

**BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103**

In The Matter of:)	Proceeding pursuant to Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g)
Mr. Colin Boyd)	EPA Docket No. CWA-03-2011-0073
d/b/a Colin Boyd Turf Industries)	ADMINISTRATIVE COMPLAINT and NOTICE OF OPPORTUNITY TO REQUEST HEARING
197 Riethmiller Road)	
New Wilmington, PA 16142)	
Respondent)	

I. STATUTORY AUTHORITY

1. This Administrative Complaint is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 309(g)(2)(A) of the Clean Water Act ("Act"), 33 U.S.C. § 1319(g)(2)(A). The Administrator has delegated this authority to the Regional Administrator of EPA, Region III, who in turn has delegated it to the Director of the Environmental Assessment and Innovation Division ("Complainant") pursuant to Delegation No. 2-13 (8/26/02).
2. Pursuant to Section 309 of the Act, 33 U.S.C. § 1319, and in accordance with the enclosed *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits* ("Consolidated Rules"), 40 C.F.R. Part 22, Complainant hereby requests that the Regional Administrator or his delegatee assess a civil penalty of ten thousand dollars (\$10,000.00) against Colin Boyd Turf Industries ("Respondent") for violations of the Clean Water Act. Pursuant to 40 C.F.R. § 22.14(a)(6), Respondent is hereby notified that the procedures set forth at 40 C.F.R. Subpart 1 (40 C.F.R. § 22.50-.52) apply to this proceeding.

II. ALLEGATIONS

3. Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a), authorizes EPA to, among other things, require owners and/or operators of point sources to make such reports and provide such information as the Administrator (or his appropriate delegatee) shall

reasonably require in order to carry out the requirements of the Clean Water Act, including determining whether such person is in violation of the Act.

4. Respondent is a "person" within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5).
5. Property identified as 3055 Kingwood Pike, Morgantown, West Virginia also known as the Pikewood National Golf Club (the "Site") contains "waters of the United States" within the meaning of Section 502(7) of the Act, 33 U.S.C. § 1362(7); 40 C.F.R. § 232.2, and 40 C.F.R. § 122.2.
6. Upon information and belief, Respondent or persons acting on behalf of Respondent used equipment to install the sod at the Site, resulting in the discharge of fill material into waters of the United States on the Site.
7. Equipment which discharges fill material to "waters of the United States" constitutes a "point source" within the meaning of Section 502(14) of the Act, 33 U.S.C. § 1362(14).
8. On July 20, 2010, Complainant sent a Section 308 Demand for Information to Respondent requesting information about work performed at the Site ("Demand for Information"). The Demand for Information required that Respondent reply to the questions therein within fourteen (14) days of the date of the letter. The Demand for Information is attached hereto as Exhibit "A".
9. Service of the Demand for Information on Respondent was completed on August 3, 2010. A copy of the green card indicating receipt is attached hereto as Exhibit "B."
10. After attempting unsuccessfully to leave several messages for Mr. Boyd on November 12, 2010, Stephanie Chin, Environmental Enforcement Specialist, EPA Region III, was able to leave a message for him on November 15, 2010. Mr. Boyd returned Ms. Chin's call later in the day and advised her that he had not responded to the Demand for Information because he was confused as to why he was receiving one. Ms. Chin explained why and further explained that Mr. Boyd must file an answer. Mr. Boyd promised to do so the following week. A copy of the email memorializing this conversation is attached hereto as Exhibit "C".
11. On October 6, 2010, EPA sent a letter advising Mr. Boyd that a response to the original July 20, 2010 letter must be received in ten days and that failure to respond could result in initiation of an enforcement action. A copy of that letter is attached hereto as Exhibit "D".

12. To date, no response has been received.
13. Respondent's continued failure to respond to this Demand for Information is a violation of Section 308 of the Clean Water Act.
14. Under Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), and the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, and the subsequent Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. § 19, violations of the Act, such as these, which occurred subsequent to January 12, 2009, subject the violator to civil penalties in an amount not to exceed \$11,000 per violation, up to a maximum of \$37,500.
15. EPA has consulted with the State of West Virginia regarding this action as required by Section 309(g)(1) of the Act, 33 U.S.C. § 1319(g)(1), by mailing a copy of this document to the appropriate State official and offering an opportunity for the State to consult further with EPA on the proposed penalty assessment.

