



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

WATER ENFORCEMENT BRANCH, 6EN-W

1445 ROSS AVENUE, SUITE 1200

DALLAS, TEXAS 75202-2733

APR 05 2003

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7011 3500 0000 0359 9120

Mr. Tommy Martinez, Parish President
Parish of Ascension
42077 Churchpoint Road
Gonzales, LA 70737

Re: Information Request pursuant to Section 308 of the Clean Water Act
LPDES Permit Number: LAR041034
AI Number: 115006

Dear Mr. Martinez:

Enclosed is an Information Request (Request) issued to you, pursuant to Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318(a), which authorizes the Environmental Protection Agency (EPA) to request information required to carry out the objectives of the CWA. The purpose of this Request is to obtain information on your Municipal Separate Storm Sewer System's compliance with its Louisiana Pollutant Discharge Elimination System permit. Your response to the Request must be post-marked no later than thirty (30) days from the date of this letter. Compliance with this Request is mandatory.

Please be advised that failure to respond to the Request within the thirty (30)-day period or to provide full, complete, true and correct responses may result in the filing of an enforcement action by the U.S. Department of Justice seeking the issuance of a court order directing you to properly respond to the Request. Your failure to comply with such an order could result in the assessment of civil penalties up to \$32,500 for each day you fail to comply with the order.

EPA urges you to give this matter your immediate attention and respond to this Request in a timely manner. Your response should be mailed to Ms. Thea Lomax (6EN-WM) at the address above.

If you have any questions regarding this Request, you may contact Ms. Thea Lomax, of the Water Enforcement Branch, at (214) 665-8098 or Mr. Tucker Henson, of the Office of Regional Counsel, at (214) 665-8148.

Sincerely,

A handwritten signature in black ink, appearing to read "John Blevins".

John Blevins
Director

Compliance Assurance and
Enforcement Division

for

Enclosure

Re: Section 308 Information Request 2
Parish of Ascension

cc: Ms. Angela Marse
Water Enforcement Manager
Office of Environmental Compliance
Louisiana Department of Environmental Quality
P.O. Box 4312
Baton Rouge, LA 70821-4312

INFORMATION REQUEST
PARISH OF ASCENSION, GONZALES, LOUISIANA FACILITY

INSTRUCTIONS

- A. The term "Facility" means the Municipal Separate Storm Sewer System facility located at 42077 Churchpoint Road, Parish of Ascension, Gonzales, Louisiana.
- B. The term "you" or "your" refers to Parish of Ascension, owner/operator of the Facility.
- C. Respond to Each Request Completely. Each request is numbered and may contain subparts identified by lowercase letters. A separate response must be made to each request and subpart. Provide a separate narrative response to each request and subpart and clearly identify your responses with the number, subpart, and text of the request to which it corresponds. You must also submit any documents you relied on in preparing your response. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Information Request and may subject you to penalties as discussed in the cover letter.
- D. Source(s) of Response. Include with each narrative response, the name, position, and title of each person(s) who provided information responsive to the request.
- E. Electronic Submittal. You may submit your responses as one or more electronic files on a CD or similar media storage device, provided your electronic files are accompanied by a letter that identifies the file software and version, file name(s), sizes(s), date(s), and time(s) of creation.
- F. Submission of Documents. Label each document submitted with the request number and subpart (if applicable) to which it corresponds. Date stamp each document you submit.
- G. Documents Responsive to More than One Request. If a document you submit is responsive to more than one request, provide one copy of the document and identify each requests by the number and subpart to which it corresponds.
- H. Substitute Derivative or Summary Documents. Where a document is requested, please provide the responsive document. You may, if you wish, provide additional or explanatory documents to accompany the responsive document(s). However, your failure to provide the document requested will be considered a failure to completely respond to this Information Request.
- I. Provide the Best Information Available. Unless otherwise specified, responses do not require you to create new data or information. However, you should provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek responsive information from current and former employees and/or agents. Submission of cursory responses when other responsive information is available to you will be considered a failure to completely respond to this Information Request. If you cannot provide a

precise answer to any questions, please approximate and state the reason for your inability to be specific.

