



**U.S. EPA REGION 3
HEARING CLERK**

FACILITY.

3. The EPA has jurisdiction over the above-captioned matter, as described in Paragraphs 1 and 2, above.
4. The EPA has consulted with the Maryland Department of the Environment (“MDE”) regarding this action and, subsequent to the Effective Date, the EPA will provide a copy of this fully executed AOC to the appropriate MDE representative.

II. GENERAL PROVISIONS

5. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth in this AOC.
6. Except as provided in Paragraph 5, above, Respondent neither admits nor denies the specific factual allegations set forth in this AOC.
7. The provisions of this AOC shall apply to and be binding upon the Respondent and its officers, directors, employees, contractors, agents, trustees, successors and assigns of the Respondent.
8. Respondent shall bear its own costs and attorneys’ fees in connection with this proceeding and associated with the implementation or enforcement of this AOC, including any costs related to resolution of any dispute arising regarding this AOC.
9. Issuance of this AOC is intended to address the violations described herein. The EPA reserves the right to commence action against any person, including Respondent, in response to any condition which the EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. The EPA also reserves any existing rights and remedies available to it under the CWA, 33 U.S.C. § 1251 – 1389, the regulations promulgated thereunder, and any other federal laws or regulations for which the EPA has jurisdiction. Further, the EPA reserves any rights and remedies available to it under the CWA, the regulations promulgated thereunder, and any other federal laws or regulations for which the EPA has jurisdiction, to enforce the provisions of this AOC, following the Effective Date, as defined below.
10. This AOC does not constitute a waiver or modification of the terms or conditions of any permit issued to Respondent. Nothing in this Order shall relieve Respondent of its obligation to comply with all applicable provisions of federal, state, or local laws and regulations, nor shall it restrict the EPA’s authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state, or local permit. This Order does not constitute a waiver, suspension, or modification of the requirements of the Act, 33 U.S.C. §§ 1251 – 1389, or any regulations promulgated thereunder.

11. Respondent waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this AOC, including any right of judicial review pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701 – 706.
12. The EPA reserves all existing inspection authority otherwise available to the EPA pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, or pursuant to any other statute or law.
13. The undersigned representative of Respondent certifies that he or she is fully authorized by the Respondent to enter into the terms and conditions of this AOC and to execute and legally bind the Respondent.
14. By signing this AOC, Respondent acknowledges that this AOC may be available to the public and represents that, to the best of Respondent's knowledge and belief, this AOC does not contain any confidential business information or personally identifiable information from Respondent.
15. Respondent certifies that any information or representation it has supplied or made to the EPA concerning this matter was, at the time of submission, true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. The EPA shall have the right to institute further actions to recover appropriate relief if the EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this AOC are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that the EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.

III. STATUTORY AND REGULATORY BACKGROUND

16. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant (other than dredged or fill material) from a point source into waters of the United States except in compliance with a permit issued pursuant to the National Pollutant Discharge Elimination System ("NPDES") program under Section 402 of the Act, 33 U.S.C. § 1342.
17. "Discharge of a pollutant" means "[a]ny addition of any 'pollutant' or combination of pollutants to 'waters of the United States' from any 'point source.'" 40 C.F.R. § 122.2.
18. "Pollutant" is defined as "dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and

industrial, municipal, and agricultural waste discharged into water.” 40 C.F.R. § 122.2. See also 33 U.S.C. § 1362(6).

19. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of the EPA may issue permits under the NPDES program for the discharge of pollutants from point sources to waters of the United States, to ensure compliance with the requirements of the CWA. The discharges are subject to specific terms and conditions, as prescribed in the permit. See also 33 U.S.C. § 1311.
20. Pursuant to Section 402(b) of the Act, 33 U.S.C. § 1342(b), the EPA authorized MDE to administer the NPDES program in the State of Maryland beginning in September 1974.
21. Pursuant to Section 402(i) of the CWA, 33 U.S.C. § 1342(i), the EPA retains its authority to take enforcement action within Maryland for NPDES permit violations.

