

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

March 30, 2012

CERTIFIED MAIL 7011 1570 0002 9580 9414
RETURN RECEIPT REQUESTED

Matthew Mullen
Compliance and Quality Control Manager
Western Environmental
62-150 Gene Welmas Dr.
Mecca, CA 92254

SUBJ: Information Request - Section 308 of the Clean Water Act
Re: Sewage sludge use or disposal.

Dear Mr. Mullen:

Pursuant to Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318, the Environmental Protection Agency (EPA) hereby requests that you provide the information set forth in the enclosure. According to annual sewage sludge reports submitted to EPA by several wastewater treatment plants (WWTPs), some of their sewage sludge has now been at the Western Environmental site for more than two years. Sewage sludge that is stored for more than two years must meet the criteria for surface disposal in 40 CFR 503Subpart C (Standards for the Use or Disposal of Sewage Sludge- Surface Disposal), or a demonstration must be made that the storage is temporary.

You are required to respond to this information request within thirty (30) calendar days of receipt of this letter. In addition, all information submitted must be accompanied by the following certification signed by you, your responsible corporate officer, or duly authorized representative in accordance with 40 C.F.R. § 122.22:

I certify under penalty of law that this submission was 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 those who manage the system or are 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 under the Clean Water Act and 18 U.S.C. § 1001.

Failure to comply with this Information Request can result in enforcement action for appropriate relief and penalties under Section 309 of the CWA, 33 U.S.C. § 1319. Compliance with this

Information Request does not relieve you of your obligation to comply with the CWA or other applicable laws and permits.

Respondents may not withhold from EPA any information on the grounds that it is confidential business information. However, EPA has promulgated, under 40 CFR Part 2, Subpart B, regulations to protect confidential business information it receives. A legally supportable claim of business confidentiality may be asserted in the manner specified by 40 CFR § 2.203(b) for all or part of the information requested by EPA. EPA will disclose business information covered by such claim only as authorized under 40 CFR Part 2, Subpart B. If no claim of confidentiality accompanies the information at the time EPA receives it, EPA may make it available to the public without further notice.

This Information Request is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act because it is directed to fewer than ten persons and is therefore not a "collection of information" under 44 U.S.C. § 3502(3). It is also an exempt activity under 44 U.S.C. § 3518(c) and 5 C.F.R. § 1320.4.

Also enclosed is a document entitled U.S. EPA Small Business Resources-Information Sheet which may assist you in understanding the compliance assistance resources and tools available to you. However, any decision to seek compliance assistance at this time does not relieve you of your obligations to EPA or the State, does not create any new rights or defenses, and will not affect EPA's decision to pursue enforcement action.

Please submit your response to:

Lauren Fondahl
Biosolids Coordinator, Clean Water Act Compliance Office
US EPA Region 9
75 Hawthorne St.
San Francisco, CA 94105

Thank you for your cooperation and prompt attention to this matter. If you have questions regarding the Information Request, please contact Lauren Fondahl at (415) 972-3556 or via email at Fondahl.Lauren@epa.gov.

Sincerely,

//s// 3/30/12

Ken Greenberg, Manager
Clean Water Act Compliance Office
Water Division

Enclosures (2)

cc: Joseph Hanford, Plant Superintendent, Big Bear Area WRA
Ruben Mireles, Operations Division Manager, City of Brawley WWTP
A.C. Entingh, Head, Environmental Compliance, U.S. Marine Corps Camp Pendleton
Gabriel Hernandez, Chief Plant Operator, Olivenhain MWD
Ken Nelson, Operations and Maintenance Manager, Lake Arrowhead CSD
Glen Neal, President, Farm Mutual Water Company
Sam G. Massey, General Manager, Running Springs Water District
Manuel Benitez, Operations and Maintenance Superintendent, San Bernardino County
Special Districts Department
Paul Slama, Director of Tribal Affairs, Cabazon Band of Mission Indians
Becky Ross, Environmental Compliance Manager, Cabazon Band of Mission Indians

ENCLOSURE 1

INSTRUCTIONS

1. Separate Response for Separate Question. Provide a separate narrative answer to and segregate responsive documents by each question or its subpart. Precede each answer with the number of the corresponding question or its subpart.
2. Best Information Available. Respond to the best of your ability, even if written documents are not available. Explain any qualified response. If you do not have the responsive information but know the person from whom the information may be obtained, identify the person.
3. Document Submission. Whenever requested to provide documents, provide copies of all responsive documents in your possession, custody or control. If a responsive document was, but no longer is, in your possession, custody or control, explain what was done with it. If another person has possession, custody or control of the document, identify the person. If the document was disposed of, explain when and why it was disposed of and who disposed of it.
4. Use of Document in Place of Answer. If a document provides the complete answer to a question, you may supply it in place of a written answer by appropriately identifying the document as answering a specific numbered question.
5. Identification of a Person. Whenever requested to identify a person, state:
 - a. as to an individual: the individual's full name, contact information, and last known employer;
 - b. as to a corporation: its full name and contact information; and
 - c. as to a person other than an individual or a corporation: its official name, organizational form, and contact information.
6. Document Alteration or Deletion. Explain the reason and identify the person responsible for any deleted, altered or redacted portion of a submitted document.
7. Obligation to Correct. If you later discover that any submitted information is incorrect, submit a corrected response as soon as possible.

