

or limitation [implementing section 301, 302, 306, 307, 308, 318, or 405 of this title] in a permit issued under section [402] ... of this title, ... [EPA] shall issue an order requiring such person to comply with such condition or limitation” See 33 U.S.C. § 1319(a)(3).

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 West Virginia Department of Environmental Protection (“WVDEP”) regarding this action and, subsequent to the Effective Date, the EPA will provide a copy of this fully executed AOC to the appropriate WVDEP 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.
16. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 162-21(b)(2), performance of the tasks set forth in Section V of this AOC (Compliance Order) is deemed restitution, remediation, or required to come into compliance with the law.

III. STATUTORY AND REGULATORY BACKGROUND

17. Section 301 of the CWA, 33 U.S.C. § 1311, prohibits the discharge of any pollutant from a point source to a water of the United States, except in compliance with a NPDES permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342 and sections 302, 306, 307, 318, and 404 of the Act, 33 U.S.C. §§ 1312, 1316, 1317, 1328, and 1344.
18. Section 402(a) of the CWA, 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. Pursuant to Section 402(b) of the CWA, 33 U.S.C. § 1342(b), the State of West Virginia has been authorized since 1978 to issue NPDES permits under Section 402(b) of the CWA, 33 U.S.C. § 1342(b).
19. “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. See also 33 U.S.C. § 1362(12).
20. Pursuant to Section 402(b) of the Act, 33 U.S.C. § 1342(b), WVDEP is authorized to administer the NPDES program in the State of West Virginia.
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 the State of West Virginia 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 Town of Glasgow’s Wastewater Treatment Plant (“WWTP” or “Facility”) located at No. 8 Firefly Lane in Glasgow, West Virginia. This is a municipal wastewater treatment facility that treats domestic wastewater from Glasgow, West Virginia. The WWTP discharges domestic wastewater into the Kanawha River.
24. At all times relevant to this AOC, the operation of the WWTP has been subject to West Virginia NPDES Discharge Permit No. WV0020265 (“Permit”), which was issued by WVDEP on August 12, 2020, became effective on October 1, 2020, and has an expiration date of August 11, 2025.
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 the Kanawha River, through a “point source,” as that term is defined at Section 502(14) of the Act, 33 U.S.C. § 1362(14).
- 27. The Kanawha River is a relatively permanent water, 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 June 29, 2022, the EPA and WVDEP representatives inspected the WWTP for purposes of determining compliance with the Permit (the “Inspection”).

Count 1

Effluent Exceedances

- 29. Part A.001 of the Permit outlines discharge limitations and monitoring requirements for the Facility’s only permitted point of discharge.
- 30. The Facility has experienced sixty-three (63) effluent exceedances from August 2019 to January 2023. The parameters exceeded include biochemical oxygen demand, 5-day (BOD5), total suspended solids (TSS), chlorine, fecal coliform, Nitrogen - Kjeldahl, suspended solids – percent removal, pH, and BOD5 – percent removal. A summary of those effluent exceedances is as follows:

Town of Glasgow WWTP Permit Limit Exceedances

Monitoring Period Date	Outfall	Parameter Description	Limit Type	DMR Value	DMR Value Unit	Limit Value	Limit Value Unit
8/31/2019	1	Coliform, fecal general	MO GEOMN	1600	#/100mL	200	#/100mL
8/31/2019	1	Coliform, fecal general	DAILY MX	1600	#/100mL	400	#/100mL
9/30/2019	1	BOD, 5-day, 20 deg. C	MO AVG	14.14512	kg/d	11.33787	kg/d
9/30/2019	1	Coliform, fecal general	MO GEOMN	1600	#/100mL	200	#/100mL
9/30/2019	1	Coliform, fecal general	DAILY MX	1600	#/100mL	400	#/100mL
10/31/2019	1	Coliform, fecal general	MO GEOMN	1600	#/100mL	200	#/100mL
10/31/2019	1	Coliform, fecal general	DAILY MX	1600	#/100mL	400	#/100mL
10/31/2019	1	Solids,	MO AV	68	%	85	%