IV. FINDINGS OF FACT AND JURISDICTIONAL ALLEGATIONS

22. As a municipality, Respondent is a “person” within the meaning of Section 502(4) and (5) of the Act, 33 U.S.C. § 1362(4) and (5).
23. At all times relevant to this AOC, Respondent owned and operated South Carroll High School Wastewater Treatment Plant (“WWTP” or “Facility”) located at 1290 West Old Liberty Road, Eldersburg, Maryland 21784. This is a municipal wastewater treatment facility that treats wastewater from South Carroll High School, Winfield Elementary School, Winfield Fire Department, and a Carroll County Department of Public Works facility.
24. The operation of the WWTP has been subject to Maryland NPDES Permit No. MD0024589 (“Permit”), which was issued by MDE on August 20, 2018 and became effective on September 1, 2018 with an expiration date of August 31, 2023. The Permit was administratively extended and has remained in effect at all times relevant to this AOC.
25. Respondent is authorized to discharge pollutants, in the form of wastewater from the WWTP, to waters of the United States only in accordance with the terms and conditions of the Permit.
26. At all times relevant to this AOC, the WWTP discharged wastewater into Piney Run, through a “point source,” as that term is defined at Section 502(14) of the Act, 33 U.S.C. § 1362(14).
27. Piney Run is a relatively permanent tributary connected to the South Branch Patapsco River, which is a relatively permanent tributary connected to the Patapsco River, a

Traditional Navigable Water, and a water of the United States within the meaning of Section 502(7) of the Act, 33 U.S.C. § 1362(7).

28. On May 19, 2021, the representatives from the EPA Region 3 and the EPA's contract inspector, PG Environmental, along with representatives from MDE, inspected the WWTP for purposes of determining compliance with the Permit (the "Inspection").

Count 1

Effluent Exceedances

29. The Permit sets forth effluent limitations for the WWTP's discharges from Outfall 001A, the Facility's only permitted point of discharge, in Section II.A.
30. Based on the electronic Discharge Monitoring Reports ("eDMRs") provided by Respondent, the Facility has experienced eighty-nine (89) effluent exceedances from February 2020 to May 2024 as listed below. The parameters exceeded include total phosphorus, total suspended solids, ammonia, pH, dissolved oxygen, and *E. Coli*.

Monitoring Period End Date	Parameter Description	DMR Value	Permit Limit	Units	Limit Type
2/29/2020	Nitrogen, ammonia total (as N)	24	16	mg/L	Daily Average
2/29/2020	Nitrogen, ammonia total (as N)	14.5	6.9	mg/L	Monthly Average
2/29/2020	Phosphorus, total (as P)	3.2	1.2	mg/L	Weekly Average
2/29/2020	Phosphorus, total (as P)	1.39	0.8	mg/L	Monthly Average
3/31/2020	Nitrogen, ammonia total (as N)	27	16	mg/L	Daily Average
3/31/2020	Phosphorus, total (as P)	2	0.8	mg/L	Monthly Average
3/31/2020	Phosphorus, total (as P)	4.6	1.2	mg/L	Weekly Average
8/31/2020	Solids, total suspended	56	45	mg/L	Weekly Average
8/31/2020	Solids, total suspended	32	30	mg/L	Monthly Average

8/31/2020	Phosphorus, total (as P)	0.91	0.8	mg/L	Monthly Average
8/31/2020	Phosphorus, total (as P)	1.9	1.2	mg/L	Weekly Average
9/30/2020	Phosphorus, total (as P)	2.3	0.8	mg/L	Monthly Average
9/30/2020	Phosphorus, total (as P)	4.6	1.2	mg/L	Weekly Average
10/31/2020	Phosphorus, total (as P)	0.965	0.8	mg/L	Monthly Average
10/31/2020	Phosphorus, total (as P)	2.2	1.2	mg/L	Weekly Average
12/31/2020	Phosphorus, total (as P)	2.3	1.2	mg/L	Weekly Average
12/31/2020	Phosphorus, total (as P)	1.1	0.8	mg/L	Monthly Average
1/31/2021	Phosphorus, total (as P)	1.6	1.2	mg/L	Weekly Average
5/31/2021	Phosphorus, total (as P)	1.5	1.2	mg/L	Weekly Average
9/30/2021	pH	4.6	6.5	SU	Minimum
10/31/2021	Oxygen, dissolved (DO)	4.8	5	mg/L	Instantaneous Minimum
10/31/2021	Oxygen, dissolved (DO)	4.8	6	mg/L	Daily Average Minimum
10/31/2021	pH	4.6	6.5	SU	Minimum
10/31/2021	Phosphorus, total (as P)	1.1	0.8	mg/L	Monthly Average
10/31/2021	Phosphorus, total (as P)	3	1.2	mg/L	Weekly Average
11/30/2021	pH	4.1	6.5	SU	Minimum
12/31/2021	pH	3.9	6.5	SU	Minimum
12/31/2021	Phosphorus, total (as P)	1.9	0.8	mg/L	Monthly Average

