

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

In the Matter of:

**CONSENT AGREEMENT AND
FINAL ORDER**

Prince William County Public Schools
Construction Department
14800 Joplin Road, Building #51
Manassas, VA 20112

Proceeding to Assess Class II
Administrative Penalty Under
Section 309(g) of the Clean Water Act,
33 U.S.C. § 1319(g)

Respondent

Property located at:
River Heritage Boulevard and
Potomac Shores Parkway
44834 Rudder Road
Dumfries, VA 22026

Docket No. CWA-03-2018-0129

CONSENT AGREEMENT

I. STATUTORY AND REGULATORY AUTHORITY

1. Pursuant to Section 309(g) of the Clean Water Act (“CWA” or “Act”), 33 U.S.C. § 1319(g), the Administrator of the United States Environmental Protection Agency (“EPA”) is authorized to assess administrative penalties against persons who violate Section 301(a) of the Act, *id.* § 1311(a). The Administrator has delegated this authority to the Regional Administrator of EPA Region III, who in turn has delegated this authority to the Director, Water Protection Division (“Complainant”).

2. This Consent Agreement is entered into by the Complainant and Prince William County Public Schools (“Respondent” or “PWCPSS”), pursuant to Section 309(g) of the CWA and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits (“Consolidated Rules”), 40 C.F.R. Part 22.

3. The Consolidated Rules, at 40 C.F.R. § 22.13(b) provide in pertinent part that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding simultaneously may be commenced and concluded by the issuance of a

Prince William County Public Schools
Docket No. CWA-03-2018-0129

consent agreement and final order pursuant to 40 C.F.R. § 22.18(b)(2) and (3). Pursuant thereto, this Consent Agreement and Final Order (“CAFO”) simultaneously commences and concludes this administrative proceeding against Respondent.

4. Section 309(g)(2)(B) of the Clean Water Act, 33 U.S.C. § 1319(g)(2)(B), authorizes the assessment of administrative penalties against any person who violates any NPDES permit condition or limitation in an amount not to exceed \$10,000 per day for each day of violation, up to a total penalty amount of \$125,000.

5. Pursuant to the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19, and Section 309(g)(2)(B) of the Act, 33 U.S.C. § 1319(g)(2)(B), any person who has violated any National Pollutant Discharge Elimination System (“NPDES”) permit condition or limitation for violations that occurred between Dec. 6, 2013 and July 1, 2016 will be assessed at a penalty rate of \$16,000 per each day of violation up to a total penalty amount of \$187,500. Assessments made on or after January 15, 2018 will result in an administrative penalty of \$21,393 per each day of violation up to a total penalty amount of \$267,415.

6. Pursuant to Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), and 40 C.F.R. § 22.45(b), EPA is providing public notice and an opportunity to comment on the Consent Agreement prior to issuing the Final Order. In addition, pursuant to Section 309(g)(1)(A), EPA has consulted with the Virginia Department of Environmental Quality (“VADEQ”) regarding this action, and will mail a copy of this document to the appropriate VADEQ official.

7. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant (other than dredged or fill material) from a point source into waters of the United States except in compliance with a permit issued pursuant to the NPDES program under Section 402 of the Act, 33 U.S.C. § 1342.

8. “Discharge of a pollutant” includes “any addition of any pollutant or combination of pollutants to waters of the United States from any point source.” 40 C.F.R. § 122.2.

9. Section 402(p) of the CWA, 33 U.S.C. § 1342(p), and 40 C.F.R. §§ 122.2 and 122.26 provide that storm water discharges are “point sources” subject to NPDES permitting requirements under section 402(a) of the CWA, 33 U.S.C. § 1342(a).

10. “Storm water” is defined as “storm water runoff, snow melt runoff and surface runoff and drainage.” 40 C.F.R. § 122.26(b)(13).

11. Section 402(p) of the Act, 33 U.S.C. § 1342(p), and 40 C.F.R. §§ 122.1 and 122.26 provide that facilities with storm water discharges associated with industrial activity are “point sources” subject to NPDES permitting requirements under Section 402(a) of the Act, 33 U.S.C. § 1342(a).

*Prince William County Public Schools
Docket No. CWA-03-2018-0129*

12. The term “industrial activity” includes, among others, “[c]onstruction activity including clearing, grading and excavation, except operations that result in the disturbance of less than five acres of total land area. Construction activity also includes the disturbance of less than five acres of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb five acres or more[.]” 40 C.F.R. § 122.26(b)(14)(x).

