



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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. John Lawson, CEO
W.M. Jordan Company, Inc.
11010 Jefferson Avenue
Newport News, VA 23601-0337

APR 04 2011

Re: Notice of Proposed Assessment of a Civil Penalty
Docket No. CWA-03-2011-0081

Dear Mr. Lawson:

Enclosed is a document titled Administrative Penalty Complaint, and Notice of Opportunity to Request a Hearing (the "Complaint"), filed by the United States Environmental Protection Agency ("EPA") against W.M. Jordan Company, Inc. under the authority of Section 309(g) of the Clean Water Act ("Act"), 33 U.S.C. §1319(g).

EPA alleges that your company has violated the Act and its implementing regulations, and the terms of the Virginia Pollutant Discharge Elimination System permit, VAR10, issued by the Virginia Department of Conservation & Recreation ("VA DCR") under authority of the Act. The alleged violations are specifically set out in Section II of the Complaint.

Unless you elect to resolve the proceeding as set forth in Section VI of the Complaint, an Answer addressing each allegation in the Complaint must be filed within thirty (30) days, or the allegations will be deemed admitted according to the rules governing this case, *Consolidated Rules of Practice governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits*, 40 C.F.R. Part 22 (enclosed). Failure to respond may result in the issuance of a Default Order imposing the proposed penalty without further administrative hearings.

You have a right to request a hearing regarding the violations alleged in the Complaint and the proposed civil penalty. Such request should be included with the Answer to this Complaint and must also be made within thirty (30) days.

Whether or not a hearing is requested, we invite you to confer informally with EPA concerning the alleged violations and the amount of the proposed penalty. You may represent yourself or be represented by an attorney at any conference, whether in person or by telephone. An attorney from the EPA Office of Regional Counsel will normally be present at any informal conference.



EPA encourages all parties against whom it files a Complaint proposing assessment of a penalty to pursue the possibility of settlement through an informal conference. A request for a settlement conference may be included in your Answer or you may contact the attorney assigned to this case:

Deane Bartlett
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
215-814-2776

A request for an informal conference does not extend the thirty (30) day period by which you must request or waive a hearing on the proposed penalty assessment, and the two procedures can be pursued simultaneously.

To the extent you may be a "small business" under the Small Business Regulatory Enforcement Fairness Act ("SBREFA"), please see the enclosed information sheet, which provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also information on compliance assistance. As noted in the enclosure, any decision to participate in such a program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or the enforcement action, does not create any new rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement actions.

In addition, your company may be required to disclose to the Securities and Exchange Commission ("SEC") the existence of certain administrative or judicial proceedings taken against your company under Federal, State or local environmental laws. Please see the attached "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings" for more information about this requirement and to aid you in determining whether your company is subject to it.

EPA urges your prompt attention to this matter. Please contact Deane Bartlett, Senior Assistant Regional Counsel, 215-814-2776.

Sincerely,



Jon Capacasa, Director
Water Protection Division
U.S. Environmental Protection Agency, Region III

Enclosure

cc: Anne Crosier, Stormwater Enforcement & Compliance Manager, VA DCR
Brian Lewis, Senior Engineer – Environmental Services, City of Newport News, Virginia

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

In the Matter of:

W.M. Jordan Company Inc.
11010 Jefferson Ave
Newport News, VA 23601-0337

Christopher Newport University-
Freeman Center Expansion
1 University Place
Newport News, VA 23606

Respondent

Proceeding Under Class II
Section 309(g) of the
Clean Water Act

Docket No. CWA-03-2011-0081

**ADMINISTRATIVE COMPLAINT
and
NOTICE OF OPPORTUNITY FOR
HEARING**

I. STATUTORY AUTHORITY

1. This Complaint is issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by Section 309(g)(1)(A) of the Clean Water Act ("Act"), 33 U.S.C. § 1319(g)(1)(A). The Administrator has delegated this authority to the Regional Administrator of EPA Region III, who has further delegated this authority to the Director of the Water Protection Division of EPA Region III ("Complainant").
2. This action is governed by the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits," 40 C.F.R. Part 22 ("Part 22 Procedural Rules"), a copy of which is enclosed.

II. FACTUAL AND LEGAL ALLEGATIONS

3. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person from a point source to waters of the United States except in compliance with, among other things, a National Pollutant Discharge Elimination System ("NPDES") permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342.
4. 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 prescribed in the permit.