III. PROPOSED CIVIL PENALTY

16. Based upon the foregoing allegations, and pursuant to the authority of Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), Complainant hereby proposes to issue a Final Order Assessing Administrative Penalties to the Respondent in the amount of ten thousand dollars (\$10,000). This does not constitute a "demand" as that term is defined in the Equal Access to Justice Act, 28 U.S.C. § 2412.
17. The proposed penalty was determined after taking into account the nature, circumstances, extent and gravity of the violation, Respondent's prior compliance history, Respondent's ability to pay, the degree of culpability for the cited violations, and any economic benefit or savings to Respondent because of the violations, all factors identified at Section 309(g)(3) of the Clean Water Act, 33 U.S.C. § 1319(g)(3). In addition, to the extent that facts or circumstances unknown to Complainant at the time of issuance of this Complaint become known after issuance of this Complaint, such facts or circumstances may also be considered as a basis for adjusting the proposed administrative penalty.
18. The Regional Administrator may issue the Final Order Assessing Administrative Penalties after thirty (30) days and without further proceedings following Respondent's receipt of this Complaint, unless Respondent, within that time, either pays the penalty or responds to the allegations in the Complaint and requests a hearing according to the terms of Section IV, below.

IV. QUICK RESOLUTION

19. In accordance with 40 C.F.R. § 22.18(a) and 22.45, Respondent may resolve this proceeding ten (10) days after the close of the public comment period by paying the specific penalty proposed in this Complaint. If Respondent pays the specific penalty proposed in this Complaint within thirty (30) days of receiving this Complaint, then, pursuant to 40 C.F.R. § 22.18(a)(1), no Answer need be filed.
20. If Respondent wishes to resolve this proceeding by paying the penalty proposed in this Complaint instead of filing an Answer, but needs additional time to pay the penalty, pursuant to 40 C.F.R. § 22.18(a)(2), Respondent may file a written statement with the Regional Hearing Clerk within thirty (30) days after receiving this Complaint stating that Respondent agrees to pay the proposed penalty in accordance with 40 C.F.R. § 22.18(a)(1). Such written statement need not contain any response to, or admission of, the allegations in the Complaint. Such statement shall be filed with the

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

and a copy shall be provided to

Pamela Lazos (3RC20)
Sr. Asst. Regional Counsel
U.S. EPA, Region III
1650 Arch Street, Philadelphia, Pennsylvania 19103-2029.

Within sixty (60) days of receiving the Complaint, Respondent shall pay the full amount of the proposed penalty. Failure to make such payment within sixty (60) days of receipt of the Complaint may subject the Respondent to default pursuant to 40 C.F.R. § 22.17.

21. Payment of the penalty shall be made by one of the following methods:

Via certified or cashier's check made payable to the Treasurer of the United States of America.

If sent via first-class mail, to:

US EPA Region III
Fines and Penalties

Cincinnati Finance Center
P. O. Box 979077
St. Louis, MO 63197-9000

If sent via UPS, Federal Express, or Overnight Mail, to:

U.S. Bank
Government Lockbox 979077
US EPA Fines and Penalties
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101
314-418-1028

If sent via wire transfer, sent to:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, NY 10045
Attn: "D 68010727 Environmental Protection Agency"

If sent via ACH (Automated Clearing House) for receiving U.S. currency, sent to:

US Treasury REX/Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking
Finance Center Contacts:

- 1) Jesse White: 301-887-6548
- 2) John Schmid: 202-874-7026
- 3) REX (Remittance Express) 866-234-5681

22. At the same time payment is made, copies of the check and/or proof of payment via wire transfer or ACH shall be mailed to:

Regional Hearing Clerk (3RC00)

U.S. EPA, Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

and to:

Ms. Pamela Lazos (3RC20)
Senior Assistant Regional Counsel
U.S. EPA, Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029.

23. Upon receipt of payment in full, in accordance with 40 C.F.R. § 22.18(a)(3), the Regional Judicial Officer or Regional Administrator shall issue a final order. Payment of the penalty by Respondent shall constitute a waiver of Respondent's rights to contest the allegations and to appeal the final order.

