



REGION 3

PHILADELPHIA, PA 19103

VIA USPS Certified Mail

James Robert Samples
City of Salem
P.O. Box 352
229 W. Main Street
Salem, West Virginia 26426

Re: Administrative Order on Consent – Docket No. CWA-03-2024-0026DN

To the Honorable Mayor Samples:

Enclosed is the executed Administrative Order on Consent (“AOC”) concerning violations of the Clean Water Act (“CWA”), as amended, 33 U.S.C. § 1251, *et seq.* The United States Environmental Protection Agency (“EPA”) is issuing this AOC to the City of Salem (“Salem”) under the authority of Section 309(a) of the Clean Water Act (“CWA” or “Act”), 33 U.S.C. § 1319(a), for alleged violations at Salem’s wastewater treatment plant (“WWTP”) at 229 W. Main Street, Salem, West Virginia (“Facility”). The AOC requires Salem to submit certain documents to the EPA and implement certain activities to meet the requirements of the West Virginia National Pollutant Discharge Elimination System (“NPDES”) Discharge Permit Number WV0020257, which was issued by West Virginia on February 11, 2019 (hereinafter, “Permit”).

Specifically, the Compliance Order in the AOC requires Salem to:

1. Within thirty (30) days of the effective date of the AOC, submit to the EPA, on a quarterly basis, a written report detailing what has been performed to identify and eliminate inflow and infiltration at the Facility.
2. Within forty-five (45) days of the effective date of the AOC, develop and provide to the EPA an Operations and Maintenance (“O&M”) Manual that includes at a minimum i) a NPDES Permit Overview including monitoring requirements, location of sampling or monitoring sites, sampling/reporting forms, and instructions for reporting and recordkeeping, ii) a description of Wastewater Treatment and Associated Process Equipment, iii) an inventory list of property, service lines, equipment, tools, and instruments, iv) lists of daily, weekly, monthly, quarterly, and/or annual maintenance tasks to be performed, as well as log sheets for recording maintenance performed, v) a plan for inspection, cleaning, and maintenance of equipment and outfall channels, and vi) a Take-Away Emergency Response Plan.

3. Within ninety (90) days of the effective date of the AOC, provide to the EPA for review, a preliminary Engineering Evaluation of the WWTP. The Engineering Evaluation must be completed by a certified Professional Engineer. This evaluation must include an analysis of the causes of effluent exceedances, and responsive recommendations, including repairs and upgrades to the WWTP, required for Respondent to comply with the Permit effluent limitations and monitoring requirements of the Permit.
4. Within one hundred twenty (120) days of the effective date of the AOC, provide to the EPA for review and approval, a Corrective Action Plan ("CAP") to address effluent exceedances at the Facility. The CAP shall include, at a minimum, a plan and a schedule to correct all effluent exceedances at the WWTP, to be completed within twelve months (12) months of the effective date of the AOC.
5. Submit a notice to the EPA within thirty (30) days of completing a scheduled event in the CAP until all work as identified in and required by the CAP has been completed.

Please note that the effective date of this AOC is today, the date of your receipt of a fully executed hardcopy of the AOC.

If you have any questions regarding the AOC, please contact Monica Crosby of the NPDES Enforcement Section at (410) 305-3029 or crosby.monica@epa.gov, or contact Louis Ramalho, the attorney assigned to this matter, at (215) 814-2681 or Ramalho.louis@epa.gov.

Sincerely,

Karen Melvin
Director
Enforcement and Compliance Assurance Division

Enclosure

1. Administrative Order on Consent

cc: Monica Crosby, EPA (crosby.monica@epa.gov)
Louis Ramalho, EPA (ramalho.louis@epa.gov)