

# Kingston Borough, Pennsylvania

## NOTICE OF INTENT TO FILE CONSENT AGREEMENT AND FINAL ORDER 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:** 6.15.2017

**NPDES Permit No.:** General NPDES Permit No. PAG-132268

**DOCKET NUMBER:** CWA-03-2017-0143

**Comments will be accepted until July 25 2017.**

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 (EPA), Region III, is proposing to file a Consent Agreement and Final Order (CAFO) assessing an administrative civil penalty in the amount of twelve thousand dollars (\$12,000) against the Respondent named below, for alleged violations of its NPDES permit. An Administrative Order for Compliance on Consent is being issued to return the municipality to compliance with the terms of its permit. Kingston shall provide EPA with copies of:

- i. A list of specific target audiences within the area served by the Borough's MS4 (see MCM #1, Best Management Practice (BMP) #2) that will be addressed with a message to reduce or eliminate practices and behaviors that contribute to polluted storm water runoff. Utilize databases or spreadsheets to record and track this information and to allow for easy identification and creation of mailing lists easily retrievable. *This requirement should be rolled into the public education and outreach program.*
- ii. A written illicit discharge and detection program that includes:
  - a. A detailed standard operating procedure(s) (SOP) for identifying priority areas,
  - b. A detailed SOP for screening outfalls in priority areas during varying seasonal and meteorological conditions, not limited to dry weather conditions as noted in the Borough's response.
  - c. A detailed SOP for identifying sources of illicit discharges,
  - d. A detailed SOP for eliminating an illicit discharge,
  - e. A detailed SOP for assessing the potential for illicit discharges caused by the interaction with sewage disposal systems (e.g. smoke testing), and
  - f. A detailed SOP for program documentation, evaluation, and assessment.
- iii. A written updated inventory of PCSM BMPs compliant with MCM #5, BMP #6.
- iv. A detailed SOP for a municipal employee (and contractors) training program that addresses appropriate topics to further the goal of preventing or reducing pollutants from municipal operations to your regulated MS4. This SOP must include all required elements under MCM #6, BMP #3 and must be specific to your Borough's MS4.

### RESPONDENT:

Kingston Borough  
500 Wyoming Ave  
Kingston, Pennsylvania 18704

**SUMMARY OF VIOLATIONS:** EPA Region III alleges the following violations to the National Pollutant Discharge Elimination System (NPDES) Stormwater Discharges from Small Municipal Separate Sewer Systems (MS4) General Permit ("PAG-13" or "Permit"): The Borough had not fully implemented MCM#1 - public education and outreach; MCM#3 - an illicit discharge detection and elimination program; MCM#4 -construction site stormwater runoff control; MCM#5 - post-construction stormwater management; and MCM#6 – pollution prevention and good housekeeping for municipal operations and maintenance. These failures constitute a violation of Section 301(a) of the CWA, 33 U.S.C. §§ 1311(a). These violations were discovered during an NPDES inspection of Respondent's MS4 in July 2014.

**OPPORTUNITY FOR COMMENT:** Persons wishing to comment on the amount of the penalty or legal or factual basis for the proposed penalty are invited to submit a statement to the EPA Region 3 Water Protection 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 forty (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, Region III  
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 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.

Rebecca Crane  
U.S. Environmental Protection Agency  
1650 Arch Street  
Mail Code: 3WP42  
Philadelphia, PA 19103-2029  
215-814-2389  
[crane.rebecca@epa.gov](mailto:crane.rebecca@epa.gov)