V. OPPORTUNITY TO REQUEST HEARING

24. Pursuant to Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), Respondent may request a hearing on the proposed civil penalty within thirty (30) days of receiving this Complaint.
25. At the hearing, Respondent may contest any material fact contained in the Allegations listed in Section II, above, and the appropriateness of the penalty amount in Section III, above.
26. The procedures for hearings are set out in the *Consolidated Rules* 40 C.F.R. Part 22, a copy of which is enclosed. Pursuant to 40 C.F.R. § 22.14(a)(6), Respondent is hereby notified that the procedures set forth at 40 C.F.R. Subpart I (40 C.F.R. § 22.50-.52) apply to this proceeding.
27. Any Request for Hearing and Answer to this Complaint Respondent wishes to file must be filed within thirty (30) days of receiving this Complaint with the following:

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

28. Copies of the Request for Hearing and the Answer along with other documents filed in this action should also be sent to the following:

Pamela Lazos
Sr. Asst. Regional Counsel (3RC20)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Failure to file an Answer may result in entry of a default judgment against Respondent. Upon issuance of a default judgment, the civil penalty proposed herein shall become due and payable. Respondent's failure to fully pay the entire penalty, assessed by the Default Order, by its due date may result in a civil action to collect the assessed penalty, plus interest, attorney's fees, costs, and an additional quarterly nonpayment penalty pursuant to Section 309(g)(9) of the Act, 33 U.S.C. § 1319(g)(9).

In addition, the default penalty is subject to the provisions relating to imposition of interest, penalty and handling charges set forth in the Federal Claims Collection Act at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717.

29. Any Answer must clearly and directly admit, deny, or explain each of the factual allegations contained in the Complaint with respect to which the Respondent has any knowledge, or clearly state the Respondent has no knowledge as to particular factual allegations in the Complaint. The Answer shall also state the following:
- a. the specific factual and legal circumstances or arguments which are alleged to constitute any grounds of defense;
 - b. the facts which Respondent dispute;
 - c. Respondent's basis for opposing the proposed relief; and
 - d. whether a hearing is requested.

Failure to admit, deny or explain any of the factual allegations in the Complaint constitutes admission of the undenied allegations.

30. If Respondent requests a hearing on this proposed penalty assessment, members of the public, to whom EPA is obligated to give notice of this proposed action, will have a right under Section 309(g)(4) of the Act, 33 U.S.C. § 1319(g)(4), to be heard and to present

evidence on the appropriateness of the penalty assessment. If Respondent does not request a hearing, EPA will issue a Final Order Assessing Administrative Penalties, and only members of the public who submit timely comments on this proposal will have an additional thirty (30) days to petition EPA to set aside the Final Order Assessing Administrative Penalties and to hold a hearing thereon. 33 U.S.C. § 1319(g)(4)(C). EPA will grant the petition and will hold a hearing if the petitioner's evidence is material and was not considered by EPA in the issuance of the Final Order Assessing Administrative Penalties.

31. Neither assessment nor payment of an administrative civil penalty pursuant to Section 309 of the Act, 33 U.S.C. § 1319, shall affect Respondent's continuing obligation to comply with the Clean Water Act, any other Federal or State laws, and with any separate Compliance Order issued under Section 309(a) of the Act, 33 U.S.C. § 1319(a), for the violations alleged herein.
32. The following Agency offices, and the staffs thereof, are designated as the trial staff to represent the Agency as a party in this case: the Region III Office of Regional Counsel, the Region III Environmental Assessment and Innovation Division, the Office of the EPA Assistant Administrator for the Office of Water, and the EPA Assistant Administrator for Enforcement and Compliance Assurance. From the date of this Complaint until the final agency decision in this case, neither the Administrator, members of the Environmental Appeals Board, Presiding Officer, Regional Administrator, nor the Regional Judicial Officer, may have an *ex parte* communication with the trial staff on the merits of any issue involved in this proceeding. Please be advised that 40 C.F.R. § 22.8, prohibits any unilateral discussion or *ex parte* communication of the merits of a case with the Administrator, members of the Environmental Appeals Board, Presiding Officer, Regional Administrator, or the Regional Judicial Officer after issuance of a Complaint.

Date: _____

3/20/11



John R. Pomponio, Director
Environmental Assessment and Innovation Division
U.S. Environmental Protection
Agency, Region III



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

Colin Boyd Turf Industries
Attn: Colin Boyd
197 Riethmiller Road
New Wilmington, PA 16142

20 JUL 2010

Re: Request for Information

Dear Mr. Boyd:

The U.S. Environmental Protection Agency, Region III ("EPA") is requesting information pursuant to the authority granted to it under Section 308 of the Clean Water Act, 33 U.S.C. § 1319 ("CWA"), and the regulations promulgated thereunder.

