

Lehigh White Cement Company

**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: September 23, 2020

DOCKET NUMBER: CWA-03-2021-0015

Comments will be accepted until November 2, 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 thirty thousand dollars (\$30,000) against the Respondent named below for alleged violations of its Industrial Stormwater Permit.

RESPONDENT:

Lehigh White Cement Company
200 Hokes Mill Road
York, PA 17404

SUMMARY OF VIOLATIONS: Lehigh White Cement Company operates a facility in York, PA that is permitted through the National Pollutant Discharge Elimination System (NPDES) by Permit No. PA0010375 to discharge stormwater associated with industrial activity to their permitted outfall. On June 19, 2019, EPA Mid-Atlantic region staff conducted an NPDES Industrial Stormwater Inspection at Lehigh White Cement Company's York, PA facility. At the time of the inspection, violations were identified which included:

- 1) an unauthorized discharge occurring due to a failed sump pump;
- 2) evidence of past unauthorized discharges due to un-maintained sock filters;
- 3) incorrect sampling;
- 4) lack of secondary containment; and
- 5) inadequate material storage handling.

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 Lehigh White Cement Company in the amount of \$30,000. 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)
r3_hearing_clerk@epa.gov

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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