



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
FOUR PENN CENTER – 1600 JOHN F. KENNEDY BLVD.
PHILADELPHIA, PENNSYLVANIA 19103**

VIA UPS SERVICE

James Scudere
Greater Harrison County PSD
Lost Creek/Mt. Clare PWS
151 Peninsula Park Avenue
West Milford, WV 26451

Re: Administrative Order
Docket No. SDWA-03-2022-0107DS

Dear James Scudere:

Attached is an Administrative Order (“2022 Order”) that United States Environmental Protection Agency Region 3 (“EPA”) is issuing to the Greater Harrison County PSD as the owner and/or operator of the Greater Harrison County PSD Lost Creek/Mt. Clare Public Water System (“the System”), to address the 2018 America’s Water Infrastructure Act (“AWIA”) (Public Law 115-270) requirements. The 2022 Order addresses the violation of Sections 1433(a) and (b) of the SDWA, 42 U.S.C. §§ 300i-2(a) – 300i-2(b). Section 1433(a) required the System to conduct and submit a certification of their Risk and Resilience Assessment (“RRA”) by June 30, 2021. Section 1433(b) required the System to prepare or revise an Emergency Response Plan (“ERP”) no later than six months after certifying completion of its RRA.

The Greater Harrison County PSD is invited to confer with EPA about the findings and conclusions reflected in the Order; **please request a conference within ten (10) days of receipt of this Order if you would like an opportunity to confer.**

EPA has not determined whether the Greater Harrison County PSD constitutes a “small entity” under the Small Business Regulatory Enforcement and Fairness Act (“SBREFA”) (see Title II of Public Law No. 104-121). The Small Business Resources and the Small Business Regulatory Enforcement and Fairness Act (“SBREFA”) information link¹ provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and provides information on compliance assistance. Participating in the SBREFA program creates no new legal rights or defenses and will not affect EPA’s decision to pursue this enforcement action. The Ombudsman does not participate in resolving EPA’s enforcement actions.

Please note that failure to comply with the provisions of the attached Order may subject the Greater Harrison County PSD to further enforcement action. If you have any questions pertaining to this matter, please contact Andrea Lewis of my staff at (215) 814-2074 or lewis.andrea@epa.gov, or have your attorney contact Nina Rivera at (215) 814-2667 or rivera.nina@epa.gov.

Sincerely,

Karen Melvin, Director
Enforcement & Compliance Assurance Division

¹<https://www.epa.gov/sites/default/files/2017-06/documents/smallbusinessinfo.pdf>