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ROBERT E. BULL (*Retired*)

August 5, 2010

Regional Hearing Clerk (3RC00)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

**In Re:           Docket No. CWA-03-2010-0273**  
**Berwick Area Joint Sewer Authority**

Dear Sir/Madam:

Enclosed please find the Berwick Area Joint Sewer Authority's Response and Answer to the Complaint filed by the United States Environmental Protection Agency on or about June 30, 2010. Please time stamp the same and return one (1) copy on the self-addressed stamped envelope provided herein.

If you have any questions or need further information, then please contact my office.

Very truly yours,

  
Anthony J. McDonald

AJM:clb

Enclosures

cc:    Ms. Pamela Lazos (3RC20)  
          Senior Assistant Regional Counsel (w/enclosure)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 ARCH STREET  
PHILADELPHIA, PENNSYLVANIA 19103-2029

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In The Matter of:	)	Proceeding to Assess Class I
	)	Administrative Penalty Under
Berwick Area Joint Sewer Authority	)	Section 309(g) of the Clean
1108 Freas Avenue	)	Water Act
Berwick, PA 18603-1710	)	
	)	Docket No. CWA-03-2010-0273
Respondent	)	
	)	ANSWER AND RESPONSE TO
	)	ADMINISTRATIVE PENALTY
	)	COMPLAINT AND NOTICE OF
	)	OPPORTUNITY TO REQUEST
	)	HEARING

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ANSWER AND RESPONSE

AND NOW comes the Berwick Area Joint Sewer Authority, by and through its counsel, Anthony J. McDonald, Esquire, and hereby files this Answer and Response to the factual allegations contained in Paragraphs 9 through 28, and avers as follows:

II. FINDINGS OF FACT

9. Admitted.

10. Admitted in part, and denied in part. It is admitted that Respondent owns and operates a wastewater treatment plant located at 1108 Freas Avenue, Berwick, Columbia County, Pennsylvania. It is specifically denied that Respondent discharges

pollutants into the Susquehanna River. Rather, any such pollutants that are discharged are within the guidelines of Federal, State and Local law.

11. Admitted.
12. Admitted.
13. Admitted.

### **III. FINDINGS OF VIOLATION**

#### **COUNT I - FAILURE TO SUBMIT SAMPLING PLAN TIMELY**

14. Admitted in part, and denied in part. It is admitted that the NPDES permit required the Respondent to submit to Pa DEP and EPA within three months of Permit issuance, a sampling plan for collection of necessary data. It is denied that Part C, Section V(E) pertains to this requirement. The requirement is found in Part C, Section VIII(D).

15. It is admitted that the Permit was issued on January 11, 2008, and the sampling plan was due on April 11, 2008.

16. It is admitted that the required sampling plan was not submitted by April 11, 2008.

17. Denied. It is denied that the violation is in Part C, Section VII(d). In further answer thereto, Respondent's Permit indicates that penalties and liability are in Part B, II.

18. Admitted.

19. Admitted. It is admitted that the EPA sent a letter reminding BAJSA to submit the sampling plan on November 26, 2008.

20. Admitted. It is admitted that the BAJSA sampling plan was submitted on January 20, 2009 to EPA, more than nine (9) months after its due date.

21. Admitted. It is admitted that EPA provided a response on February 25, 2009, to the BAJSA sampling plan. And in further answer thereto, there were no corrections or changes of significance requested by the EPA.

#### COUNT II - FAILURE TO SUBMIT REEVALUATION OF LOCAL LIMITS

22. It is admitted that the NPDES permit required the Respondent to submit to Pa DEP and EPA within twelve (12) months of permit issuance, a reevaluation of local limits based on a headworks analysis of the treatment plan.

23. It is admitted that the sampling plan for collection of necessary data was due January 11, 2009.

24. It is admitted that the reevaluation of local limits based on a headworks analysis of the wastewater treatment plans was due on January 11, 2009.

25. It is admitted that the BAJSA has violated Part C, Section VIII(D) of the Permit.

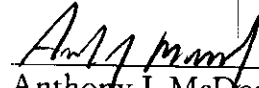
26. It is admitted that the reevaluation of local limits based on a headworks analysis of the wastewater treatment plans was due on January 11, 2009, and the deadline was never completed to this date.

27. It is admitted that the EPA sent a letter reminding BAJSA that the reevaluation of local limits was due January 11, 2009.

28. It is admitted that the reevaluation of local limits has not been completed as of this date. In further answer thereto, the report on local limits will be completed outside of plant staff by the Authority Engineer and submitted by the end of August, 2010.

**WHEREFORE**, Respondent respectfully requests a Hearing be scheduled on the matter of violation by the Berwick Area Joint Sewer Authority.

LAW OFFICES OF BULL, BULL & KNECHT, LLP



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Anthony J. McDonald, Esquire

Attorney for Respondent

106 Market Street

Berwick, PA 18603

(570) 759-1231

I.D. #73056

CERTIFICATE OF SERVICE

I certify that the enclosed Answer and Response to the Complaint filed by the United States Environmental Protection Agency was delivered to the following:

Delivered by Certified Mail Return Receipt Requested:

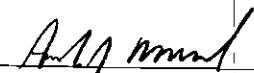
Regional Hearing Clerk (3RC00)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029  
Article #7009 2250 0002 7590 1931

Delivered by Certified Mail Return Receipt Requested:

Ms. Pamela Lazos (3RC20)  
Senior Assistant Regional Counsel  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029  
Article #7009 2250 0002 7590 1153

Date: August 5, 2010

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