12/31/2021	Phosphorus, total (as P)	4.5	1.2	mg/L	Weekly Average
1/31/2022	pH	4.2	6.5	SU	Minimum
1/31/2022	Phosphorus, total (as P)	2.8	1.2	mg/L	Weekly Average
1/31/2022	Phosphorus, total (as P)	1.7	0.8	mg/L	Monthly Average
2/28/2022	pH	4.9	6.5	SU	Minimum
2/28/2022	Nitrogen, ammonia total (as N)	25	16	mg/L	Daily Average
2/28/2022	Nitrogen, ammonia total (as N)	18	6.9	mg/L	Monthly Average
3/31/2022	Nitrogen, ammonia total (as N)	9.7	6.9	mg/L	Monthly Average
3/31/2022	Phosphorus, total (as P)	0.9	0.8	mg/L	Monthly Average
3/31/2022	Phosphorus, total (as P)	1.8	1.2	mg/L	Weekly Average
3/31/2022	<i>E. coli</i>	149	126	MPN/1 00mL	Maximum Monthly Geometric Mean
4/30/2022	Oxygen, dissolved (DO)	5.3	6	mg/L	Daily Average Minimum
4/30/2022	Phosphorus, total (as P)	2.7	0.8	mg/L	Monthly Average
4/30/2022	Phosphorus, total (as P)	3	1.2	mg/L	Weekly Average
5/31/2022	Oxygen, dissolved (DO)	5.6	6	mg/L	Daily Average Minimum
5/31/2022	pH	4.4	6.5	SU	Minimum
5/31/2022	pH	9.8	8.5	SU	Maximum
5/31/2022	Phosphorus, total (as P)	1	0.8	mg/L	Monthly Average

5/31/2022	Phosphorus, total (as P)	1.4	1.2	mg/L	Weekly Average
6/30/2022	pH	4.3	6.5	SU	Minimum
7/31/2022	pH	4.3	6.5	SU	Minimum
8/31/2022	pH	4.6	6.5	SU	Minimum
9/30/2022	Oxygen, dissolved (DO)	5.7	6	mg/L	Daily Average Minimum
9/30/2022	pH	4.8	6.5	SU	Minimum
9/30/2022	Nitrogen, ammonia total (as N)	2.494331 066	1.81405 8957	kg/d	Daily Average
9/30/2022	Nitrogen, ammonia total (as N)	1.269841 27	0.41723 356	kg/d	Monthly Average
9/30/2022	Nitrogen, ammonia total (as N)	59.8	9.6	mg/L	Daily Average
9/30/2022	Nitrogen, ammonia total (as N)	32.7	2.2	mg/L	Monthly Average
9/30/2022	<i>E. coli</i>	1530	126	MPN/1 00mL	Maximum Monthly Geometric Mean
10/31/2022	Nitrogen, ammonia total (as N)	37.6	9.6	mg/L	Daily Average
10/31/2022	Nitrogen, ammonia total (as N)	26.8	2.2	mg/L	Monthly Average
11/30/2022	Nitrogen, ammonia total (as N)	24.5	16	mg/L	Daily Average
11/30/2022	Nitrogen, ammonia total (as N)	7.1	6.9	mg/L	Monthly Average
1/31/2023	Nitrogen, ammonia total (as N)	38.1	6.9	mg/L	Monthly Average
1/31/2023	Nitrogen, ammonia total (as N)	69.4	16	mg/L	Daily Average
2/28/2023	Nitrogen, ammonia total (as N)	32.2	6.9	mg/L	Monthly Average
2/28/2023	Nitrogen, ammonia total (as N)	67.9	16	mg/L	Daily Average