For each and every request, if you have reason to believe that there may be a person(s) who may be able to provide a more detailed or complete response to such request or may be able to provide additional responsive documents, then as a part of your response to such request, identify each such person and the additional information or documents which such person may be able to provide. Furthermore, for each and every response, if information or documents responsive to such request are not in your possession, custody or control, then as part of your response to such request, identify each person from whom such information or documents may be obtained.

Failure to provide the requested information may result in the issuance of orders requiring compliance, the imposition of civil or administrative penalties, or the imposition of criminal fines or penalties, pursuant to Sections 308 and 309 of the CWA, 33 U.S.C. §§ 1318 and 1319. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

You are entitled to assert a claim of business confidentiality covering any part or all of the information, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to you.

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

Exhibit A



INFORMATION REQUEST

This information is requested pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318. The Instructions and Definitions for responding to this Information Request are as follows:

A. Instructions & Definitions

1. A separate narrative response must be made for each question set forth below, and for each subpart of each question.
2. Precede each answer with the corresponding number of the question and subpart to which it responds.
3. Provide all documents in your possession which relate to the responses given. With respect to each document, identify the date, author, addressee, current location, and custodian and identify the question or subpart to which it relates.
4. The term "document" refers to "writings," "recordings" and "photographs" as those terms are defined in Rule 1001 of the Federal Rules of Evidence. The term documents also referred to electronically stored "writings," "recordings," "emails," "reports," among other things, created in the ordinary course of business and that are relevant to the operation or business undertakings of the PikeWood National Golf Course. Documents should be produced as they are kept in the usual course of business.
5. If any question cannot be answered in full, answer to the extent possible along with an explanation of why the question cannot be answered in full. If your responses are qualified in any manner, please explain.
6. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide a corrected response.

7. The terms "you" and "your" shall refer to **Colin Boyd Turf Industries** (hereinafter, "Respondent").
8. The term "pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial municipal, and agricultural waste, discharged into water.
9. The term "Site" refers to the PikeWood National Golf Club, 3055 Kingwood Pike, Morgantown, West Virginia, 26508-3700.

10. The term "wastewater" refers to the discharge of water from the Site.
11. The term "work" refers to the grading and clearing operations conducted on the Site, and includes any construction activities resulting in the placement of dredged or fill material to waters of the United States.
12. The following certification must accompany each submission pursuant to this request and must be signed by a representative of Pikewood National Golf Club authorized to respond on behalf of those entities.

"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 upon 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."

13. All information shall be submitted within fourteen (14) days of receipt of this Request for Information to:

Stephanie Chin (3EA30)
Environmental Scientist
Environmental Assessment and Innovation Division
United States Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029
215-814-2747

B. Request for Information

Respondents are hereby required, pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318., to submit the following information pursuant to the Instructions set forth above:

1. State the name, address, telephone number, and occupation of each person providing responses, or contributing information to the responses, to these demands for information.
2. State each instance when work was performed at the Site. State the start date and duration of such work. State the reason any such work was undertaken. State who ordered, directed, supervised, and funded, and/or accomplished the work, or any part thereof. State the date upon which the work was completed. If work is still ongoing,

describe the nature of the work still to be completed.

3. Was a contract entered into between you any persons or businesses with an ownership interest in the Pikewood National Golf Club? If so, identify the entities who are party to such contract(s); and provide the name(s), address(es) and telephone numbers of the individual(s) or contractor(s) responsible for conducting the work. Provide details of any and all agreements, or parts thereof reduced to writing; describe any oral agreements relating to your response(s) to the first sentence of this paragraph.
4. Provide copies of all documents related to work performed at the Site. Such documents should include but not be limited to plans, drawings, specifications, permits, agreements, contracts, receipts, invoices, checks, and other documents which relate to work at the Site or billing or compensation for work at the Site. State the amount of compensation paid for each instance of work performed at the Site. Provide documentation of all compensation paid for work performed at the Site.
5. State the name(s), address(es) and telephone number(s) of all persons, including paid consultants, with whom you discussed work at the Site.
6. Since work began on the Site, did anyone acting on Respondent's behalf have any communications, either verbally or in writing, with any representatives of the U.S. Army Corps of Engineers (Corps) or the West Virginia Department of Environmental Protection (WVDEP) with regard to work at the Site or compliance with the Clean Water Act at the Site? If so, state the name and telephone number of the person(s) with whom you communicated or with whom communications were made on your behalf. Provide copies of any and all written communications between you and anyone acting on your behalf and any representatives of the Corps or WVDEP, including all notes, memoranda, transcriptions, or other documents memorializing any conversations by and between you and anyone acting on your behalf and any representatives of the Corps or WVDEP.
7. What were the intended uses of the Site? Provide any applications, plans, and any other documents that relate to the intended uses of the Site, including but not limited to tax maps, zoning requests, appraisals, plats or plots, and engineering drawings. Provide the dates of any and all meetings or correspondence with the applicable City and County planning and zoning authorities, such as the City of Morgantown, West Virginia regarding any such uses or intended uses. Provide copies of any records or notes of meetings with city and/or county officials as well as a description of what was discussed at each meeting.
8. Provide copies of all physical data taken at the Site and the location for the taking of all such data (in as precise a form as information for each such location is available), including readings from water monitoring wells located at the Site, and the results of all water, soil or vegetation sampling taken at the Site, analysis of discharge monitoring points, and any and all sampling and/or monitoring information. Provide all documents

