



REGION 3

PHILADELPHIA, PA 19103

Report Title: Clean Water Act Compliance Inspection Report
Inspection Date(s): 12/06/2023
Regulatory Program(s): National Pollutant Discharge Elimination System (NPDES)
Type of Activity: Wastewater
Facility Name: Union Gap Subdivision WWTP
Facility Operator: Union Gap Homeowners Association (HOA)
Permittee(s): Formerly Union Gap Homeowners Association (HOA);
Currently Unpermitted
Facility Address: RT. 51, Gerrardstown, WV 25420
Latitude: 39.384729 **Longitude:** -78.093008
Permit Number: Permit WVG551055 expired;
Currently unpermitted
NAICS Code: 221320 **SIC:** 4952
Receiving Waters: UNT to Mill Creek
DSB ID#: ECAD-526

Facility Representative(s):

Point of Contact

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U.S. EPA Region 3

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List of Attachments

Attachment A	General WV/NPDES Water Pollution Control Permit WV0115754
Attachment B	Site Plans for Constructed Wetlands Wastewater Treatment System
Attachment C	Deed
Attachment D	Photograph Log
Attachment E	Notices of Void Permit and Violations

I. Introduction

On December 06, 2023, two inspectors from the U.S. Environmental Protection Agency (EPA) Region 3, (hereinafter, "EPA Inspection Team") conducted a wastewater inspection of the Union Gap Subdivision's Wastewater Treatment Plant located in Gerrardstown, WV (hereinafter, the "Facility"). A representative from the West Virginia Department of Environmental Protection (WVDEP) also attended the inspection. The purpose of the inspection was to observe compliance with the Clean Water Act (CWA) and applicable State and Federal regulations. At the time of the inspection, the Facility did not have an active National Pollutant Discharge Elimination System (NPDES) Permit. WVDEP issued a "Notice of Void Permit" on March 30, 2012 referencing that the Facility failed to pay annual fees within 90 days of due date, and the Facility has been unpermitted since that time.

A. Inspection Opening Conference

The EPA Inspection Team met with WVDEP at approximately 8:30 AM (EST) prior to the inspection. The EPA Inspection Team called Arnold Pavlik, Jr., the treasurer of the HOA, at approximately 8:40 AM (EST) to inform him that EPA was coming to conduct an inspection of the Facility that morning. Mr. Pavlik responded, "Okay thank you." The call concluded at 8:41 A.M. (EST). The EPA Inspection Team arrived at the Facility at approximately 9:00 AM (EST) for the inspection. No Facility representatives were present during the inspection. Table 1 outlines the individuals that participated in the inspection.

Table 1. Inspection Attendee List

Name	Affiliation	Contact Information
U.S. EPA Region 3		
Monica Crosby	EPA Region 3 – Lead Inspector	Phone: (410) 305 - 2930 Email: crosby.monica@epa.gov
Edward Simas	EPA Region 3 – Secondary Inspector	Phone: (215) 814 - 2120 Email: simas.edward@epa.gov
West Virginia Department of Environmental Protection		
Michael Kanehl	WVDEP	Phone: (304) 238- 1220 Email: michael.k.kanehl@wv.gov

B. Weather and Precipitation Conditions

During the inspection, weather was cool and partly cloudy. National Oceanic and Atmospheric Administration (NOAA) National Weather Service precipitation data for the date of the inspection and 5 days prior are provided in the Table 2 below:

Table 2. Precipitation Data

Station Name	Date	Precipitation Amount(inches) ¹
MARTINSBURG 2, WV USC00465706	11/30/2023	0.04
MARTINSBURG 2, WV USC00465706	12/01/2023	0.05
MARTINSBURG 2, WV USC00465706	12/02/2023	0.25
MARTINSBURG 2, WV USC00465706	12/03/2023	0.2
MARTINSBURG 2, WV USC00465706	12/05/2023	0
MARTINSBURG 2, WV USC00465706	12/06/2023	0

¹ Source: NOAA National Climatic Data Center (<http://www.ncdc.noaa.gov/>).

C. Summary of the Facility

The Union Gap Subdivision WWTP is designed as a tiered wetland system equipped with pea gravel, a constructed marsh, and chlorination via chlorine tablets. The Facility plans are included as Attachment B. The wetland system receives flow from the subdivision that is approximately 4 acres and located at 39°23'8.14"N, 78° 5'34.47"W. The Facility is owned and operated by the Union Gap HOA, which is comprised of forty-four (44) people.

II. Facility Activity

WVDEP explained that the Facility was first developed and operated by a Mr. David McGill. The Deed for the property was signed in 2004 and was set to expire in 2012 (refer to Attachment C). Mr. Arnold Pavlik signed the deed on behalf of the HOA in 2012. The HOA thus, took ownership of the Facility at that time. The HOA states they never accepted the permit transfer because the Facility was improperly constructed and had existing violations. However, by signing on the deed, the HOA took ownership of the Facility. The Facility has been abandoned since 2012.

During the inspection, WVDEP received a call from the Sewer District's County commissioner at 9:48 A.M. It was explained that the Berkeley County Sewer District was going to take ownership of the Facility, but they have a policy that they don't take over treatment plants until they are permitted and in working order.

