



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

Book

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

FEB 25 2009

Mr. Albert K. Campbell
City of Wheeling
2516 Main Street
Wheeling, WV 26003-0804

Re: Clean Water Act Section 308 Request for Information

Dear Mr. Campbell:

The enclosed Request for Information is issued this date pursuant to Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318, and requires, among other things, that the City of Wheeling provides information regarding oil and gas wastewater that is accepted by the Wheeling wastewater treatment plant. It is mandatory that the City of Wheeling provides this information. You must respond in accordance with the instructions and deadlines set forth in the Request for Information.

If you have any questions about this Request for Information, you may contact Mr. Chad Harsh at (215) 814-2633, or your counsel may contact Ms. Judith Hykel, Senior Assistant Regional Counsel, at (215) 814-2646.

Sincerely,

A handwritten signature in black ink, appearing to read "D.B. McGuigan".

David B. McGuigan, Ph.D.
Associate Director
Office of NPDES Permit and Enforcement
Water Protection Division

Enclosure

cc: Scott Mandirola, Acting Director
Division of Water and Waste Management
Mike Zeto, Chief Inspector
Office of Environmental Enforcement



City of Wheeling
2516 Main Street
Wheeling, WV 26003-0804

I. STATUTORY AUTHORITY

1. This Request for Information is issued to City of Wheeling ("Wheeling") under the authority vested in the United States Environmental Protection Agency ("EPA") by Section 308 of the Clean Water Act ("CWA" or "Act"), 33 U.S.C. § 1318.
2. EPA is authorized under Section 308 of the CWA 33 U.S.C. § 1318, to require owners and operators of point sources to establish records and make such reports as may be necessary to carry out the purpose of the Act, including but not limited to:
 - (a) Developing or assisting in the development of any effluent limitation, or other limitation, prohibition, effluent standard, pretreatment standard, or standard of performance under the Clean Water Act;
 - (b) Determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance;
 - (c) Any requirements under Section 308 of the Clean Water Act; and
 - (d) Carrying out Sections 305, 311, 402, 404, and 504 of the Clean Water Act.
3. Failure to provide the requested information or providing misleading or false information may subject you to civil and/or criminal sanctions pursuant to Section 309 of the Act, 33 U.S.C. § 1319.

II. DEFINITIONS

4. The terms "you" and "your" herein refer to City of Wheeling.
5. The terms "document" and "documents" shall mean any format that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hard copy, including any form or format of these types. If in computer format or memory, each such document shall be provided in a translated form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include: (a) a copy of each document which is not an exact duplicate of a document which is provided; (b) each copy which has any writing, notation, or the like on it; c) drafts; (d) attachments to or enclosures with any document; and (e) every other document referred to or incorporated into each document.
6. "Day" shall mean a calendar day. In computing any period of time under this 308 request, where the last day would fall on a Saturday, Sunday, federal or state holiday, the period shall run until the close of the next business day.
7. "Plant" refers to the City of Wheeling waste water treatment plant.
8. The "Permit" shall refer to the West Virginia Department of Environmental Protection ("WVDEP") NPDES Permit No. WV0023230
9. "DMRs" shall refer to discharge monitoring reports.
10. "Waste haulers" shall refer to any person or entity that transports waste to Wheeling for the purpose of treatment.
11. "Brine" shall refer to any fluid generated by drilling process.

III. INSTRUCTIONS

12. Provide a separate narrative response for each question and for each subpart of each question set forth below. Precede each answer with the corresponding number of the question to which it responds.
13. Identify each person responding to any question contained in this Information Request on your behalf, as well as each person consulted in the preparation of the response.
14. For each question, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question.

15. Indicate on each document produced in response to this Information Request, or in some other reasonable manner, the number of the question to which it corresponds.
16. If tabulation is requested, provide the requested information in tabular form in hard copy and also in tabular form in an electronic spreadsheet file Excel, or compatible format.
17. If requested information or documents are not known or are not available at the time of your response to this Information Request, but later become known or available, you must supplement its response to EPA. Moreover, should you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts; you must provide EPA with a corrected response as soon as possible.
18. The following certification must accompany each submission provided pursuant to this request and must be signed by a person authorized to respond on behalf of Clarksburg:

"I certify that the information contained in or accompanying this submission is true, accurate, and complete. As to the identified portion(s) of this submission for which I cannot personally verify its truth and accuracy, I certify as the company official having supervisory responsibility for the person(s) who, acting under my direct instructions, made the verification, that this information is 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 _____
Title _____

19. Provide your responses within thirty (30) days from the date you receive this request.
20. Submit your response to:

Chad Harsh (3WP10)
NPDES Enforcement Branch
Water Protection Division
U. S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103
21. If you have questions regarding this Information Request, you may contact Chad Harsh of the Water Protection Division at (215) 814-2633, or your counsel may contact ms. Judith Hykel, Senior Assistant Regional Counsel, at (215) 814-2646.

IV. INFORMATION REQUESTED

You are directed, pursuant to Section 308 of the Act, 33 U.S.C. Section 1318, to provide the following information:

22. Describe in detail all policies and/or practices you use for accepting and characterizing hauled wastewater, including sampling and analytic methods employed. Provide all documentation of such policies and practices.
23. Describe in detail all policies and/or practices for accepting and characterizing hauled wastewater generated from oil and gas exploration, including sampling and analytic methods employed. Provide all documentation of such policies and practices.
24. Describe in detail all policies and procedures used in determining your charges to haulers for accepting hauled wastewater. Provide all documentation of such policies and practices.
25. Provide an electronic spreadsheet, for the period June 2006 to present, with the following information concerning all instances of your acceptance of oil and gas wastewater:
 - a. Date of acceptance;
 - b. Volume of oil and gas wastewater accepted;
 - c. Waste water treatment plant ("WWTP") flow volume for that day;
 - d. Name of the hauler;
 - e. Site location of the well where the wastewater originated;
 - f. Owner or operator of the well that produced the wastewater; and
 - g. Charge levied for accepting the waste.
26. Provide the address and telephone number of each hauler identified in response to Paragraph 25 above.
27. Provide copies of all manifests and/or other documents concerning the transportation or acceptance of oil and gas wastewater identified in response to Paragraph 25. Include agreements with oil and gas companies and/or haulers from June 2006 to present day.
28. Identify all location(s) of the discharge point(s) of oil and gas wastewater into the Wheeling wastewater treatment system.
29. Provide all WWTP influent monitoring data associated with accepting of oil and gas wastewater, identified in response to Paragraph 25 above for the period of time from June 2006 to present day. Identify every location where the samples were collected.

30. Provide an electronic spreadsheet for the period for time from June 2006 to present, with the following information for wastewater and biosolids:
 - a. Date of sampling;
 - b. Parameter analyzed;
 - c. Value; and
 - d. Value reported in DMR.
31. Provide DMRs for the period of time from June 2006 to present day.
32. Submit all monitoring data for the period of time from June 2006 to present that are not reported on the DMRs.