

K. Hovnanian Virginia Old GC, Inc.

NOTICE OF INTENT TO FILE CONSENT AGREEMENT AND FINAL ORDER ASSESSING ADMINISTRATIVE PENALTY AND OPPORTUNITY FOR PUBLIC COMMENT

U.S. ENVIRONMENTAL PROTECTION AGENCY MID-ATLANTIC REGION
Enforcement & Compliance Assurance Division, Water Branch, NPDES Section (3ED32)
1650 Arch Street
Philadelphia, Pennsylvania 19103

Date of Notice: November 19, 2019

DOCKET NUMBER: CWA-03-2020-0015

Comments will be accepted until December 29, 2019.

In accordance with Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g) AND 40 CFR § 22.45, the U.S. Environmental Protection Agency Region III (EPA Mid-Atlantic Region) hereby gives notice that it is proposing to file a Consent Agreement and Final Order (CAFO) assessing an administrative civil penalty in the amount of forty-five thousand dollars (\$45,000) against the Respondent named below for alleged violations of its National Pollutant Discharge Elimination System (NPDES) permit.

RESPONDENT:

K. Hovnanian Virginia Old GC, Inc.
f/k/a as K. Hovnanian Homes of Virginia, Inc.
4090-A Lafayette Center Dr.
Chantilly, VA 20151

FACILITY:

Eagles Pointe Section 11

SUMMARY OF VIOLATIONS: EPA Mid-Atlantic Region alleges the following violations of the Clean Water Act (CWA) and of the Virginia Pollutant Discharge Elimination System (VPDES) which were discovered during a September 2016 inspection at the Eagles Pointe Section 11 located at the Intersection of American Eagle Blvd. and Eagle Feather Drive, Woodbridge, VA 22191. Violations include:

1. Failure to maintain erosion and sediment controls, including silt fences, construction entrances, curb inlet protections, yard inlet protections, and sediment basin; and
2. Failure to appropriately perform self-inspections.

More specifically, these failures constitute a violation of Section 301(a) of the CWA, 33 U.S.C. §§ 1311(a), and of the VPDES General Permit for Discharges of Stormwater from Construction Activities No. VAR10 (Permit)

OPPORTUNITY FOR COMMENT: If you wish to comment on the CAFO submit a statement to the EPA Mid-Atlantic Region Enforcement & Compliance Assurance Division Director, addressed to the attention of the Regional Hearing Clerk (address below), within forty (40) days of the date of this public notice. EPA will consider comments received within this forty (40) day period 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.

Address all comments to:
Regional Hearing Clerk (3RC00)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

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

REGISTRY OF INTERESTED PERSONS: If you are interested in a particular case or group of cases, you may leave your 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.

Nina Rivera
Senior Assistant Regional Counsel
U.S. Environmental Protection Agency
1650 Arch St. (3RC40)
Philadelphia, PA 19103
Phone: 215-814-2667
Email: rivera.nina@epa.gov

Kaitlin McLaughlin
U.S. Environmental Protection Agency
1650 Arch Street (3ED32)
Philadelphia, PA 19103
Phone: 215-814-2393
Email: mclaughlin.kaitlin@epa.gov