**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
**REGION 7**
11201 Renner Boulevard
Lenexa, Kansas 66219

07 DEC 2018

**CERTIFIED MAIL**
**RETURN RECEIPT REQUESTED**
Article No.: 7014 1200 0000 6122 0710

Mr. Brett Lewis
Lewis Auto Salvage, LLC d/b/a
Lewis Auto & Truck Parts
229 Northeast Burgess Street
Topeka, Kansas 66608

Re: Request for Information Pursuant to Section 308 of the Clean Water Act (33 U.S.C. § 1318)

**NOTICE OF VIOLATION OF COMPLIANCE ORDER**
**RESPONSE DUE WITHIN 30 DAYS OF RECEIPT OF THIS REQUEST**

Dear Mr. Lewis:

On May 3, 2017, a fully executed Administrative Compliance Order on Consent (Docket No. CWA-07-2017-0039), was issued by the U.S. Environmental Protection Agency to Lewis Auto Salvage, LLC (Lewis Auto) pursuant to Section 309(a)(3) of the Clean Water Act, U.S.C. § 1319(a)(3). This Order became effective and enforceable against you upon your receipt of an executed copy of the Order. The Order requires Lewis Auto to comply with its National Pollutant Discharge Elimination System (NPDES) permit, the Clean Water Act (CWA), and the actions specified in paragraphs 58 through 62 of the Order. The Order required Lewis Auto to submit reports to the EPA beginning with a report that was due 90 days after the effective date of the Order. Lewis Auto was also required by the Order to submit Progress Reports to the EPA beginning on October 1, 2017 and semi-annually thereafter. To date, the EPA has not received any of the required submittals and Lewis Auto is out of compliance with the Order.

Section 308(a) of the CWA authorizes the EPA to require the submission of information necessary to carry out the objectives of the CWA, 33 U.S.C. § 1251 et seq. The purpose of this letter is to obtain the information required by the Order. Pursuant to Section 308, the EPA requires Lewis Auto to provide the information requested in ENCLOSURE A within the timeframes noted. **Please read the instructions and definitions included in ENCLOSURE A carefully before preparing your responses to this Request for Information..**

Important Information about This Request and the Response

Compliance with this information request is mandatory. Please be advised that failure to respond accurately or submission of false information may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001.

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If the EPA does not receive the requested information within this timeframe, the EPA may utilize its penalty authorities under CWA Section 309 or initiate further enforcement actions for violation of the terms of the Order, including a referral to the Department of Justice. The EPA may also re-inspect the facility to determine compliance with the CWA and reserves the right to take appropriate enforcement actions as a result of violations identified during any inspection.

Please note that compliance with this CWA 308 Request does not relieve Lewis Auto's obligations to any other information required by the Order or its NPDES permit. Please also note that any future submittals regarding the Order should be directed to Cynthia Sans at 913-551-7492, or by email to sans.cynthia@epa.gov. You may also direct any questions regarding this Request for Information to her.

Sincerely,

Jeffery Robichaud
Director
Water, Wetlands and Pesticides Division

Enclosures

cc: Jaime Gaggero, KDHE BOW
Victoria O'Brien KDHE, NEDO

**ENCLOSURE A**

## REQUEST FOR INFORMATION AND INSTRUCTIONS

## RESPONSE DUE WITHIN 30 DAYS OF RECIEPT OF THIS REQUEST

The U.S. Environmental Protection Agency (EPA) requests submission of information, as described below, pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318.

### I. Instructions

1. Please be aware that the issuance of this letter and your response with the requested information does not relieve you of any responsibility under the CWA, including, but not limited to seeking, maintaining or complying with an applicable NPDES permit.

*Contact Information.*

2. In each submission required by this Request for Information, identify the person to contact regarding your submission, including title, address, email and phone number.

3. Your responses to this Request for Information are to be provided by a qualified professional. For each response required below, provide the name and credentials of the person(s) providing information in response to this Request for Information.

*Responses Format.*

4. Please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.

5. Except for a cover letter or memorandum and the Statement of Certification, only copies, and not original documents, should be submitted pursuant to this request. Documents and data may be submitted electronically by email or by mail (e.g., on a compact disc or flash drive) in PDF, Word, Excel or other widely available electronic format. *NOTE: as discussed below, any information claimed as confidential business information (CBI) should be submitted by mail and properly labeled.*

*Complete Responses and New or Corrected Information.*

6. If any response cannot be provided in full, provide the response to the extent possible along with an explanation of why the response cannot be provided in its entirety and, if applicable, when the remainder of the response will become available and be submitted.

7. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA within fourteen (14) calendar days of when the information or documents become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is inaccurate, false or misrepresents the truth, you must notify the EPA of this fact immediately and provide a corrected response within fourteen (14) calendar days of when you find the information is inaccurate, false or misrepresents the truth.

*Accurate and Truthful Information Required.*

8. Please be advised that the failure to respond accurately, or the submission of false information, may subject you to administrative, civil, or criminal enforcement that could include penalties, fines, or imprisonment under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001.

*Certification.*

9. Please complete and submit the Statement of Certification found in ENCLOSURE B along with your responses every time a submission is made pursuant to this Request for Information.

*Confidential Business Information.*

10. Information requested by this letter must be submitted to the EPA regardless of a claim of confidentiality. If you believe any of the requested information is confidential, you may assert a confidential business information (CBI) claim under the provisions of Section 308(b) of the CWA, 33 U.S.C. § 1318(b), 18 U.S.C. § 1905, and the regulations at 40 CFR Part 2. Information that you claim as CBI will be held as such pending a determination of applicability by the EPA.

    a. *Procedures to claim confidential treatment for information requested or demanded by the EPA.*
        i. You may assert a CBI claim covering part or all of the information requested or demanded by the EPA in the manner described by paragraph (b), below. Information covered by a CBI claim will be disclosed by the EPA only to the extent, and by means of the procedures, allowed by 40 CFR Part 2, Subpart B.
        ii. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to the business, pursuant to 40 CFR § 2.203(a).
        iii. The regulations applicable to a claim of CBI are at 40 CFR Part 2, Subpart B, 41 FR 36902, Sept. 1, 1976, as amended at 43 FR 40000, Sept. 8, 1978; 50 FR 51661, Dec. 18, 1985.

    b. *Method and time of asserting business confidentiality claim.* Pursuant to 40 CFR § 2.203(b), a business which is submitting information to the EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet, stamped or typed legend or other suitable form of notice employing language such as *trade secret, proprietary, confidential business information, CBI* or *proprietary business information.* Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by the EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.

    c. If you assert a CBI claim on the submitted information and the Agency is determining whether that information is entitled to confidential treatment, you will be given notice to submit comments to support your CBI claim. Information that is publicly available or required to be disclosed to the public by law is not entitled to confidential treatment.

d. Please refer to 40 CFR § 2.302, *special rules governing certain information obtained under the Clean Water Act*, regarding limitations on the confidential treatment of effluent data and standards or limitations.

*Submission of Response to Request for Information.*

11. All responses to this Request for Information must be submitted within the timeframes identified in Section III, below. Each response should be submitted in a manner that allows you to track delivery and must be submitted to:

**U.S. Environmental Protection Agency**
**Water, Wetlands and Pesticides Division**
**ATTN: Cynthia Sans**
**11201 Renner Boulevard**
**Lenexa, Kansas 66219**
**sans.cynthia@epa.gov**

## II. Definitions

Unless otherwise indicated, the following definitions shall apply strictly for the purposes of this Request for Information:

1. "Record" is defined as any recording of information, including, but is not limited to, in print or electronic form, documents, memoranda, reports, letters, maps, graphs, charts, log books, notes, computer print outs and computer data bases.

2. "Document" is defined as any writings, drawings, graphs, charts, photographs, phone records, electronic mail, facsimile and other data compilations from which information can be obtained, translated if necessary, through detection devices into reasonably usable form. Documents should be produced as they are kept in the usual course of business.

3. "Facility" is defined as Lewis Auto Salvage, LLC, doing business as Lewis Auto & Truck Parts, located at 229 NE Burgess Street, Topeka, Kansas 66608.

## III. Requested Information

**Within thirty (30) days of receipt of this Request for Information**, provide the following information pursuant to paragraphs 60 and 61 of Administrative Compliance Order on Consent:

1. All visual examination reports of stormwater quality that have been conducted since the March 2016 EPA Inspection;

2. All site inspection reports conducted since the March 2016 EPA Inspection;

3. All annual comprehensive site evaluations that have been conducted since the March 2016 EPA Inspection;

4. A revised Stormwater Polution Prevention Plan (SWPPP) that addresses the deficiencies identified in the Administrative Compliance Order on Consent;

5. A detailed description of all corrective actions taken since the March 2016 EPA Inspection to bring the Facility into compliance with the NPDES Permit;

6. A description of training provided to employees regarding the SWPPP from March 2016 to the present, including a copy of attendance log sheets; and

7. A detailed description and schedule of any actions planned for the next six (6) months to bring the Facility into compliance with the NPDES Permit.

**ENCLOSURE B**

## STATEMENT OF 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 or imprisonment for knowing violations.

_____ _____
Signature Date

_____
Printed Name

_____
Title