4/30/2023	Nitrogen, ammonia total (as N)	23	16	mg/L	Daily Average
4/30/2023	Nitrogen, ammonia total (as N)	9.2	6.9	mg/L	Monthly Average
5/31/2023	Nitrogen, ammonia total (as N)	41	9.6	mg/L	Daily Average
5/31/2023	Nitrogen, ammonia total (as N)	1.088435 374	0.41723 356	kg/d	Monthly Average
5/31/2023	Nitrogen, ammonia total (as N)	33.5	2.2	mg/L	Monthly Average
6/30/2023	Nitrogen, ammonia total (as N)	27.4	9.6	mg/L	Daily Average
6/30/2023	Nitrogen, ammonia total (as N)	10.6	2.2	mg/L	Monthly Average
9/30/2023	Nitrogen, ammonia total (as N)	0.471655 329	0.41723 356	kg/d	Monthly Average
9/30/2023	Nitrogen, ammonia total (as N)	12	2.2	mg/L	Monthly Average
9/30/2023	Nitrogen, ammonia total (as N)	24.6	9.6	mg/L	Daily Average
10/31/2023	Nitrogen, ammonia total (as N)	27.7	9.6	mg/L	Daily Average
10/31/2023	Nitrogen, ammonia total (as N)	0.811791 383	0.41723 356	kg/d	Monthly Average
10/31/2023	Nitrogen, ammonia total (as N)	19	2.2	mg/L	Monthly Average
11/30/2023	Nitrogen, ammonia total (as N)	14.6	6.9	mg/L	Monthly Average
11/30/2023	Nitrogen, ammonia total (as N)	22.8	16	mg/L	Daily Average
12/31/2023	Nitrogen, ammonia total (as N)	25.1	6.9	mg/L	Monthly Average
12/31/2023	Nitrogen, ammonia total (as N)	33.1	16	mg/L	Daily Average
1/31/2024	Nitrogen, ammonia total (as N)	24.1	16	mg/L	Daily Average

1/31/2024	Nitrogen, ammonia total (as N)	17.5	6.9	mg/L	Monthly Average
3/31/2024	Nitrogen, ammonia total (as N)	9.5	6.9	mg/L	Monthly Average
04/30/2024	Nitrogen, ammonia total (as N)	24.1	16	mg/L	Daily Average
04/30/2024	Nitrogen, ammonia total (as N)	10.2	6.9	mg/L	Monthly Average
05/31/2024	Phosphorus, total (as P)	3.5	1.2	mg/L	Weekly Average
05/31/2024	Phosphorus, total (as P)	1.7	0.8	mg/L	Monthly Average

31. Based on the above allegations, Respondent violated Section II.A of the Permit and Section 301 of the CWA, 33 U.S.C. § 1311, by failing to comply with the effluent limitations contained in the Permit on eighty-nine (89) occasions from February 2020 to May 2024.

Count 2

Failure to Perform Effluent and Stream Temperature Monitoring

32. Section II.B of the Permit requires Respondent to monitor effluent temperature at Outfall 001A and stream temperature once per week and in accordance with the timing requirements set forth in Sections II.G.1 and II.G.3. Section II.G.2 of the Permit requires monitoring of the ambient temperatures of the effluent receiving stream in accordance with the location and timing requirements set forth in Sections II.G.2 and II.G.3 unless the effluent temperature is 68 degrees Fahrenheit or less, in which case stream monitoring is not required.
33. From January through April 2020 and from December 2020 through January 2021, Respondent failed to perform effluent temperature monitoring.
34. Effluent temperature monitoring was conducted, but not at the required weekly frequency, during May 2020 (only monitored 3 times in 5 weeks¹), June 2020 (only monitored 3 times in 4 weeks), November 2020 (only monitored one time in 4 weeks), and February 2021 (only monitored one time in 4 weeks).
35. On July 3, 2020, Respondent did not conduct afternoon effluent or stream temperature monitoring, even though the morning effluent temperature was above 68 degrees Fahrenheit (68.2°F).
36. Based on the above allegations, Respondent violated Sections II.B and II.G.2 of the Permit

¹ It should be noted that the fifth week was a partial week from May 29 to 31, 2020.

and Section 301 of the CWA, 33 U.S.C. 1311, by failing to perform effluent and stream temperature monitoring on the dates mentioned in Paragraphs 33, 34 and 35.