DEFINITIONS

The following terms shall have the following definitions for this Information Request:

1. "Document" means all written, recorded, computer generated, or visually or aurally reproduced materials of any kind in any medium in your possession, custody or control or known by you to exist, including all originals, drafts and non-identical copies. The term

includes, without limitation, all reports, studies, surveys, plans, transcripts, permits, licenses, emails electronically stored or hardcopy, deeds, maps, drawings, schematics, specifications, instructions, calculations, monitoring data, rental records, contracts, agreements, bid documents, purchase orders, work orders, invoices, payment records, spreadsheets, communication records, correspondence, notes, memoranda, photographs, and videos.

2. "Person" means any entity, however denominated. The term includes, without limitation, any individual, firm, corporation, governmental entity, partnership, association, sole proprietorship, trust estate, board, and committee.
3. "Site" means Western Environmental, located at 62-150 Gene Welmas Drive in Mecca, California.
4. "Site Condition" means any physical, hydrological, topographic, soil, biological (such as plant or animal) or geomorphological feature of an area in question.
5. "You" means Western Environmental, located at 62-150 Gene Welmas Drive in Mecca, California.

INFORMATION REQUEST

EPA requires that you provide us with the following information within thirty (30) calendar days of receipt of this letter:

1. Map and photographs of the Western Environmental site showing the locations of all sewage sludge at the site.
2. Tonnage of sewage sludge received from each POTW by year from the last five years (since January 1, 2007), expressed on a wet weight and 100% dry weight basis.
3. Tonnage of domestic septage and porta-potty wastes received by year in the last five years, expressed on a wet weight and 100% dry weight basis.
4. Total tonnage of sewage sludge, sewage sludge products, and septage and porta-potty wastes currently on site, expressed on a wet weight and 100% dry weight basis.
5. For the sewage sludge listed above, the treatment of sewage sludge on site:
 - a) For composted sewage sludge, provide:
 - (1) The tonnage composted, expressed on a wet weight and 100% dry weight basis;
 - (2) The location of compost piles (show on map);
 - (3) The tonnage from each POTW composted, expressed on a wet weight and 100% dry weight basis;

- (4) A listing of the sewage sludge origins (i.e. POTW) in each compost pile.
 - (5) Any analytical results of pollutants from the compost piles;
 - (6) Description of bulking agents added to the compost piles;
 - (7) Any data on times and temperatures of the compost during the thermophilic phase; and
 - (8) The percent solids of the compost piles.
- b) For thermally treated sewage sludge, provide:
 - (1) The tonnage thermally treated, expressed on a wet weight and 100% dry weight basis;
 - (2) The location of the thermally treated piles (show on map);
 - (3) The tonnage from each POTW thermally treated, expressed on a wet weight and 100% dry weight basis;
 - (4) A listing of the sewage sludge origins (i.e. POTW) in each treated pile.
 - (5) Any analytical results of pollutants from the treated piles;
 - (6) Description of bulking agents added to the treated piles;
 - (7) Any data on times and temperatures of the thermal treatment process; and
 - (8) The percent solids of the treated piles.
- c) For sewage sludge mixed with other materials, provide:
 - (1) The tonnage mixed with other materials, expressed on a wet weight and 100% dry weight basis;
 - (2) The location (show on map) and whether the material is in drying beds, lagoons, stockpiles, or at other locations;
 - (3) A description of other materials and ratio of sludge to these other materials.
 - (4) A listing of the sewage sludge origins (i.e. POTW) in each mixed pile.
 - (5) Any analytical results of pollutants from the mixed piles;
 - (6) Description of bulking agents added to the mixed piles;
 - (7) The percent solids of the mixture piles.
6. A statement of whether you have moved any sewage sludge or sewage sludge products off-site in the past five years.
7. For any sewage sludge or sewage sludge products moved off-site in the past five years, provide:
 - a) The date the sewage sludge or sewage sludge products were moved off-site;
 - b) The tonnage moved off -site, expressed on a wet weight and 100% dry weight basis;
 - c) A listing of the sewage sludge origins (i.e. POTW) in each offsite-shipment;

- d) The treatment provided to the sewage sludge or sewage sludge products prior to removal off-site;
 - e) Any analytical results of pollutants from the sewage sludge or sewage sludge products prior to removal off-site;
 - f) The location the sewage sludge or sewage sludge products were sent.
8. A description of any plans to move the sewage sludge and sewage sludge products off-site for use or disposal, including a description of:
- a) Where the sewage sludge and sewage sludge products are going to be sent.
 - b) When the sewage sludge and sewage sludge products will be sent off-site.
 - c) A copy or description of any agreements/contract you have to remove sewage sludge and sewage sludge products.
 - d) Analyses of the sewage sludge and sewage sludge products for demonstration of pollutant levels, pathogen reduction, and/or vector attraction reduction prior to removal off-site.
9. For sewage sludge that has been retained on site for more than two years, provide either:
- a) An explanation for how the criteria for surface disposal described in 40 CFR 503 Subpart C are being met (e.g. groundwater and methane monitoring); or
 - b) The information in 40 CFR 503.20(b) justifying why prolonged temporary sludge retention is necessary and identifying ultimate plans and timeline for disposal.