The observations from the inspection are described in detail below in the Observations section. Photographs were taken during the inspection by Edward Simas and are provided in Attachment D. Photographs are timestamped one (1) hour later than the time at which they were taken. Some photographs may be omitted to avoid redundancy, but unused photos can be made available upon request.

III. Observations

The EPA Inspection Team was unable to visually observe the wastewater treatment plant as the treatment plant was surrounded by a fence and was overgrown and inaccessible (refer to Observation #8).

The following section summarizes the EPA Inspection Team's observations relative to the Facility's regulatory requirements, including the permit status and the status of certain treatment units and operation and maintenance practices.

Observation #1 **Permit Status**

Observation #1:

The Facility has not had permit coverage since 2012. WVDEP issued a "Notice of Void Permit" on March 30, 2012, referencing that the Facility failed to pay annual fees within 90 days of due date. WVDEP issued a Notice of Violation ("NOV") on June 13, 2017, October 18, 2017, March 12, 2018, May 16, 2018, and March 13, 2019, for discharge without a permit. WVDEP issued another "notice of Void Permit" on August 23, 2022, referencing that the Facility failed to pay annual fees within 90 days of due date. These correspondence letters and NOVs are included as Attachment E. The Facility has been unpermitted since March 2012. The Facility would be permitted under the General WV/NPDES Water Pollution Control Permit WV0115754 (hereinafter, the "Permit") (Attachment A).

Observations #2-6 **On-Site Inspection**

The EPA Inspection Team observed that the WWTP was surrounded by a fence and was overgrown and inaccessible (Attachment D, Photographs 1708, 1713, 1714, 1717, 1720, 1721, 1730 and 1731).

Observation #2:

The EPA Inspection Team observed the Facility's point of discharge located in the southeast corner of the property (Attachment D, Photographs 1720 and 1721). The EPA Inspection Team observed that flow was actively discharging at the time of the inspection (Attachment D, Photograph 1721). The EPA Inspection Team noted this point of discharge to have a defined streambed and a lack of vegetation in the stream channel, indicative of consistent flow (Attachment D, Photographs IMG_1728 and IMG_1729). The flow was observed to be clear, but a slight sewage odor was noted at the point of discharge. The EPA Inspection Team observed a blue container that is suspected to be an old dechlorination chamber, as well as some empty 5-gallon buckets (Attachment D, Photograph 1721).

Observation #3:

The EPA Inspection Team observed that the facility was discharging to an UNT to Mill Creek.

Observation #4:

The EPA Inspection Team observed the stream to be foaming past the point where the WWTP's discharge comingled with the UNT. There was no foam observed in the stream prior to this point where the two flows comingled (Attachment D, Photographs IMG_1722, IMG_1724, IMG_1726, and IMG_1727.).

Observation #5:

The EPA Inspection Team noted a sewage odor when walking along the Facility's fence line.

Observation #6:

The EPA Inspection Team observed a second potential discharge point located along the Facility's west perimeter fence line. The EPA Inspection Team noted saturated soil and matted vegetation originating from within the facility's fence line and indicative of a flow path. This flow path appeared to head southwest towards the UNT to Mill Creek. (Attachment D, Photographs 1728 and 1729).

Observation #7

Outlet Markers

Requirement:

Attachment A.I.13 of the Permit states A permanent marker at the establishment shall be posted in accordance with Title 47, Series 11, Section 9 of the West Virginia Legislative Rules promulgated pursuant to Chapter 22, Article 11.

Observation #7:

There were not outlet markers present at the time of the Inspection where the WWTP was discharging (Attachment D, Photographs IMG_1720 and IMG_1721).

Observation #8

Proper Operation and Maintenance

Requirement:

Attachment A.II.1 of the Permit states that the permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls, and appropriate quality assurance procedures. Unless otherwise required by Federal or State law, this provision requires the operation of back-up auxiliary facilities or similar systems, which are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

Observation #8:

According to WVDEP, the Facility has been abandoned since 2012 and thus, has not been operated or maintained since that time. The EPA Inspection Team was unable to observe or access the Facility's treatment train due to overgrown vegetation (Attachment D, Photographs IMG_1708, IMG_1713, IMG_1714, IMG_1717, and IMG_1731). The EPA Inspection observed trees to be growing within the fence line, on the bank of the wetland system (Attachment D, IMG_1730).

Observation #9

Discharge Monitoring Reports

Requirement:

Part B.8 of the Permit requires that the permittee shall submit electronically each quarter according to the specified format, a Discharge Monitoring Report (DMR) indicating in terms of concentration the values of the constituents listed in Sections A of the Permit.

Observation #9:

The Facility has not submitted a DMR since April 2011.

Observation #10

Filtrate Management Reports

Requirement:

Part C.01 of the Permit requires the permittee shall monitor quarterly and report annually on the enclosed Filtrate Management Report form the quality and quantity of filtrate produced. The required Filtrate Management Report shall be submitted electronically, via the Electronic Submission System (ESS) to the DWWWM annually by January 25 of the following year.

Observation #10:

The Facility has not submitted any Filtrate Management Reports.

IV. Records Review

As part of the Inspection, the EPA Inspector reviewed the Facility's drawing plan, the deed for the property, WVDEP's previous inspection reports, and correspondence between the Facility and WVDEP.

V. Closing Conference

There were no Facility representatives present at the time of the Inspection. The Inspection concluded at approximately 10 A.M.