Count 3

Failure to Properly Operate and Maintain the Facility

37. Section III.B.3 (Facility Operation and Quality Control) of the Permit states, in relevant part, "All waste collection, control, treatment and disposal facilities shall be operated in a manner consistent with the following: (a) Facilities shall be operated efficiently to minimize upsets and discharges of excessive pollutants. (b) The permittee shall provide an adequate operating staff qualified to carry out operation, maintenance and testing functions required to ensure compliance with this permit."
38. Based on information available to the EPA, there are inconsistencies between the Operations & Maintenance Manual dated February 1998 ("O&M Manual") and (1) the stated operations of the WWTP in the Permit; and (2) the actual operations of the WWTP.
39. Based on information available to the EPA, there is an inconsistency between the capacity of the WWTP stated in the Permit versus capacity stated in the O&M Manual.
40. Section II.A of the Permit states that "[a]n annual average flow of 0.050 million gallons per day (MGD) was used in waste allocation calculations" for the WWTP. However, the WWTP's O&M Manual dated February 1998 (Process Design Criteria – Secondary Treatment, Section A, Influent Characteristics) states on page 39 that the Average Daily Flow of the WWTP is 0.017 MGD.
41. Respondent's O&M Manual has not been updated since February 1998, and several inconsistencies between the O&M Manual and the Respondent's actual operations were identified as follows:
 - (1) The continuous influent sequence batch reactor ("SBR") phase times in the O&M Manual (Operational Modifications) on page 42 did not match actual operations. Specifically, the total react/fill phase was prescribed in the O&M Manual as 2.8 hours but was actually only being run for 2 hours at the time of the Inspection. The manual describes a 48-minute (i.e., 0.8 hours) mix/fill phase that did not appear to be implemented at the time for the Inspection.
 - (2) According to the O&M Manual (Start-Up and Operational Procedures, Section B, Initial Start-Up) on page 47, the decant phase of the cycle was programmed for 60 minutes; however, the Facility Operator stated that because the Facility receives lower flows than the WWTP was designed for, and the water surface elevation is low, the decanter only collects effluent for about the final 30 minutes of the cycle.
 - (3) The O&M Manual (Start-Up and Operational Procedures, Section C, Guidelines for

Initial and General Operation, Section 2, Performance Evaluation) on pages 48-49 states, that mixed liquor suspended solids ("MLSS") is a "very important measure and shows the amount of activated sludge inventory within the system. The MLSS should be determined daily during the initial operation and at least weekly thereafter. This SBR System is designed to operate with a MLSS concentration of +/- 4,100 mg/l at the BWL." The Facility Operator stated that he does not monitor MLSS. He stated that he does perform 30-minute settleometer testing on the aeration chamber and uses that measurement to inform solids wasting, and his goal was to keep the measurement around 700 mL/L.

(4) The O&M Manual (Start-Up and Operational Procedures, Section C, Guidelines for Initial and General Operation, Section 2, Performance Evaluation) on page 49 also recommends the following checks and/or tests: mixed liquor volatile suspended solids ("MLVSS"), sludge volume index ("SVI"), and calculating food to microorganism ("F/M") ratio. These metrics were not being used at the WWTP at the time of the Inspection.

42. At the time of Inspection, SBR #1 was out of service (except for the digester chamber). The Facility Operator stated that he was unsure whether the unit had ever been used and that the controls for the unit would need to be upgraded and replaced for it to become operational.
43. Based on the allegations in Paragraphs 37 – 42, at the time of Inspection, Respondent violated Section III.B.3 of the Permit and Section 301 of the CWA, 33 U.S.C. 1311, by failing to minimize upsets and discharges of excessive pollutants as the result of (1) failure to address inconsistencies between the O&M Manual and the operation of the Facility as stated in the Permit and actual operations and (2) failure to properly maintain equipment.

Count 4

Failure to Notify MDE of Permit Noncompliance

44. Section III.B.1 of the Permit requires that, if Respondent does not comply with or will be unable to comply with any Permit conditions, Respondent must notify MDE within 24 hours by telephone and provide a written report within five days of such oral notification.
45. According to the MDE representative onsite at the time of the Inspection, Respondent has not been notifying MDE of permit noncompliance, verbally within 24-hours or in writing within 5 days.
46. At the time of the Inspection, the MDE representative stated that noncompliance forms were sometimes provided in the Facility's eDMRs submitted monthly. For example, the January 2021 eDMR included noncompliance forms for the weekly average total phosphorus concentration exceedance, stating the alum feed was down, and the February eDMR included a noncompliance form for missing temperature monitoring

during the month of February 2021.

