

Pennsylvania Department of Transportation (PennDOT)

Harrisburg, PA

**NOTICE OF INTENT TO FILE CONSENT AGREEMENT AND FINAL ORDER (CAFO) ASSESSING
ADMINISTRATIVE PENALTY
AND**

OPPORTUNITY FOR PUBLIC COMMENT

U.S. ENVIRONMENTAL PROTECTION AGENCY--REGION III

**Water Protection Division, Office of NPDES Permits and Enforcement, NPDES Enforcement Branch
(3WP42)**

1650 Arch Street

Philadelphia, Pennsylvania 19103

Date of Notice: July 16, 2018

NPDES Permit No.: PADEP NPDES Construction Permits (Attached to the CAFO)

DOCKET NUMBER: CWA-03-2018-0032

Comments will be accepted until August 9, 2018.

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), Mid-Atlantic Region, is proposing to file a Consent Agreement and Final Order (CAFO) assessing an administrative civil penalty against the Respondent named below, for alleged violations of its National Pollutant Discharge Elimination System (NPDES) permit.

RESPONDENT:

PENNDOT,
KEYSTONE BUILDING,
400 NORTH STREET,
HARRISBURG, PA, 17120

SUMMARY OF VIOLATIONS: The EPA Mid-Atlantic Region alleges that PennDOT violated its NPDES permits 208 instances at 13 construction sites in the following manner:

1. Failure to fully implement and/or maintain erosion and sediment management controls at PennDOT construction sites; and
2. Failure to perform self-inspections and/or recordkeeping of self-inspections at PennDOT construction sites.

PROPOSED CONSENT AGREEMENT AND FINAL ORDER: 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), the EPA Mid-Atlantic Region proposes to file the CAFO requiring the payment of a **\$100,000.00 penalty**. The CAFO both commences and concludes these proceedings.

OPPORTUNITY FOR COMMENT: Persons wishing to comment on the amount of the penalty or legal or factual basis for the proposed CAFO are invited to submit a statement to the EPA Regional Administrator, addressed to the attention of the Regional Hearing Clerk (address below), within thirty (30) days of the date of this public notice. Comments received within this thirty (30) day period will be considered. All comments must include the name, address, and telephone number of the writer and a 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 CAFO 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.

Chuck Schadel
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029
215-814-5761
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