13. Section 402(a) of the Act, 33 U.S.C. § 1342(a), provides that the Administrator of EPA may issue permits under the NPDES program for the discharge of pollutants from point sources to waters of the United States. The discharges are subject to specific terms and conditions as prescribed in the permit.

14. Pursuant to Section 402(b) of the Act, 33 U.S.C. § 1342(b), EPA authorized the Commonwealth of Virginia NPDES program on March 31, 1975. The Virginia Department of Environmental Quality (“VADEQ”) was authorized to issue general NPDES permits on April 20, 1991. On December 30, 2004, EPA approved the Commonwealth’s request to transfer the issuance of general and individual NPDES permits from VADEQ to the Virginia Department of Conservation and Recreation (“VDCR”). On July 1, 2013 EPA approved the Commonwealth’s request to transfer issuance of NPDES permits from VDCR to VADEQ.

15. On July 1, 2014 Virginia issued General Permit No. VAR10, General Permit for Discharges of Stormwater From Construction Activities, effective date July 1, 2014 and expiration date June 30, 2019 (“the 2014 General Permit”). The 2014 General Permit authorized operators of construction activities to discharge to surface waters within the boundaries of the Commonwealth of Virginia, except those specifically named in the State Water Board regulations that prohibit such discharges. The authorized discharge shall be in accordance with the cover page of the 2014 Permit, and Parts 1-3 of the 2014 Permit.

16. Pursuant to Section 402(i) of the CWA, 33 U.S.C. §1342(i), EPA retains its authority to take enforcement action within Virginia for NPDES permit violations.

II. FINDINGS OF FACT, JURISDICTIONAL ALLEGATIONS AND CONCLUSIONS OF LAW

17. Respondent is a municipality, and therefore a “person” within the meaning Section 502(5) of the Act, 33 U.S.C. § 1362(5).

18. Prince William Public Schools (“Respondent” or “Permittee”) performed land disturbing activities for the Potomac Shores Elementary School at River Heritage Boulevard and Potomac Shores Parkway, 44834 Rudder Road, Dumfries, Woodbridge County, Virginia 22026.

19. The Potomac Shores Elementary School discharges stormwater to Powell’s Creek, HUC PL51-020700110103, which is a tributary of the James River and Quantico Creek, HUC PL52-020700110104, a tributary of the Potomac River. The receiving waters are “waters of the

*Prince William County Public Schools
Docket No. CWA-03-2018-0129*

United States” within the meaning of Part 502(7) of the Act, 33 U.S.C. § 1362(7) and 40 C.F.R. § 122.2

20. On September 8, 2016, duly-authorized EPA and VADEQ representatives conducted an inspection of Respondent’s facility, listed above (“Site inspection”).

21. At the time of the inspection, the superintendent of the general contractor for PWCPSS was available to walk the Site.

22. On April 25, 2017, EPA sent Respondent a copy of the Site inspection report to the Respondent’s Supervisor of Construction.

23. Part II of the 2014 General Permit, “Storm Water Pollution Prevention Plan,” states that “A stormwater pollution prevention plan (“SWPPP”) shall be developed prior to the submission of a registration statement and implemented for the construction activity, including any support activity, covered by this general permit. SWPPPs shall be prepared in accordance with good engineering practices.”

24. Part II.A.2. of the 2014 General Permit states that the Stormwater pollution prevention plan contents shall include an erosion and sediment control plan (“E&S Plan”) approved by the Virginia Erosion and Sediment Control Program (VESCP) authority as authorized under the Erosion and Sediment Control Regulations (9VAC25-840), an "agreement in lieu of a plan" as defined in 9VAC25-840-10 from the VESCP authority, or an erosion and sediment control plan prepared in accordance with annual standards and specifications approved by the department.

25. Part II.E. of the 2014 General Permit states, “The operator shall implement the SWPPP and subsequent amendments, modifications, and updates from commencement of land disturbance until termination of general permit coverage as specified in Part I.F.”

26. Part II. E.1. of the 2014 General Permit states, “All control measures must be properly maintained in effective operating condition in accordance with good engineering practices and, where applicable, manufacturer specifications. If a site inspection required by Part II.F. identifies a control measure that is not operating effectively, corrective action(s) shall be completed as soon as practicable, but no later than seven days after discovery or a longer period as established by the VSMP authority, to maintain the continued effectiveness of the control measures.”