		suspended percent removal	MN				
11/30/2019	1	Solids, total suspended	MO AVG	30.9	mg/L	30	mg/L
11/30/2019	1	Solids, total suspended	MO AVG	25.57823	kg/d	17.23356	kg/d
11/30/2019	1	Coliform, fecal general	MO GEOMN	1600	#/100mL	200	#/100mL
11/30/2019	1	Coliform, fecal general	DAILY MX	1600	#/100mL	400	#/100mL
11/30/2019	1	Solids, suspended percent removal	MO AV MN	27	%	85	%
12/31/2019	1	Coliform, fecal general	DAILY MX	1600	#/100mL	400	#/100mL
12/31/2019	1	Coliform, fecal general	MO GEOMN	1600	#/100mL	200	#/100mL
1/31/2020	1	Coliform, fecal general	DAILY MX	1600	#/100mL	400	#/100mL
1/31/2020	1	Coliform, fecal general	MO GEOMN	1600	#/100mL	200	#/100mL
2/29/2020	1	BOD, 5-day, 20 deg. C	MO AVG	21.22449	kg/d	17.23356	kg/d
2/29/2020	1	Coliform, fecal general	DAILY MX	1600	#/100mL	400	#/100mL
2/29/2020	1	Coliform, fecal general	MO GEOMN	1600	#/100mL	200	#/100mL
3/31/2020	1	Coliform, fecal general	DAILY MX	1600	#/100mL	400	#/100mL
3/31/2020	1	Coliform, fecal general	MO GEOMN	1600	#/100mL	200	#/100mL
3/31/2020	1	Solids, suspended percent removal	MO AV MN	82	%	85	%
4/30/2020	1	BOD, 5-day, 20 deg. C	MO AVG	79	mg/L	30	mg/L
4/30/2020	1	BOD, 5-day, 20 deg. C	DAILY MX	79	mg/L	60	mg/L
4/30/2020	1	Solids, total suspended	MO AVG	33.9229	kg/d	17.23356	kg/d

4/30/2020	1	Solids, total suspended	MO AVG	48	mg/L	30	mg/L
4/30/2020	1	Nitrogen, Kjeldahl, total (as N)	MO AVG	30.47619	kg/d	10.43084	kg/d
4/30/2020	1	Nitrogen, Kjeldahl, total (as N)	DAILY MX	30.47619	kg/d	20.40816	kg/d
4/30/2020	1	Coliform, fecal general	MO GEOMN	1600	#/100mL	200	#/100mL
4/30/2020	1	Coliform, fecal general	DAILY MX	1600	#/100mL	400	#/100mL
4/30/2020	1	BOD, 5-day, percent removal	MO AV MN	79	%	85	%
4/30/2020	1	Solids, suspended percent removal	MO AV MN	48	%	85	%
5/31/2020	1	pH	INST MIN	5.5	SU	6	SU
5/31/2020	1	Solids, suspended percent removal	MO AV MN	77	%	85	%
7/31/2020	1	Coliform, fecal general	MO GEOMN	1600	#/100mL	200	#/100mL
7/31/2020	1	Coliform, fecal general	DAILY MX	1600	#/100mL	400	#/100mL
8/31/2020	1	Nitrogen, Kjeldahl, total (as N)	MO AVG	19	mg/L	18	mg/L
8/31/2020	1	Coliform, fecal general	MO GEOMN	1600	#/100mL	200	#/100mL
8/31/2020	1	Coliform, fecal general	DAILY MX	1600	#/100mL	400	#/100mL
8/31/2020	1	Solids, suspended percent removal	MO AV MN	79	%	85	%
9/30/2020	1	Coliform, fecal general	DAILY MX	1600	#/100mL	400	#/100mL
9/30/2020	1	Coliform, fecal general	MO GEOMN	1600	#/100mL	200	#/100mL

10/31/2020	1	pH	INST MIN	5.93	SU	6	SU
11/30/2021	1	Chlorine, total residual	DAILY MX	0.9	mg/L	0.057	mg/L
11/30/2021	1	Chlorine, total residual	MO AVG	0.9	mg/L	0.028	mg/L
2/28/2022	1	Coliform, fecal general	DAILY MX	1600	#/100mL	400	#/100mL
2/28/2022	1	Coliform, fecal general	MO GEOMN	1600	#/100mL	200	#/100mL
4/30/2022	1	Coliform, fecal general	DAILY MX	1600	#/100mL	400	#/100mL
4/30/2022	1	Coliform, fecal general	MO GEOMN	1600	#/100mL	200	#/100mL
7/31/2022	1	BOD, 5-day, 20 deg. C	MO AVG	14.29478	kg/d	11.33787	kg/d
7/31/2022	1	Solids, total suspended	MO AVG	33.39229	kg/d	17.23356	kg/d
7/31/2022	1	Solids, total suspended	MO AVG	32.7	mg/L	30	mg/L
7/31/2022	1	Coliform, fecal general	DAILY MX	1600	#/100mL	400	#/100mL
7/31/2022	1	Coliform, fecal general	MO GEOMN	1600	#/100mL	200	#/100mL
7/31/2022	1	BOD, 5-day, percent removal	MO AV MN	84	%	85	%
10/31/2022	1	Solids, total suspended	MO AVG	37	mg/L	30	mg/L
10/31/2022	1	Chlorine, total residual	DAILY MX	0.54	mg/L	0.057	mg/L
10/31/2022	1	Chlorine, total residual	MO AVG	0.54	mg/L	0.028	mg/L
10/31/2022	1	Solids, suspended percent removal	MO AV MN	32	%	85	%
1/31/2023	1	Coliform, fecal general	MO GEOMN	540	#/100mL	200	#/100mL
1/31/2023	1	Coliform, fecal general	DAILY MX	540	#/100mL	400	#/100mL
1/31/2023	1	Solids, suspended percent	MO AV MN	83	%	85	%

