

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO: _____
v.	:	DATE FILED: _____
STEPHEN FRITZ	:	VIOLATION:
	:	33 U.S.C. § 1319(c)(4) (tampering with required monitoring method - 1 count)

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

At all times material to this information:

THE DEFENDANT AND RELEVANT PERSONS AND ENTITIES

1. From in or about 2007, to in or about January 2012, defendant STEPHEN FRITZ was employed by Company No. 1, a company known to the United States Attorney.
2. From in or about January 2012, to present, defendant STEPHEN FRITZ was employed by Company No. 2, a company known to the United States Attorney.
4. Person No. 1, a person known to the United States Attorney, was certified to operate sewage treatment plants and water treatment plants, and was part-owner and president of Company No. 1 and Company No. 2.
5. Company No. 1 was a company located in Telford, Pennsylvania, that contracted to operate, maintain, and manage wastewater treatment facilities for its customers.
6. Company No. 2 was a company located in Harleysville, Pennsylvania, that was in the business of environmental consulting and related services.
7. Buckingham Valley Nursing Center (“Buckingham”) was a nursing home located in Buckingham Township, Lebanon, Pennsylvania, with a wastewater treatment plant.

8. From at least in or about September 2001, to at least in or about April 2012, Buckingham contracted with Company No. 1 to operate, maintain, and manage Buckingham's wastewater treatment plant.

9. From at least in or about December 2011, to at least in or about March 2012, defendant STEPHEN FRITZ, as an employee of Company No. 1 and Company No. 2, assisted in operating, maintaining, and managing Buckingham's wastewater treatment plant.

THE CLEAN WATER ACT

10. The Clean Water Act ("CWA"), 33 U.S. C. § 1251, et seq., is the Nation's comprehensive water pollution control statute. The purpose of the CWA is to restore and maintain the chemical, physical, and biological integrity of the Nation's water. In addition, the CWA was enacted to prevent, reduce, and eliminate water pollution in the United States and to conserve the waters of the United State for the protection and propagation of fish and aquatic life and wildlife, recreational purposes, and use for public drinking water, agricultural, and industrial use.

11. Pursuant to 33 U.S.C. § 1342 of the CWA, National Pollutant Discharge Elimination Systems ("NPDES") permits are issued by the U.S. Environmental Protection Agency ("EPA") or a federally authorized state agency, including the Pennsylvania Department of Environmental Protection ("PADEP"). NPDES permits authorize the discharge of pollutants into surface waters under specified conditions, and impose limits on the type and amount of pollutants that can be discharged into the waters of the United States.

BUCKINGHAM'S PERMIT

12. Under the CWA's NPDES permit program for industrial wastewater facilities, PADEP issued to Buckingham NPDES Permit No. PA0052761 ("Buckingham Permit"), authorizing it to discharge pollutants in wastewater to the unnamed tributary to Mill Creek in

Watershed 2F in accordance with effluent limitations, monitoring requirements, and other conditions set forth in the Buckingham Permit and in compliance with federal, state, and local laws and regulations.

13. The terms and conditions of the Buckingham Permit included discharge limits for pollutants, including total residual chlorine (“TRC”), dissolved oxygen (“DO”), and pH. The Buckingham Permit set the instantaneous maximum discharge limit for TRC of 0.25 mg TRC per liter of effluent in a daily grab sample; the instantaneous minimum discharge limit for DO of 5.0 mg DO per liter of effluent in a daily grab sample; and the instantaneous minimum pH of 6.0 and the instantaneous maximum pH of 9.0 in a daily grab sample of effluent.

14. The Buckingham Permit required that samples and measurements taken for the purpose of monitoring be representative of the monitored activity; that each sample and each measurement taken pursuant to the requirements of the Buckingham Permit be recorded; that approved test procedures for the analysis of the pollutants be used; that Discharge Monitoring Reports (“DMRs”), which required the reporting of samples and measurements taken pursuant to the Buckingham Permit, be properly completed; that if the permittee monitored any pollutant using the analytical methods in the Buckingham Permit more frequently than the Buckingham Permit required, the results of the monitoring be incorporated in the calculations on the DMR; that properly completed DMRs be received by the PADEP within 28 days after the end of the monthly reporting period; and that all instances of non-compliance be reported.

15. The Buckingham Permit required the permittee to employ an operator certified in compliance with Water and Wastewater Systems Operators Certification Act for the proper operation and maintenance of the Buckingham wastewater treatment plant.

CWA VIOLATION

16. From at least in or about December 2011, to at least in or about February 2012, in the Eastern District of Pennsylvania, and elsewhere, defendant

STEPHEN FRITZ

knowingly falsified, tampered with, and rendered inaccurate monitoring devices and methods required to be maintained under the CWA, that is, defendant FRITZ falsely recorded and caused to be falsely reported test results for pollutants, including TRC, on DMRs, thereby rendering inaccurate a monitoring device and method required under the Buckingham Permit.

All in violation of Title 33, United States Code, Section 1319(c)(4).

ZANE DAVID MEMEGER
United States Attorney