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

SEP 29 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Joe Lapcevic, Water Permitting Supervisor
First Energy Corporation
Mitchell Power Station
800 Cabin Hill Drive
Greensburg, PA, 15601

Re: Clean Water Act Section 308 Information Requirement

Dear Mr. Lapcevic,

The First Energy Corporation owns and operates a coal ash pond (CAP) located on the Mitchell power plant property. The CAP is a point source subject to National Pollutant Discharge Elimination System (NPDES) permit requirements under the Clean Water Act (CWA or Act), 33 U.S.C. §1251, et seq.

Section 308 of the Act, 33 U.S.C. § 1318 authorizes the U.S. Environmental Protection Agency (EPA) to require owners and/or operators of point sources to provide information related to compliance with the CWA. Pursuant to that authority, EPA requires First Energy Corporation to provide information related to discharges from the Pond, as specified in the attached Information Requirement.

You must respond in accordance with the instructions and deadlines set forth in the Information Requirement. Failure to comply with the terms of this Information Requirement constitutes a violation of the CWA and may result in enforcement action under Section 309 of the Act, 33U.S.C. § 1319 involving civil or criminal penalties.

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Customer Service Hotline: 1-800-438-2474

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

Sincerely,

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

Enclosure

cc: Kevin Halloran, PADEP SWRO
Diane Parry, PADEP SWRO

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

In The Matter of	:	
	:	Proceeding under Section 308 of the
First Energy Corporation	:	Clean Water Act, 33 U.S.C. § 1318
Mitchell Power Station	:	
800 Cabin Hill Drive	:	
Greensburg, Pennsylvania	:	
15601	:	
	:	
Respondent	:	
	:	
	:	**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 First Energy Corporation (Mitchell or Respondent) to provide the information about its facility located at the Mitchell Power Station, 50 Electric Way, Courtney, Pennsylvania, 15067 as 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. 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. Andrew Seligman (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. Andrew Seligman of the NPDES Enforcement Branch at (215) 814-2097.

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.

V. INFORMATION REQUIREMENT

AND NOW, this 28th day of September, 2016, Respondent is hereby directed, pursuant to Section 308 of the Act, 33 U.S.C. § 1318, to provide the following information for the period January 1, 2010 to present within thirty (30) days of the effective date of this Information Requirement:

16. A table, in Microsoft excel, of all exceedances of effluent limits for NPDES Permit No. PA0002895.

17. A list and description of all projects investigated to address the boron exceedances of NPDES Permit No. PA0002895 as reported by Respondent in their DMRs;

18. Full and complete copies of all studies, including engineering feasibility studies, conducted to identify how to correct the boron exceedances;

19. Full and complete copies of all studies conducted to ascertain and determine the cause of boron exceedances; and

20. Copies of all correspondence, sorted by date, conducted with the Pennsylvania Department of Environmental Protection regarding compliance with the boron limit in NPDES Permit No. PA0002895.

VI. EFFECTIVE DATE

This INFORMATION REQUIREMENT is effective upon receipt.

Date: 9/28/16

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