		removal					
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- 31. Based on the above allegations, Respondent violated Part A.001 of the Permit by failing to comply with the effluent limitations contained in the Permit on sixty-three (63) occasions from August 31, 2019, through January 31, 2023.
- 32. In failing to comply with the effluent limitations contained in Part A.001 of the Permit, Respondent has violated Section 301 of the CWA, 33 U.S.C. § 1311.

Count 2

Failure to Submit Inflow and Infiltration Reports

- 33. Part C.22 of the Permit states, in pertinent part, that the Respondent is required to implement a program to identify and eliminate sources of inflow and infiltration (I/I) at the Facility. A written report shall be provided on a quarterly basis, as an attachment to the DMR, detailing what has been performed in relation to the implementation and accomplishments of the I/I elimination program.
- 34. From at least June 29, 2019 until June 29, 2022, Respondent failed to submit, on a quarterly basis, a written report as an attachment to the DMR detailing what has been performed to identify and eliminate I/I.
- 35. Based on the above allegations, Respondent violated Part C.22. of the Permit by failing to provide a written report, on a quarterly basis, as an attachment to the DMR detailing what has been performed to identify and eliminate I/I.
- 36. In failing to comply with the reporting requirements in Part C.22 of the Permit, Respondent has violated Section 301 of the CWA, 33 U.S.C. § 1311.

Count 3

Failure to Maintain and Properly Operate the Facility

- 37. Part II.1 of the Permit requires the Respondent, to at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Respondent to achieve compliance with the conditions of the Permit. Proper operation and maintenance also include adequate laboratory controls, and appropriate quality assurance procedures.
- 38. During the Inspection, the EPA Inspection Team observed one of the WWTP's two aerators to be broken, causing half of the oxidation ditch to not be operating correctly.

There was also a severe back-up of sludge, scum, and solids.

39. Facility representatives stated that the second aerator had been broken for approximately a month and that the Facility had the spare parts but was just waiting on more help installing it.
40. At the time of the Inspection, a paint cannister was being used to collect leaking oil from aerator #1 and fresh oil staining was observed on the pavement at the Facility.
41. Based on the allegations in Paragraphs 38 – 40, above, on at least June 29, 2022, Respondent violated Part II.1. of the Permit and Section 301(a) of the CWA, 33 U.S.C. 1311(a), by failing to maintain parts and properly operate and maintain facilities and systems.
42. In failing to comply with the requirements contained in Part II.1. of the Permit, Respondent violated Section 301 of the CWA, 33 U.S.C. § 1311.

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:

43. Within forty-five (45) days of the Effective Date of the AOC, the Respondent shall develop an Operations and Maintenance (“O&M”) Manual. The O&M Manual should include but is not limited to:
 - (a) NPDES Permit Overview including monitoring requirements, location of sampling or monitoring sites, sampling/reporting forms, and instructions for reporting and recordkeeping.
 - (b) Description of Wastewater Treatment and Associated Process Equipment.
 - (c) Inventory List of property, service lines, equipment, tools, and instruments; include manufacturer, model, serial number, and condition.
 - (d) Lists of daily, weekly, monthly, quarterly, and/or annual maintenance tasks to be performed. Log sheets for recording maintenance performed.
 - (e) Plan for inspection, cleaning, and maintenance of equipment and outfall channels.
 - (f) Take-Away Emergency Response Plan: (1) Flow charts for operators to handle specific problems (main breaks, chlorine leaks, chemical spills); (2) Names and phone/fax numbers of state and local responders (police, fire, hazmat,

county, etc.) (3) Names/numbers of county and state agencies to call if a waterborne disease outbreak occurs or other health emergency.

44. Within ninety (90) days of the Effective Date of the AOC, the Respondent shall provide to 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. A plan and schedule for implementing corrective actions to address effluent violations for the following parameters: biological oxygen demand, BOD5, TSS, nitrogen, fecal coliform, total residual chlorine, pH, BOD5 percent removal, and suspended solids percent removal.
 - ii. A plan and schedule to address and eliminate all I/I that has caused the WWTP to routinely operate above its designed capacity, in accordance with the Respondent's Preliminary Engineering Evaluation, included as Attachment 1 and the Respondent's Sanitary Sewer Evaluation Study, included as Attachment 2; and
 - iii. A Standard Operating Procedure (SOPs) to address the current wet weather flow at the WWTP.
45. The schedule to implement the corrective actions identified in the CAP shall not exceed two (2) years from the Effective Date of this AOC.
46. 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.

