

Vico Construction Corporation

**NOTICE OF INTENT TO ASSESS ADMINISTRATIVE PENALTY
AND
OPPORTUNITY FOR PUBLIC COMMENT**

**U.S. ENVIRONMENTAL PROTECTION AGENCY – MID-ATLANTIC REGION
Water Protection Division, Office of NPDES Permits and Enforcement, NPDES
Enforcement Branch (3WP42)
1650 Arch Street
Philadelphia, Pennsylvania 19103**

Date of Notice: August 17, 2018

**General Virginia Pollutant Discharge Elimination System (VPDES) Permit for
Discharges of Stormwater from Construction Activities (VAR10) Nos. D013, C775,
7363, 7430, and 7429**

DOCKET NUMBER: CWA-03-2018-0152

Comments will be accepted until September 26, 2018.

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), Mid-Atlantic Region, is proposing an administrative civil penalty against the Respondent named below, for alleged violations at the facilities listed below.

RESPONDENT:

Vico Construction Corporation
4001 South Military Highway
Chesapeake, VA 23321

FACILITIES:

Site Name	Permit Number	Site Address	Receiving Water
Culpeper Landing	VAR10D013	Southern end of Mill Creek Pkwy	Old Intercoastal Waterway HUC JL52
Dominion Meadows a/k/a Erosion and Sediment Control Plan of Dominion Meadow Lake Excavation	VAR10C775	Scenic Pkwy and Drum Castle Ln	Southern Branch of Elizabeth River

Hanbury Manor	VAR107363	161 Hanbury Rd West	Albermarle Canal HUC AS12
Jolliff Landing Townhouses Phase 1A Residential	VAR107430	Portsmouth Blvd and Hampton Roads Pkwy	Bailey Creek
Jolliff Landing Commercial Center	VAR107429	Joliff Rd and Portsmouth Blvd	Western Branch of the Elizabeth River HUC JL55

SUMMARY OF VIOLATIONS: Respondent violated the Clean Water Act, specifically, the National Pollutant Discharge Elimination System (NPDES) permit program, by failing to develop and implement properly a Storm Water Pollution Prevention (SWPPP) Plan and its Erosion and Sediment Control Plan (E&S) resulting in multiple violations of the Clean Water Act as a result of discharges to waters of the U.S. without a permit. 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 an NPDES inspection of Vico's facilities on September 15 and 16, 2015.

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 Vico Construction Corporation in the amount of \$40,000. 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 a concise statement of the basis for any comment and any and all 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 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.

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