

Town of Indian Head, Maryland

**NOTICE OF INTENT TO ASSESS ADMINISTRATIVE PENALTY
AND
OPPORTUNITY FOR PUBLIC COMMENT**

U.S. ENVIRONMENTAL PROTECTION AGENCY--REGION 3

**Water Protection Division, Office of NPDES Permits and Enforcement, NPDES Enforcement Branch (3WP42)
1650 Arch Street
Philadelphia, Pennsylvania 19103**

Date of Notice: March 1, 2016

General NPDES Permit

DOCKET NUMBER: CWA-03-2016-0011

Comments will be accepted until April 8, 2016.

In accordance with Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g), notice is hereby given that the U.S. Environmental Protection Agency (EPA), Region III, is proposing an administrative civil penalty against the Respondent named below, for alleged violations at the facility listed below.

RESPONDENT:

Town of Indian Head
4195 Indian Head Hwy
Indian Head, Maryland 20640-1750

FACILITY:

Town of Indian Head's Municipal Separate Storm Sewer System (MS4)

SUMMARY OF VIOLATIONS: Respondent violated the Clean Water Act, specifically, the National Pollutant Discharge Elimination System (NPDES) permit program, by failing to acquire a permit for its Municipal Separate Storm Sewer System (MS4) resulting in 116 violations of the Clean Water Act as a result of discharges to waters of the U.S. without a permit. The Consent Agreement and Final Order (CAFO) alleges the same as violations of Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342. These violations were discovered during a review of state MS4 files as well as local rainfall data.

PROPOSED ADMINISTRATIVE PENALTY: Based on the foregoing and having taken into account the penalty factors set forth in Section 309(g) of the CWA, 33 U.S.C. § 1319(g), EPA Region III proposes to assess an administrative civil penalty against the Town of Indian Head. The total proposed penalty to be assessed is \$29,700, and is consistent with 40 C.F.R. Part 19.

OPPORTUNITY FOR COMMENT: Persons wishing to comment on the amount or basis of the proposed assessment are invited to submit a statement to the EPA Regional Administrator, addressed to the attention of the Regional Hearing Clerk (address below), within forty (40) days of the date of this public notice. Comments received within this forty (40) day period will be considered in the formulation of the final penalty assessment order. All comments must include the name, address, and telephone number of the writer and concise statement of the basis for any comment and any relevant facts on which it is based.

All comments should be addressed to:

Regional Hearing Clerk (3RC00)
U.S. EPA, Region III

1650 Arch Street
Philadelphia, PA 19103-2029

AVAILABILITY OF INFORMATION: Information relevant to the proposed penalty assessment may be requested through the Regional Hearing Clerk.

REGISTRY OF INTERESTED PERSONS: Any person interested in a particular case or group of cases may leave his/her name, address, and telephone number on a registry of interested persons which will be maintained in each file. The list of names will be maintained as a means for persons with an interest in the case to contact others with the same interest.

FOR FURTHER INFORMATION. Interested parties may contact the following EPA representative to learn more about this action.

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