

Region 3 Public Notice

ODEN II, LLC d/b/a Lebarron's Auto Salvage
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)
1600 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103

Date of Notice: May 13, 2024

Permit No.: PAG034080

Docket Number: CWA-03-2024-0047

Comments will be accepted until June 21, 2024.

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 3 (EPA Mid-Atlantic Region), is proposing to file an Expedited Settlement Agreement (ESA) assessing an administrative civil penalty in the amount of ten thousand dollars (\$10,000) against the Respondent named below for alleged violations of Section 301 of the CWA and 40 C.F.R. § 122.26 for failure to have a National Pollutant Discharge Elimination System (NPDES) permit or permit coverage for the discharge of stormwater related to industrial activities.

RESPONDENT:

Oden II, LLC
d/b/a Lebarron's Auto Salvage
305 Zeigler Road
Dover, PA 17315

SUMMARY OF VIOLATIONS: EPA Mid-Atlantic Region alleges the following violation of Section 301(a) of the CWA and 40 C.F.R. § 122.6, which was discovered during a February 7, 2023, inspection by the EPA at Oden II, LLC d/b/a Lebarron's Auto Salvage located at 305 Zeigler Road, PA 17315:

1. Failure to have a permit or permit coverage. On February 7, 2023, Respondent was in violation of the CWA as it was not authorized to discharge storm water associated with industrial activities from Oden II, LLC d/b/a Lebarron's Auto Salvage located at 305 Zeigler Road, Pennsylvania by any NPDES permit issued pursuant to the CWA. The EPA observed on February 7, 2023, evidence of discharges of storm water into an unnamed tributary to Conewago Creek, a water of the United States within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

Discharges of industrial storm water from Oden II, LLC d/b/a Lebarron's Auto Salvage without authorization from any permit issued pursuant to the CWA constitute a violation of 40 C.F.R. § 122.26 and Section 301(a) of the CWA.

OPPORTUNITY FOR COMMENT: Persons wishing to comment on the (ACTION) are invited to submit via email a statement to the EPA Mid-Atlantic Region Enforcement and Compliance Assurance Division Director. This statement should be emailed directly to the Regional Hearing Clerk (email below) within 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 emailed to:

EPA Region 3 Regional Hearing Clerk: r3_hearing_clerk@epa.gov

OR

Mailed/Submitted to:

U. S. Environmental Protection Agency, Region 3
Regional Hearing Clerk – Mail Code 3RC00
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103

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 representatives to learn more about this action.

Monica Crosby
U.S. Environmental Protection Agency
(410) 305-3029
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