47. Respondent shall submit to 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 Paragraph VI below. The quarterly progress reports shall be due on 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



Title:

MAYOR, Town of Glasgow

Date:

20 MAY 24

43. Respondent may assert a business confidentiality claim covering part of all of the information which this AOC requires it to submit to 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, 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: Crosby.Monica@epa.gov
Ms. Monica Crosby
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 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 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 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.

X. EXTENSION OF TIME BASED ON FORCE MAJEURE

51. "Force Majeure Event," for purposes of this AOC, is defined as any event arising from causes beyond the control of either Respondent, of any entity controlled by Respondent or any contractor of Respondent, that delays or prevents the performance of any obligation under this AOC subsequent to Respondent exercising best efforts to fulfill the obligation(s) at issue. The requirement that Respondent exercises "best efforts to fulfill the obligation" includes using best efforts to anticipate any Force Majeure Event and best efforts to address the effects of any such event: (a) as it is occurring and (b) after it has occurred, to prevent or minimize any resulting delay. Unanticipated or increased costs or expenses associated with the performance of Respondent's obligations under this AOC or Respondent's financial inability to perform any obligation under this AOC shall not constitute circumstances beyond Respondent's control nor serve as the basis for an extension of time under this AOC.
52. If at any time during the implementation of this AOC, any Force Majeure Event occurs that may delay the performance of any obligation under this AOC, including implementation of an EPA-approved plan or schedule, Respondent shall, within seven (7) days of determining that such event may delay the performance of such obligation, provide to EPA a written request for an extension of time to comply with any such obligation (Force Majeure Extension of Time Request). Such Extension of Time Request shall include, at a minimum, the following information for each specific obligation(s) for which an extension of time is sought.

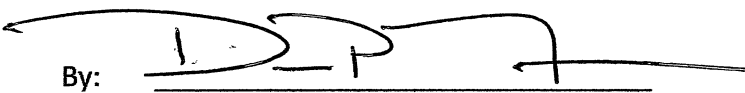
- i. The specific obligation(s) for which an extension of time is sought, including each applicable deadline.
 - ii. A detailed explanation and description of the Force Majeure Event at issue and the reasons for the requested extension of time, including all supporting documentation.
 - iii. The amount of time for which an extension of time is sought.
 - iv. A detailed description of all actions taken to prevent or minimize the amount of time for which an extension of time is sought, including a detailed description of each Respondent's best efforts to fulfill the obligation.
 - v. A detailed description, including a schedule for implementation, of all actions to be taken to prevent or mitigate the amount of time for which an extension is sought and the effect of any delay on any other obligation pursuant to this AOC.
 - vi. A statement as to whether, in the opinion of Respondent, the Force Majeure Event at issue may cause or contribute to an endangerment to public health, welfare, or the environment.
53. Respondent shall be deemed to know of the occurrence of, or reasonable likelihood of an occurrence of, any circumstance or event that may delay the performance of any obligation under this AOC of which Respondent, any entity controlled by Respondent or any contractor of Respondent knew or reasonably should have known.
 54. Any Force Majeure Extension of Time Request shall be submitted in accordance with this AOC and EPA may, in its unreviewable discretion, approve or disapprove any Force Majeure Extension of Time Request.
 55. EPA's approval, including conditional approval, of any Force Majeure Extension of Time Request shall not, of itself extend the time for performance of any other obligation not explicitly addressed in such approval.
 56. Failure to comply with the above requirements may preclude Respondent from asserting any claim of Force Majeure or other related defense for non-compliance with the terms of this AOC for the time period such non-compliance is related to a reportable event.

XI. EFFECTIVE DATE

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

CITY OF GLASGOW

Date: 20 May 24

By: 
Donald Fannin, Mayor

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)

Donald P. Fannin
Mayor
Town of Glasgow
PO Box 130
Glasgow, West Virginia 25086

Via Email to:

Donald P. Fannin
Mayor
Town of Glasgow
Glagowmayor@yahoo.com

Louis F. Ramalho
Senior Assistant Regional Counsel
U.S. EPA, Region 3
Ramalho.Louis@epa.gov

Monica Crosby
NPDES Enforcement – Water Branch Enforcement and Compliance Assurance Division
U.S. EPA, Region 3
Crosby.Monica@epa.gov

[Digital Signature and Date]
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 3