27. Based upon the Site inspection, EPA representatives identified violations of the 2014 General Permit and the CWA as described below.

28. **Failure to Implement Correctly an Erosion and Sedimentation Control Plan in accordance with Part II.A.2.c. of the 2014 General Permit.** Section II.A.2.c. requires, among other things, that Respondent: 1) control the volume and velocity of stormwater runoff within the site to minimize soil erosion; 2) control stormwater discharges, including peak flow rates and

total stormwater volume, to minimize erosion at outlets and to minimize downstream channel and stream bank erosion; 3) minimize the amount of soil exposed during the construction activity; 4) minimize sediment discharges from the site in a manner that addresses the amount of precipitation, resultant runoff, and the range of soil particle sizes; and 5) ensures stabilization of disturbed areas will be initiated whenever any clearing, grading, excavating or other land-disturbing activities have temporarily ceased and will not resume for 14 days.

29. At the time of inspection: 1) the majority of the Site was disturbed, while portions of the Site appeared inactive, with very little temporary stabilization being implemented; 2) the SWPPP log did not contain entries with any dates of stabilization; 3) materials and equipment had not been stabilized and were without secondary containment; 4) three of the four observed sediment traps were not stabilized; and 5) several areas showed evidence of significant sediment movement such as rill erosion and sediment accumulation.

30. Respondent's failure to correctly implement Erosion and Sedimentation Controls is a violation of Part II.A.2.c. of the 2014 General Permit and Section 301 of the Act, 33 U.S.C. § 1311.

31. Failure to Implement Correctly the Pollution Prevention Plan in accordance with Section II.A.4.e. of the 2014 General Permit. Pursuant to Section II.A.4.e., Respondent must describe the pollution prevention practices and procedures that will be implemented to: 1) prevent and respond to leaks, spills, and other releases, including procedures for stopping and reporting them; 2) prevent discharge of chemicals spilled or leaked during fueling of vehicles through secondary containment, pallets and spill kits; 3) prevent the discharge of soap or solvents, detergents, wash water, paint, oils and the like; 4) minimize the discharge of pollutants from vehicles, storage, handling and disposal of construction products, materials and wastes; and 6) prevent the discharge of fuels, oils, and other petroleum products and address discharges from pollution-generating activities, among other things.

32. At the time of the inspection, the EPA inspection team observed a tipped over bucket of pipe joint lubricant was to the one of the inlets and concrete staining on the ground in the masonry mixing and surrounding area. In addition, building materials were stored on pallets, but not within the secondary containment or under cover.

33. Respondent's failure to implement correctly the Pollution Prevention Plan is a violation of Section II.A.4.e. of the 2014 General Permit and Section 301 of the Act, 33 U.S.C. § 1311.

34. Failure to Implement Properly the Stormwater Pollution Prevention Plan (SWPPP) in accordance with Section II.E. of the 2014 General Permit. Pursuant to Part II.E., the Permittee shall implement the SWPPP and subsequent amendments, modifications, and updates from commencement of land disturbance until termination of general permit coverage. All control measures must be properly maintained in effective operating condition in accordance with good engineering practices and, where applicable, manufacturing specifications.

*Prince William County Public Schools
Docket No. CWA-03-2018-0129*

35. At the time of the inspection the stone construction entrance (SCE) off of Potomac Shores Parkway was caked with sediment and there was track-out onto the Parkway from the Site in addition to sediment staining; the SCE did not have a filter fabric underliner per state specifications; and a vehicle exit point within the Site's limit of clearance was not stabilized.

36. At the time of the inspection the team noted five deficient inlet protections: one pipe inlet with silt fence controls that had collapsed; one drop inlet with silt fence controls that was no longer entrenched; one curb inlet that had an erosion sock control installed so that it was not covering the entire inlet opening; one curb inlet tied into a storm sewer where the filter fabric had not been joined and where it was torn in a corner; and one curb inlet with a gap in the concrete that let into the inlet where the ground surrounding the inlet appeared eroded.