memorializing any and all water, wastewater, or effluent monitoring and/or soil or vegetation sampling taken at the Site.

9. What steps were taken, if any, to determine the extent of wetlands and waterways on the Site. Provide copies of all documents, or parts thereof, that assess the extent of any wetlands at the Site, or that determine or investigate any parameter used by the U.S. Army Corps of Engineers to determine the existence of wetlands.
10. Have erosion and sediment controls been implemented in connection with any work performed at the Site? Identify all persons responsible for construction and maintenance of erosion and sediment controls implemented at the Site. Provide copies of all permits whether, national, state or local, acquired in connection with any erosion and sediment controls implemented at the Site. Describe the construction and maintenance (including sequencing) of all erosion, sediment and storm water controls implemented at the Site. Provide copies of all documents related to implementation of erosion and sediment controls at the Site, including but not limited to, copies of all erosion, sediment and storm water control inspections and maintenance records and copies of all inspections.
11. Provide copies of any and all permit(s) obtained from the Corps or WVDEP by you or anyone acting on your behalf for the discharge of pollutants to waters of the United States at the Site.
12. Provide copies of all Notice(s) of Intent for activities at the Site to be covered by a National Pollution Discharge Elimination System (NPDES) permit for discharges of storm water associated with construction activity. Provide the name(s) and address(es) of any Certified NPDES Contractor(s) working at the Site. With respect to each Certified Contractor working at the Site, provide the date of certification and certification number.
13. Identify any and all efforts by you or anyone acting on your behalf to comply with the Clean Water Act ("CWA") with respect to any work performed at the Site.
14. With regard to the streams, whether perennial or intermittent, creeks, seeps, fissures, drainage ways, impoundments, dams, ponds and any other water bodies whether flowing or static, please state: a) the origin of the water body; b) the date or dates on which it was impacted, including but not limited to, being buried, channeled, relocated, culverted, piped, or impounded; c) the names of the contractors or other entities that performed the work; d) the extent of the disturbance; and e) the exact nature of the disturbance.
15. What is the length of stream in linear feet that has been buried, culverted or piped as a result of the construction of the Site? For each stream reach, include the name of the stream, if applicable; stream order; flow regime; and indicate location on a map.
16. Have you or anyone working on your behalf performed an extent of wetlands determination for the Site?

17. To the extent you are aware, please describe the original Site conditions prior to purchase of the property by the owners of Pikewood National Golf Club.

 18. Please describe your involvement with the Site, the extent to which you had control over the day-to-day operations, the hiring and firing of contractors, architects and/or engineers, decisions regarding construction and placement of greens, fairways, and overall setup of the facility. Did you have any input or approval authority regarding the design, engineering or construction of the Site?
-

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

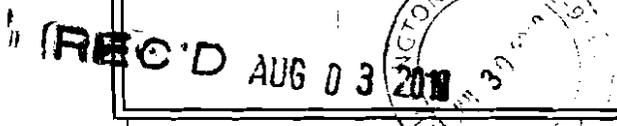
Colin Boyd Turf Industries
Attn: Colin Boyd
197 Riethmiller Road
New Wilmington, PA 16142

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
Colin Boyd Addressee

B. Received by (Printed Name) C. Date of Delivery
COLIN M. BOYD

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below No



3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Transfer from service label) 7004 1160 0007 0184 0250

Exhibit uB9



Pikewood 308 Updates
Stephanie Chin to: Pamela Lazos

11/15/2010 01:53 PM

History: This message has been replied to.