47. However, from February 29, 2020 to May 31, 2024, Respondent failed to notify MDE of noncompliance within 24 hours by telephone and provide a written report within five days of such oral notification each instance of noncompliance with the effluent limitations identified in Paragraph 30.
48. Respondent failed to notify MDE of noncompliance within 24 hours by telephone and provide a written report within five days of such oral notification for each instance of noncompliance when Respondent violated Sections II.B and II.G.2 of the Permit and Section 301 of the CWA, 33 U.S.C. 1311, by failing to perform effluent and stream temperature monitoring on the dates mentioned in Paragraphs 33, 34 and 35.
49. Based on the allegations in Paragraphs 45 – 48, Respondent violated Section III.B.1 of the Permit and Section 301 of the CWA, 33 U.S.C. 1311, by failing to notify MDE of Permit noncompliance on the dates and times identified above.

V. COMPLIANCE ORDER

Therefore, Respondent is hereby ORDERED, pursuant to Section 309(a) of the CWA, 33 U.S.C. § 1319(a), to conduct, and consents to conduct, the following activities:

50. Within ninety (90) days of reaching agreement with a contractor to update the Facility's O&M Manual dated February 1998, the Respondent shall update its O&M Manual to reflect the Facility's current operations. The Manual shall be updated no later than one hundred and eighty (180) days from the Effective Date of the AOC.
51. Within ninety (90) days of the Effective Date of the AOC, the Respondent shall provide to the EPA for review and approval a Corrective Action Plan ("CAP"), which meets the requirements set forth in this AOC. The CAP shall include, at a minimum, plans and a schedule for implementing corrective actions to address the following:
 - i. Effluent violations for the following parameters: total phosphorus, total suspended solids, ammonia, pH, dissolved oxygen, and *E. Coli*. Such a plan and schedule may include coordination with South Carroll High School and Winfield Elementary School regarding alternative waste disposal practices.
52. The schedule to implement the corrective actions identified in the CAP shall not exceed two (2) years from the date EPA approves the CAP.
53. After review of the CAP:
 - a. The EPA will in writing: (i) accept the submission; (ii) accept the submission upon specified conditions; (iii) accept part of the submission and request resubmission of the remainder; or (iv) request a new submission.

- b. If the submission is accepted, Respondent shall take all actions required by the CAP, in accordance with the schedule and requirements of the CAP, as approved. If the CAP is conditionally accepted or accepted only in part, Respondent shall, upon written direction from the EPA, take all actions required by the accepted CAP that the EPA determines are technically severable from any unacceptable portions.
 - c. If the CAP is unacceptable in whole or in part, Respondent shall, within 15 days or such other time as the Parties agree to in writing, correct all deficiencies and resubmit the CAP, or any unacceptable portion thereof, for approval, in accordance with the preceding Paragraphs. If the resubmission is accepted in whole or in part, Respondent shall proceed in accordance with the preceding Paragraph.
 - d. CAP Modifications: Within 10 days of modification of any deadline under the CAP, Respondent shall provide an updated list reflecting changes to the future schedule.
54. Respondent shall submit to the EPA (1) a notice within thirty (30) days of completing a scheduled event in the CAP, and (2) quarterly progress reports, until all work as identified in and required by the CAP has been completed. These reports shall be submitted in accordance with Section VI (Procedures for Submissions) below. The quarterly progress reports shall be due by March 31, June 30, September 30, and December 31 of each year, and shall include, at a minimum:
- (a) Activities completed during the reporting period;
 - (b) Dates by which the activities were completed;
 - (c) Any barriers to the timely completion of activities encountered; and
 - (d) Activities currently in progress.