37. At the time of the inspection, three out of four observed sediment traps installed had mostly unstabilized embankments and evidence of rill erosion, two of which received flow from the materials and equipment staging area. Additionally, there was evidence of erosion on the embankments of three sediment traps, and accumulated sediment was observed directly downstream of one sediment trap discharge point, and also further downstream in the sedimentation basin; the sediment basin had evidence of sediment deposits inside and around it; multiple tiers of silt fence up gradient of the sediment basin that had a significant amount of sediment accumulated in them; sediment accumulation observed beyond the perimeter silt fence and within the rip rap of the sedimentation basin; and the silt fence installed around the sedimentation basin outlet structure was worn out and surrounded by wet sediment.

38. Respondent's failure to implement correctly the SWPPP is a violation of Section II.E. of the 2014 General Permit and Section 301 of the Act, 33 U.S.C. § 1311.

III. GENERAL PROVISIONS

39. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth in this CAFO.

40. Except as provided in Paragraph 39, above, Respondent neither admits nor denies the Findings of Fact set forth in this CAFO.

41. Respondent waives any defenses it might have as to jurisdiction and venue, its right to contest the allegations through hearing or otherwise; and its right to appeal the proposed final order accompanying the Consent Agreement.

42. Respondent agrees not to contest EPA's jurisdiction to issue and enforce this CAFO.

43. Respondent hereby expressly waives its right to a hearing on any issue of law or fact in this matter and consents to issuance of this CAFO without adjudication.

44. Respondent shall bear its own costs and attorney fees.

45. The provisions of this CAFO shall be binding upon the Respondent, its officers, principals, directors, successors and assigns.

46. The parties agree that settlement of this matter prior to the initiation of litigation is in the public interest and that entry of this CAFO is the most appropriate means of resolving this matter.

IV. CIVIL PENALTY

47. In full and final settlement of the Complainant's claims for civil penalties for the alleged violations identified herein, Respondent consents to the assessment of, and agrees to pay, in accordance with the terms set forth herein, the total administrative civil penalty of twenty-eight thousand and eight hundred dollars (\$28,800) within thirty (30) days of the effective date of this CAFO pursuant to 40 C.F.R. § 22.31(c).

48. The civil penalty amount set forth in Paragraph 48, above, is based on a number of factors, including the nature, circumstances, extent and gravity of the violation(s), Respondent's ability to pay, prior history of compliance, degree of culpability, economic benefit or savings resulting from the violations, and such other matters as justice may require pursuant to the authority of Section 309(g) of the Act, 33 U.S.C. § 1319(g).

49. Respondent shall pay the civil penalty amount described in Paragraph 48, above, plus any interest, administrative fees, and late payment penalties owed, in accordance with this Paragraph and Paragraphs 51 through 54, below, by either cashier's check, certified check, or electronic wire transfer, in the following manner:

- a. All payments by Respondent shall reference Respondent's name and address, and the Docket Number of this action;
- b. All checks shall be made payable to "**United States Treasury**";
- c. All payments made by check and sent by regular mail shall be addressed to:
U.S. Environmental Protection Agency
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

*Prince William County Public Schools
Docket No. CWA-03-2018-0129*

- d. All payments made by check and sent by overnight delivery service shall be addressed for delivery to:

U.S. Environmental Protection Agency
Cincinnati Finance Center
P.O. Box 979077
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101

- e. All payments made by check in any currency drawn on banks with no USA branches shall be addressed for delivery to:

Cincinnati Finance
US EPA, MS-NWD
26 W. M.L. King Drive
Cincinnati, OH 45268-0001

- f. All payments made by electronic wire transfer shall be directed to:

Federal Reserve Bank of New York
ABA: 021030004
Account Number: 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, NY 10045

Field Tag 4200 of the Fedwire message should read:
“D 68010727 Environmental Protection Agency”

- g. All electronic payments made through the Automated Clearinghouse (ACH), also known as Remittance Express (REX), shall be directed to:

US Treasury REX / Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 - Checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737

Remittance Express (REX): (866) 234-5681

- h. On-Line Payment Option:

WWW.PAY.GOV/paygov/

Enter **sfo 1.1** in the search field. Open and complete the form.

- i. Additional payment guidance is available at:

<http://www2.epa.gov/financial/makepayment>

- j. Payment by Respondent shall reference Respondent's name and address, and the EPA Docket Number of this CAFO.