- J. Unavailability of Records. If you are unable to respond to a request in a detailed and complete manner, or if you are unable to provide any of the information requested, indicate the reason for your inability to do so. If a record(s) responsible to a request is not in your possession, custody, or control and you have reason to believe that another person may be able to provide it, state the reasons for your belief and provide the person's name, address, telephone number, and any information available (*i.e.*, author, date, or subject matter) about the record(s).
- K. Documents That Have Been Transferred. If any records responsive to a request have been transferred or otherwise disposed of, identify the document, identify the person to whom it was transferred, describe the circumstances surrounding such transfer or other disposition, and state the date or approximate date of such transfer or other disposition.
- L. Duty to Provide and/or Correct Information on a Continuing Basis. If any records responsive to a request were not known or were not available to you at the time you submitted your response, but later become known or available to you, you must submit the new information as a supplement to your response. If at any time after submission of your response you learn that any portion is or becomes false, incomplete, or misrepresents the facts, you must notify EPA of this fact as soon as possible and provide a corrected response. Failure to supplement your response within thirty (30) days of discovering such responsive information may subject you to an enforcement action. If any part of the response to this Information Request is found to be false, the signatory to the response and the company may be subject to criminal prosecution.
- M. Identify Personal Privacy Information. Personnel and medical files, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information." You should note however, that unless prohibited by law, EPA may disclose this information to the general public without further notice to you.
- N. Indicate Objections to Requests. While you may indicate that you object to certain requests contained in this Information Request, you must provide responsive information notwithstanding those objections. To object without providing responsive information may subject you to the penalties discussed in the cover letter.
- O. Claims of Privilege. If you claim that an entire document responsive to this Information Request is a communication for which you assert that a privilege exists, identify the document and provide the basis for asserting the privilege. For any document for which you assert that a privilege exists for a portion of it, provide the portion of the document for which you are not asserting a privilege; identify the portion of the document for which you are asserting the privilege; and provide the basis for such an assertion. Please note that regardless of the assertion of any privilege, any facts contained in the document which are responsive to the Information Request must be disclosed in your response.

CERTIFICATION

This information provided shall be verified by, and submitted under, an authorized signature by a responsible corporate officer,^a with the following certification:

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 on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that 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.

Signed: _____ Date: _____

SUBMISSION OF YOUR RESPONSE TO THE INFORMATION REQUESTED

Parish of Ascension shall deliver all submissions required by this Information Request within thirty (30) days to Ms. Thea Lomax (6EN-WM); U. S. Environmental Protection Agency, Region 6; 1445 Ross Avenue, Suite 1200; Dallas, TX 75202-2733.

^a The term "responsible corporate officer," as used herein, means a president, secretary, treasurer, or vice-president of the corporation, company or business in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, company or business.

QUESTIONS

Pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, provide the following requested information to EPA within thirty (30) days of receipt of this document. The questions seek information concerning noncompliance with the National Pollutant Discharge Elimination System (NPDES) permit program, in accordance with the federal Clean Water Act.

1. An audit conducted by the EPA on March 30, 2011, found that you did not develop and implement a Storm Water Management Plan (SWMP) to address storm water discharges and issues related to water quality, as required by your small Municipal Separate Storm Sewer System permit under the Louisiana Pollutant Discharge Elimination System program. During the audit, EPA recommended that you develop your SWMP using EPA's Audit Checklist, which was provided by EPA during the audit. Provide the following information to the EPA within thirty (30) days of receipt of this document:
 - A. Describe the action(s) taken by the Parish to develop the SWMP since the March 2011, audit for each of the six program areas in a SWMP; and
 - B. Submit a copy of the Parish's updated SWMP (DVD format is preferred).