WP42)
NPDES Enforcement Branch
Water Protection Division
U. S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103

12. If you have questions regarding this Information Request, you may contact Mr. Andrew Seligman of the NPDES Enforcement Branch at (215) 814-2097 or Ms. Deane Bartlett of the Office of Regional Counsel at (215) 814-2776.

IV. DEFINITIONS

13. The terms "document" and "documents" 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 which has any writing, notation, or the like on it; c) drafts; (d) attachments to or enclosures with any document; and (e) every other document referred to or incorporated into each document.

14. "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.

15. "Plant" refers to the Upper Allegheny Waste Water Treatment Plant located in East Deer Township, Pennsylvania.

16. "LTCP" means a long term control plan required by the 1994 CSO Policy and the Administrative Order on Consent Docket No. CWA-03-2010-0068 effective January 13, 2010.

17. "LTCP Guidance" means EPA document "Guidance For Long Term Control Plan" (EPA 832-B-95-002), dated September 1994.

18. "AOC" means the Administrative Order on Consent No. CWA-03-2010-0068 effective January 13, 2010, a copy of which is attached hereto as Attachment A.

19. "UARCS" shall have the same definition as defined in AOC, Page #13.

20. "UAJSA" means the Upper Allegheny Joint Sewer Authority.

V. INFORMATION REQUESTED

21. AND NOW, this 26th day of March 2014, Respondent is hereby directed, pursuant to Section 308 of the Act, 33 U.S.C. Section 1318, to provide the following information within thirty (30) days of the effective date for this Information Requirement:

22. All documents demonstrating the Respondent has assisted the UAJSA to ensure the public served by the ARCS is actively involved in the development of the Long Term Control Plan including, but not limited to:

    1. Proposed activities for providing the public with notice and information regarding

remedial controls and remedial activities available and being considered in the LTCP to meet the requirements of the Clean Water Act and the AOC, (c) the process for evaluating the various remedial controls and remedial activities in the LTCP, and (d) opportunities to comment upon the various remedial controls and remedial activities under consideration for the LTCP;

23. All documents demonstrating the Respondent has assisted the UAJSA to establish and update on an annual basis, UAJSA's publically available website for the following information on the Township of East Deer's sewer shed:

    1. A map identifying the Respondent's portions of the ARCS sewer shed.
    2. A map of all combined sewer outfalls with all locations where there are posted public advisory signs;
    3. A map of all continuous flowing streams and rivers within the sewer shed, identified by known, existing use and highlighted when listed as impaired by PADEP pursuant to Section 303 of the Clean Water Act and all streams and rivers with Combined Sewer Outfalls and/or Sanitary Sewer Outfalls;
    4. A map showing recreational areas;
    5. Contact information for reporting dry weather discharges from the Combined Sewer Outfalls, and solids and floatable accumulation;
    6. General information of how infiltration and inflow (I/I) affects the operation of the sewer collection system resulting in the potential for occurrence of overflows, and the related public health issues;

24. A full and complete copy of all the Respondent's physical survey/visual inspection report(s) as described in Appendix B of the AOC;

25. A full and complete copy of all the Respondent's CCTV inspection reports including full and complete copies of all pre-inspection, post-inspection, and post-construction municipal inspections as described in Appendix B of the AOC;

26. All reports and documents demonstrating the repair of all structurally deficient manholes, siphons, pump stations, force mains, combined sewer regulators, diversion chambers and all outfall pipes and structures identified that impeded or impedes the flow in such a manner to invalidate the flow monitoring data;

27. All documents demonstrating sewer system deficiency corrections have been completed as defined in Appendix B, Paragraph D of the AOC;

28. All documents demonstrating the replacement or repair of all sewer lines identified

during sewer line cleaning and internal inspections that due to deteriorated physical condition restrict flows to the extent wet weather backups or overflows occur at locations other than permitted outfall structures;

29. Copies of all sewer system maps including all information described in Appendix C of the AOC;

30. Copies of all documentation the Respondent provided the UAJSA to assist the UAJSA to design and implement the Flow and Rainfall Monitoring requirements detailed in Appendix D of the AOC;

31. Copies of all documentation the Respondent provided to the UAJSA to assist UAJSA in creating its Combined Sewer Overflow Pollutant Monitoring plan as described in Appendix E of the AOC;

32. All documentation the Respondent provided to the UAJSA to assist UAJSA in creating its Hydrologic and Hydraulic Model as described in Appendix F of the AOC; and

VI. EFFECTIVE DATE

33. This Information Requirement is effective upon receipt.

Date: 3/26/14

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