Hi Pam,

Here are my updates:



Colin Boyd of Colin Boyd Turf (724) 946-8573: Mr. Boyd left me a voicemail message on October 18, 2010. I called him a couple of times since then but was unable to reach him b/c his voicemail was full. I left him a voicemail message today (November 15) and he called me back from the road. He has not responded to the 308 because he was confused as to why he was receiving one. He said that he only repaired some greens at Pikewood. I told him that he still needed to send in the response and to answer the questions as best he could. He said he would send it back next week when he returns from North Carolina.



CoastalDrillingEast308Response.pdf

Stephanie S. Chin
U.S. Environmental Protection Agency - Region III
Office of Environmental Programs (3EA30)
1650 Arch Street
Philadelphia, PA 19103
Office: 215.814.2747
Fax: 215.814.2783
chin.stephanie@epa.gov

Exhibit "C"

11/14/2010

CALL TO KEVIN GURIG

RE: MAINTAINING CATER AND LOGIC/STERIC COMPANY

ISSUE - BV SAUS. ITS A JUNK RESULT BUT NO PROGRESS #5

WHAT ARE THE IMPROVED RESOURCES?

11/12/2010

CAUSE TO COUNT BOARD TUBE W/ RESPONSE (3)

COULD NOT REVERSE/STICKERS

11/15/2010

LEFT MSG FOR COUNT BOARD TUBE (204) 9416 8519

CORRECT DRAWING FIRST

RESPONDED BY MAIL - MIGHT NOT HAVE WORKED ON PROJECT

WILL RESPOND BY FAX RIGHT NOW

COUNT BOARD TUBE REMOVED CAP

COUNT BOARD IS IN NR RIGHT NOW. WILL RESPOND NEXT WEEK

9:40 PM

DOWND. HULLING. CALLED LOE HULLING (SPOKE IN G)

WILL WORK W/ THURSDAY

MAILED TO US BY END OF THIS WEEK

OPR - W/BOARD + RESOURCES JOKE

504 329 2152

1579 (DIRECT)

9:32 AM CALL TO JOYCE @ HULLING + RESOURCES

W/BOARD HULLING. W/BOARD RESPONSE. 300 RESOURCES

WILL RESPOND BY NEXT WEEK

VM FROM

COMMERCIAL BUILDINGS - MITCH JASTER

(504) 292 1668

826 0738

SPOKE IN JURY - BAKED FOR EXT TRAVEL

EVERYTHING W/RS. "FID. READY"

VM FROM

JESSICA YERGEN (504) 314 4755

RE: PREDICTION



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

Colin Boyd Turf Industries
Attn: Colin Boyd
197 Riethmiller Road
New Wilmington, PA 16142

OCT 6 2010

Re: Section 308 Demand for Information
Property located at 3055 Kingwood Pike, Morgantown, West Virginia

Dear Mr. Boyd:

On July 20, 2010, EPA forwarded to you a Section 308 Information Request which required that you provide information regarding the above-named property. Your response to this request was due within fourteen (14) days of receiving the letter. To date, we have received nothing from you.

This letter serves to advise you that a response to EPA's July 20, 2010 Section 308 Information Request is due in our office within ten (10) days of the date of this letter. Your failure to respond may result in, among other things, initiation of an enforcement action. Should EPA prevail in such an action, you may face penalties for failure to comply of up to \$37,500 a day.

Your anticipated cooperation in this matter is greatly appreciated. Should you have any questions, please feel free to contact me at (215) 814-2747.

Very truly yours,

A handwritten signature in cursive script that reads "Stephanie Chin".

Stephanie Chin
Environmental Specialist
US EPA Region III

Exhibit "D"



CERTIFICATE OF SERVICE

I certify that I caused to be sent the enclosed Administrative Complaint with Notice of Opportunity to Request Hearing to the following persons:

By Federal Express:

Mr. Colin Boyd
d/b/a Colin Boyd Turf Industries
197 Reithmiller Road
New Wilmington, PA 16142

and

Randy C. Huffman, Cabinet Secretary
West Virginia Department of Environmental Protection
601 – 57th Street, S.E.
Charleston, WV 25304

Delivery by hand (original and one copy):

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

Date: 3/20/11


Pamela Lazos
Sr. Asst. Regional Counsel
U.S. Environmental Protection
Agency--Region III