

**NOTICE OF INTENT TO FILE CONSENT AGREEMENT AND FINAL ORDER ASSESSING
ADMINISTRATIVE PENALTY AND OPPORTUNITY FOR PUBLIC COMMENT
U.S. Environmental Protection Agency - Region 3
Oil and Prevention Enforcement Section, Enforcement and Compliance Assurance Division (3ED12)
1650 Arch Street, Philadelphia, Pennsylvania 19103**

Name of Respondent and Docket Number: Lee Hy Paving Corporation, CWA-03-2019-0115

Title of Notice: Proposed penalty of \$58,905.00 against Lee Hy Paving Corporation

Public Comments will be accepted until September 23, 2019

NOTICE: The U.S. Environmental Protection Agency (EPA) Region 3 today offers for public comment the issuance of a proposed penalty of \$58,905 against Lee Hy Paving Corporation (Respondent). The proposed penalty is for violations of Section 311(j) of the Clean Water Act, 33 U.S.C. § 1321(j), and its implementing regulations at 40 C.F.R. Part 112, Oil Pollution Prevention regulations, for Respondent's facility located at 2100 Quarry Hill Road, Rockville, Virginia 23146. The public comment period will be open from August 14, 2019 to September 23, 2019.

DESCRIPTION: The U.S. Environmental Protection Agency (EPA), Region 3, is hereby giving notice that it proposes to enter into a Consent Agreement and Final Order ("CAFO"), which commences and concludes an administrative action against Lee Hy Paving Corporation, P.O. Box 5036, Glen Allen, Virginia 23058. The CAFO assesses an administrative penalty of fifty-eight thousand nine hundred five dollars (\$58,905.00) under Section 311(b)(6)(B)(ii) of the Clean Water Act, 33 U.S.C. § 1321(b)(6)(B)(ii), for alleged violations of Section 311(j) of the Clean Water Act. EPA alleges that Lee Hy Paving Corporation violated certain provisions of the regulations pertaining to the Spill Prevention, Control and Countermeasure and Facility Response Plan requirements found at 40 C.F.R. Part 112. The \$58,905.00 cash penalty is in accordance with EPA's Civil Penalty Policy for Section 311(b)(3) and Section 311(j) of the Clean Water Act (August 1998).

OPPORTUNITY FOR COMMENT: Persons wishing to comment on the amount or basis of the proposed penalty are invited to submit a statement to the EPA Regional Administrator, attention of the Regional Hearing Clerk (address below), within forty (40) days of the date of this public notice. All comments received within this forty-day period will be considered in the formulation of the final order. All comments must include the name, address, and telephone number of the author 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 3
1650 Arch Street
Philadelphia, PA 19103

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

FOR ADDITIONAL INFORMATION: Contact the following EPA representatives to learn more about this action.

Rachel Simkins
U.S. Environmental Protection Agency--Region 3 (3ED12)

1650 Arch Street
Philadelphia, PA 19103
(215) 814-3277
(simkins.rachel@epa.gov)

Erin Grisby, Esquire
U.S. Environmental Protection Agency
Office of Enforcement and Compliance Assurance
1200 Pennsylvania Ave NW (MC: 2243A)
Washington, DC 20460
(202) 564-3701
(grisby.erin@epa.gov)