

City of Wilkes Barre

**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: , 2016
General NPDES Permit
DOCKET NUMBER: CWA-03-2017-0017**

Comments will be accepted until , 2017.

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:

City of Wilkes Barre
40 East Market Street
Wilkes Barre, Pennsylvania 18711

FACILITY:

City of Wilkes Barre Municipal Separate Stormwater Sewer (MS4) Program

SUMMARY OF VIOLATIONS: Respondent violated the Clean Water Act, specifically, the National Pollutant Discharge Elimination System (NPDES) permit program, by failing to fully develop and implement properly a MS4 Program. The City had not fully implemented the following requirements of the NPDES permit: MCM#1 - public education and outreach; MCM#3 - an illicit discharge detection and elimination program; MCM#4 - construction site stormwater runoff control; and MCM#5 - post-construction stormwater management. The Consent Agreement and Final Order (CAFO) alleges these same violations of Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342. These violations were discovered during a July 31 and August 1, 2014 NPDES inspection of the City of Wilkes Barre MS4 program.

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 City of Wilkes Barre in the amount of \$25,000. The total proposed penalty 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.

Deane Bartlett (3RC20)
Sr. Asst. Regional Counsel, U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029
215-814-2656
bartlett.deane@epa.gov

Joy Gillespie, Environmental Scientist
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029
215-814-2793
gillespie.joy@epa.gov