VI. PROCEDURES FOR SUBMISSIONS

42. All documents required to be submitted by this Order and any Request for Termination shall be accompanied by a certification signed by a responsible officer, as defined in 40 CFR 122.22(d), that reads as follows:

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 _____

Printed Name: _____

Title: _____

Date: _____

43. Respondent may assert a business confidentiality claim covering part of all of the information which this AOC requires it to submit to the EPA, but only to the extent and only in the manner described in Part 2 Subpart B of Title 40 of the C.F.R. The EPA will disclose information submitted under a confidentiality claim only as provided in Part 2 Subpart B of Title 40 of the C.F.R. If, at the time any information is submitted to the EPA, Respondent does not assert a confidentiality claim, the EPA may make the submitted information available to the public without further notice to Respondent.
44. Unless otherwise directed in writing, Respondent shall submit any submission or written communication, including any accompanying data, relating to this AOC via email to:

Email: Thomson.Aaron@epa.gov
Mr. Aaron Thomson
NPDES Enforcement Officer
Enforcement and Compliance Assurance Division
U.S. EPA, Region 3

Any information submitted electronically shall be submitted in a widely recognized electronic format.

VII. CERTIFICATION OF COMPLIANCE AND REQUEST FOR TERMINATION OF AOC

45. Upon completion of all items required by the CAP and a determination of completeness of each item, Respondent shall submit to the EPA a Certification of Compliance and Request for Termination of this AOC. Such certification and request shall include:
- a. a certification that Respondent has maintained compliance with this AOC for the term of this AOC; and
 - b. all necessary documentation, including photo documentation as appropriate, to support a finding that Respondent has complied with Section V (Compliance Order) of this AOC.
46. If, following review of any Certification of Compliance and Request for Termination of this AOC, the EPA agrees that Respondent has adequately complied with all requirements of

this AOC, then the EPA may, in its unreviewable discretion, provide written notification of termination of this AOC.

VIII. AOC MODIFICATIONS

47. Any request to modify the terms of, or parties to, this AOC shall be submitted, in writing, by Respondent to the EPA and shall be subject to review and approval by the EPA, in its sole and unreviewable discretion. Respondent's submission of a written request for modification of this AOC shall not relieve Respondent of any obligation under this AOC and shall have no effect on the EPA's statutory or regulatory authority to enforce the terms of this AOC, in its sole and unreviewable discretion.

IX. CHANGE OF OWNERSHIP OR OPERATION OF THE WWTP

48. Until or unless this AOC is modified or terminated, in accordance with the terms of this AOC, Respondent shall remain responsible for compliance with the terms of this AOC following any transfer of ownership or operation of the WWTP.
49. At least ninety (90) days prior to any transfer of ownership or operation of the WWTP, Respondent shall submit a written notification to the EPA of any such anticipated change in ownership or operation of the WWTP (Notification of Change of Ownership or Operation). Each such Notification of Change of Ownership or Operation shall include, at a minimum, a detailed summary of the anticipated change in ownership or operation, contact information for the proposed new owner or operator of the WWTP and a schedule for such anticipated change.
50. Respondent shall condition any sale or transfer of ownership or operation of the WWTP, in whole or in part, upon the execution by such Prospective Third-Party Purchaser, or Transferee, of an agreement, which creates an obligation that shall survive the closing of such sale or transfer, of the WWTP, whereby such Prospective Third-Party Purchaser or Transferee agrees to comply with and be bound by the terms of this AOC.

XI. EFFECTIVE DATE

51. This AOC will become effective upon the Respondent's receipt of a fully-executed copy of this AOC.

CARROLL COUNTY BUREAU OF UTILITIES

Date:

By:

Andrew C. Watcher, Utilities Bureau Chief
Carroll County Bureau of Utilities

SO ORDERED:

FOR U.S. ENVIRONMENTAL PROTECTION AGENCY

By: _____

[Digitally signed and dated]

Karen Melvin, Director

Enforcement and Compliance Assurance Division

U.S. Environmental Protection Agency, Region 3

(dated via electronic timestamp)

Mr. Andrew C. Watcher, Utilities Bureau Chief
Carroll County Bureau of Utilities
225 North Center Street, Room 218
Westminster, Maryland 21157
awatcher@carrollcountymd.gov

Copies served via email to:

Catherine Chong
Assistant Regional Counsel
U.S. EPA, Region 3
chong.catherine@epa.gov

Aaron Thomson
NPDES Enforcement Officer
U.S. EPA, Region 3
Thomson.Aaron@epa.gov

By:

[Digital Signature and Date]
Regional Hearing Clerk
U.S. EPA, Region 3