- k. A copy of Respondent's check or a copy of Respondent's electronic fund transfer shall be sent simultaneously to:

Pamela J. Lazos
Senior Assistant Regional Counsel
U.S. EPA, Region III (3RC20)
1650 Arch Street
Philadelphia, PA 19103-2029

and

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

50. Pursuant to 31 U.S.C. § 3717 and 40 C.F.R. § 13.11, EPA is entitled to assess interest and late payment penalties on outstanding debts owed to the United States and a charge to cover the costs of processing and handling a delinquent claim, as more fully described below. Accordingly, Respondent's failure to make timely payment as specified herein shall result in the assessment of late payment charges including interest, penalties, and/or administrative costs of handling delinquent debts.

51. A true and correct copy of this CAFO is mailed or hand-delivered to Respondent. However, EPA will not seek to recover interest on any amount of the civil penalty that is paid within thirty (30) calendar days after the date on which such interest begins to accrue. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 40 C.F.R. § 13.11(a).

52. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period a debt is overdue. 40 C.F.R. § 13.11(b). Pursuant to Appendix 2 of EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the

first thirty (30) day period after the payment is due and an additional \$15.00 for each subsequent thirty (30) days the penalty remains unpaid.

53. A late payment penalty of six percent per year will be assessed monthly on any portion of the civil penalty that remains delinquent more than ninety (90) calendar days. 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent. 31 C.F.R. § 901.9(d).

54. The penalty specified in Paragraph 48 shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal taxes.

V. APPLICABLE LAWS

55. This CAFO shall not relieve Respondent of its obligation to comply with all applicable provisions of federal, state or local law and ordinance, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state or local permit. Nor does this CAFO constitute a waiver, suspension or modification of the requirements of the CWA, 33 U.S.C. §§ 1251 *et seq.*, or any regulations promulgated thereunder.

VI. RESERVATION OF RIGHTS

56. This CAFO resolves only the civil claims for the specific violations alleged herein. EPA reserves the right to commence action against any person, including Respondent, in response to any condition which EPA determines may present and imminent and substantial endangerment to the public health, public welfare, or the environment. In addition, this settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice. Further, EPA reserves any rights and remedies available to it under the Clean Water Act, 33 U.S.C. § 301 *et seq.*, the regulations promulgated thereunder, and any other federal laws or regulations for which EPA has jurisdiction, to enforce the provisions of this CAFO, following its filing with the Regional Hearing Clerk.

57. Entry of this CAFO is a final settlement of all violations alleged in this CAFO. EPA reserves the right to seek and obtain appropriate relief if EPA obtains evidence that the information and/or representations made by the Respondent are false, or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action, civil or criminal, EPA may have under law or equity in such event.

VII. FULL AND FINAL SATISFACTION

58. This settlement shall constitute full and final satisfaction of all civil claims for penalties which Complainant has under Section 309(g) of the CWA, 33 U.S.C. § 1319(g), for the violations alleged in this Consent Agreement. Compliance with the requirements and provisions of this CAFO shall not be a defense to any action commenced at any time for any other violation of the federal laws and/or regulations administered by EPA.

VIII. PARTIES BOUND

59. This CAFO shall apply to and be binding upon the EPA, Respondent, and Respondent's officers, employees, agents, successors and assigns. The undersigned representative of Respondent certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this CAFO and to execute and legally bind that party to it.

IX. PUBLIC NOTICE AND EFFECTIVE DATE

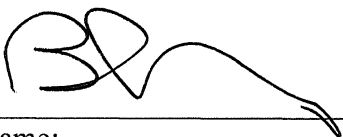
60. Pursuant to 40 C.F.R. § 22.45(b), this CAFO shall be issued after a 40-day public notice period is concluded. This CAFO will become final and effective thirty (30) days after it is filed with the Regional Hearing Clerk, pursuant to Section 309(g)(5) of the Act, 33 U.S.C. § 1319(g)(5), or until a public comment process pursuant to 40 C.F.R. § 22.45(b) is concluded.

X. ENTIRE AGREEMENT

61. This CAFO constitutes the entire agreement and understanding of the parties concerning settlement of the above-captioned action and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this CAFO.

FOR RESPONDENT, PRINCE WILLIAM COUNTY PUBLIC SCHOOLS:

Date: 9/5/18


Name: _____
Title: INTERIM CHAIRMAN
AT-LARGE
PRINCE WILLIAM COUNTY
SCHOOLS

SO ORDERED
this _____ day of _____, 2018.

