

## **Balfour Beatty Construction, LLC**

### **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 (3ED32)**  
**1650 Arch Street**  
**Philadelphia, Pennsylvania 19103**

**Date of Notice:** March 17, 2020

**DOCKET NUMBER:** CWA-03-2020-0039

**Comments will be accepted until April 26, 2020**

In accordance with Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g) and 40 CFR § 22.45, notice is hereby given that the U.S. Environmental Protection Agency Region III (EPA Mid-Atlantic Region), is proposing to file a Consent Agreement and Final Order (CAFO) assessing an administrative civil penalty in the amount of one hundred thousand dollars (\$100,000) against the Respondent named below for alleged violations of its Industrial User Requirements.

#### **RESPONDENT:**

Balfour Beatty Construction, LLC  
11325 Random Hills Roads, Ste. 500  
Fairfax, VA 22030

**SUMMARY OF VIOLATIONS:** Balfour Beatty Construction, LLC's currently operates sites that are authorized to discharge stormwater from construction activity in the Commonwealth of Virginia through their Stormwater Construction General Permit (SWCGP) and the District of Columbia through their Construction General Permit (CGP). EPA Mid-Atlantic Region alleges the following violations of the Clean Water Act (CWA) and the Permits occurred at the following five facilities:

- At the **Capitol Crossing – Utility Relocation** site located at 222 Massachusetts Avenue, NW, Washington, D.C. 20001, alleged violations include: failure to comply with all recordkeeping of the 2012 CGP; and failure to comply with the good housekeeping provision of the 2012 CGP.
- At the **Capitol Crossing – Highway** site located at 222 Massachusetts Avenue, NW, Washington, D.C. 20001, alleged violations include: failure to comply with all recordkeeping of the 2012 CGP; and failure to comply with the good housekeeping provision of the 2012 CGP.
- At the **National Museum of the Marine Corps Expansion** site located at 18900 Jefferson Davis Hwy, Triangle, VA 22172, alleged violations include: failure to comply with the recordkeeping provisions of the 2014 SWCGP; and failure to comply with the good housekeeping provisions of the 2014 SWCGP.
- At the **Portals V** site located at 1399 Maryland Avenue SW, Washington, D.C. 20002, alleged violations include: failure to comply with the recordkeeping provisions of the 2017 CGP; and failure to comply with the good housekeeping provisions of the 2017 CGP.
- At the **Wharf Development Phase 2** site located at 640 Maine Avenue SW, Washington, D.C. 20004, alleged violations include: failure to comply with the recordkeeping provisions of the 2017 CGP; and failure to comply with the good housekeeping provisions of the 2017 CGP.

**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 Mid-Atlantic Region proposes to assess an administrative civil penalty against Balfour Beatty Construction, LLC in the amount of \$100,000. The total proposed penalty is consistent with 40 C.F.R. Part 19.

**OPPORTUNITY FOR COMMENT:** Persons wishing to comment on the CAFO are invited to 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. Comments received within this (40) 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, Mid-Atlantic Region  
1650 Arch Street  
Philadelphia, PA 19103-2029

**AVAILABILITY OF INFORMATION:** Information relevant to the Consent Agreement 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 their 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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