



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

VIA OVERNIGHT MAIL

Mark Baldwin, City Manager
Andy Blake, Assistant City Manager
City of Martinsburg, West Virginia
232 N. Queen Street
Martinsburg, WV 25402
ablake@cityofmartinsburg.org
mbaldwin@cityofmartinsburg.org

Floyd M. Sayre, III, Esq.
Bowles Rice
101 South Queen Street,
Martinsburg, WV 25401
ksayre@bowlesrice.com

Re: EPA Docket No. CWA-03-2021-0053DN
AMENDED ADMINISTRATIVE ORDER ON CONSENT FOR WASTEWATER
TREATMENT PLANT

Dear Mr. Baldwin, Mr. Blake and Mr. Sayre:

Attached is the executed Amended Administrative Order for Compliance on Consent (“Amended 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 Amended AOC to the City of Martinsburg (“the City”) under the authority of Section 309(a) of the Clean Water Act (“CWA” or “Act”), 33 U.S.C. § 1319(a), for alleged violations related to the Wastewater Treatment Plant (“WWTP”). The AOC requires the City to submit certain documents to EPA and implement certain activities in order to meet the requirements of NPDES Discharge Permit No. WV0023167 (hereinafter, “WWTP Permit”).

The Original AOC required the City of Martinsburg to:

- (1) Propose, for EPA review and approval, a Corrective Action Plan (“CAP”) which meets the requirements set forth in this AOC, and when implemented, will achieve certain milestones within the timeframes outlined in the AOC;

- (2) Submit, for EPA review and approval, a Preventative Maintenance Plan (“PMP”) which details the specific preventative maintenance requirements for each primary treatment, secondary treatment, and disinfection process or other equipment critical for optimal plant operation.

The new provision in the Amended AOC require the City to improve proper operation and maintenance of the facilities in Respondent’s wastewater conveyance system by implementing the “Creekside/Maple Avenue Sewer Line Remediation Project,” and completing this Project by August 31, 2022. The Creekside/Maple Avenue Sewer Line is currently located on the west side of Tuscarora Creek and is deteriorating in places. The City will relocate and rebuild a portion of this sewer line, in order to reduce the risk of a discharge to Tuscarora Creek.

Please note that the effective date of the Original AOC was August 6, 2021. The effective date of the amendment, located in Paragraph 48 of the Amended AOC, is today, the date of your receipt of this document.

If you have any questions regarding the AOC, please contact Michael Greenwald of the NPDES Enforcement Section at (215) 814-2398 or greenwald.michael@epa.gov, or your counsel may contact Natalie Katz, the attorney assigned to this matter, at (215) 814-2615 or katz.natalie@epa.gov.

Sincerely,

[Electronic Signature and Date]

Karen Melvin, Director
Enforcement & Compliance Assurance Division
United States Environmental Protection Agency,
Region III

Enclosure

cc: Michael Greenwald, EPA (greenwald.michael@epa.gov)
Amanda Pruzinsky, EPA (pruzinsky.amanda@epa.gov)
Natalie Katz, EPA (katz.natalie@epa.gov)
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