Date: _____

Catherine A. Libertz, Director
Water Protection Division

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

In the Matter of:	:	
	:	
Prince William County Public Schools	:	
Construction Department	:	Proceeding to Assess Class II
14800 Joplin Road, Building #51	:	Administrative Penalty Under
Manassas, VA 20112	:	Section 309(g) of the Clean Water Act,
	:	33 U.S.C. § 1319(a)
	:	
Respondent	:	
Property located at:	:	EPA Docket No. CWA-03-2018-0129
River Heritage Boulevard and	:	
Potomac Shores Parkway	:	
44834 Rudder Road	:	
Dumfries, VA 22026	:	

FINAL ORDER

Complainant, the Director of the Water Protection Division, U.S. Environmental Protection Agency, Region III, and Respondent, Prince William County Public Schools, have executed a document entitled "Consent Agreement", which I hereby ratify as a Consent Agreement in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, the statutory factors set forth in Section 309(d) of the Clean Water Act ("CWA"), 33 U.S.C. § 1319(d).

Prince William County Public Schools
Docket No. CWA-03-2018-00129

NOW, THEREFORE, PURSUANT TO Section 309 of the Clean Water Act, 33 U.S.C. § 1319, and the Consolidated Rules, and based on the representations in the Consent Agreement, having determined that the penalty agreed to in the Consent Agreement is based on a consideration of the factors set forth in Section 309(g)(3) of the CWA, 33 U.S.C § 1319(g)(3), **IT IS HEREBY ORDERED** that Respondent pay a civil penalty of **TWENTY-EIGHT THOUSAND AND EIGHT HUNDRED DOLLARS (\$28,800)**, in accordance with the payment provision set forth in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

The effective date of the attached Consent Agreement and this Final order is thirty (30) days after this Final Order is filed with the Regional Hearing Clerk, pursuant to 33 U.S.C. § 1319(g)(5).

Joseph J. Lisa
Regional Judicial Officer and Presiding Officer
U.S. EPA Region III

Date

**BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029**

In the Matter of:	:	
	:	
Prince William County Public Schools	:	
Construction Department	:	Proceeding to Assess Class II
14800 Joplin Road, Building #51	:	Administrative Penalty Under
Manassas, VA 20112	:	Section 309(g) of the Clean Water Act,
	:	33 U.S.C. § 1319(a)
	:	
Respondent	:	
Property located at:	:	EPA Docket No. CWA-03-2018-0129
River Heritage Boulevard and	:	
Potomac Shores Parkway	:	
44834 Rudder Road	:	
Dumfries, VA 22026	:	

CERTIFICATION OF SERVICE

I hereby certify that on _____ I filed the original and one copy of the Consent Agreement and Final Order with the EPA Region III Regional Hearing Clerk. I further certify that on the date set forth below, I served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

John Mills
Prince William County Public Schools
Construction Department
14800 Joplin Road, Building #51
Manassas, VA 20112

Mary McGowan
Division Counsel
Prince William County Public Schools
14800 Joplin Road, Building #51
Manassas, VA 20112

Copy served via **Hand Delivery or Inter-Office Mail** to:

Aryel Abramovitz
Environmental Scientist
3WP42
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Dated: _____

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region III

TRACKING NUMBER(S): _____

Prince William County Public Schools
Docket No. CWA-03-2018-00129

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mary McGowan
Division Counsel
Prince William County Public Schools
14800 Joplin Road, Building #51
Manassas, VA 20112

Re: In the Matter of Prince William County Public Schools
Docket No. CWA-03-2018-0129

Dear Ms. McGowan

Enclosed please find a time-stamped Consent Agreement and Final Order (CAFO), the original and one copy of which were filed with Regional Hearing Clerk on _____.

Prince William County Public Schools must timely pay the agreed civil penalty within **30** days of the effective date of the Final Order. The case name and case docket number should be noted on each payment and a copy of each associated check or electronic transfer instrument or receipt should be sent simultaneously to the EPA attorney and the Regional Hearing Clerk.

For your file, I am also enclosing a copy of the transmitting memorandum from Environmental Protection Agency management to the Regional Judicial Officer. Please do not hesitate to contact Pamela J. Lazos at (215) 814-2658 if you have any questions regarding this matter.

Sincerely,

Regional Hearing Clerk, Region III

Enclosure

cc: Pamela J. Lazos