5. Section 402(p) of the Act 33 U.S.C. § 1342(p) and 40 C.F.R. §§ 122.1 and 122.26 provide that storm water discharges associated with small construction activities are subject to NPDES permitting requirements under Section 402(a) of the Act, 33 U.S.C. § 1342(a).
6. Pursuant to Section 402(b) of the Act, 33 U.S.C. § 1342(b), EPA authorized the Commonwealth of Virginia ("Virginia") to administer the NPDES program in Virginia.
7. Pursuant to Section 402(i) of the Act, 33 U.S.C. § 1342(i), EPA retains its authority to take enforcement action in Virginia for NPDES permit violations.
8. W.M. Jordan Company Inc. ("Respondent") is a "person" within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5) and 40 C.F.R. § 122.2.
9. At all times relevant to this Complaint, Respondent was the operator of a site known as Christopher Newport University- Freeman Center Expansion, located at 1 University Place, Christopher Newport University, Newport News, Virginia 23606 ("Site").
10. Virginia has issued Virginia Pollutant Discharge Elimination System Permit No. VAR10, General Permit for Discharges of Storm Water from Construction Activities ("VAR10").
11. VAR10 authorizes discharges of storm water associated with construction activities, but only in accordance with the conditions of the permit.
12. Respondent submitted a Registration Statement for VSMP General Permit for Discharges of Storm Water from Construction Activities ("Registration Statement"), dated October 20, 2009 to Virginia seeking coverage under VAR10. The Registration Statement identified Christopher Newport University Freeman Center Expansion as the construction activity and estimated the area to be disturbed at 4.9 acres.
13. Section II.A.1. of the Permit requires a Storm Water Pollution Prevention Plan ("SWPPP") to be developed prior to submission of a registration statement and the SWPPP is to be implemented for the construction activity covered by the Permit. SWPPPs shall be prepared in accordance with good engineering practices. According to Section II.A.3., an Erosion and Sediment Control Plan ("E&S Plan") is a component of the SWPPP. The SWPPP and E&S Plan are part of the Permit.
14. Respondent's Registration Statement certified that Respondent had prepared a SWPPP.

15. On October 27, 2009 Virginia determined that the Site was eligible for coverage under VAR10, effective October 22, 2009. Virginia designated the Respondent's project specific permit number to be VAR10-10-103647 ("Permit").
16. On June 16, 2010, duly-authorized representatives of EPA, Region III conducted an inspection at the Site.

III. FINDINGS OF VIOLATION

Count 1: Concrete Wash-out Area

17. Section II.D.1.i.(8) of the Permit requires the SWPPP to provide a legible site map identifying locations of potential sources of pollutants such as concrete wash-out areas.
18. Section D.1.q.(4) of the SWPPP specifies that any concrete wash-out areas are to be located at least twenty feet from any storm drain inlets, ditches, channels, or pipes. The wash-out area is to be completely contained within straw bales or some other means necessary to contain any spillage. A filter fabric can be placed over the entire area, including over the bales, to further contain run-off.
19. At the time of the EPA inspection, the concrete wash-out area on Site was not marked on the Site Map included with the SWPPP.
20. At the time of the EPA inspection the concrete wash-out area on the Site did not comply with the requirements of Section 1 Part D.1.Q (4) of the SWPPP. The concrete wash-out area was not completely contained within straw bales or some other means necessary to contain any spillage.
21. Respondent's failure to mark the concrete wash-out area on the Site Map included with the SWPPP and to contain the concrete wash-out area with controls specified in the SWPPP violate the Permit and Section 301 of the Act, 33 U.S.C. § 1311.

Count 2: Concrete Mixing Areas

22. Section II.D.2.b.(4) of the Permit requires the SWPPP to include management practices to prevent construction debris and construction chemicals that are exposed to storm water from becoming a pollutant source in storm water discharges.
23. Section D.5. of the SWPPP provides that, with specific exceptions, all discharges covered by the permit shall be composed entirely of storm water associated with construction activity. The discharge of process wastewater from concrete mixing areas is not specified as an exception and therefore is not an allowable non-storm water discharge.

24. At the time of the EPA inspection, the concrete mixing area at the south side of the Site was not contained. Process waste water was observed running off the concrete mixing area. Storm sewer inlet, DI 113, was near the concrete mixing area. There was standing non-storm water around the inlet and the surrounding area between the concrete mixing area and the storm sewer inlet was wet.
25. Respondent's failure to prevent process wastewater from reaching the storm sewer inlet DI 113 through containment of the concrete mixing area violates the Permit and Section 301 of the Act, 33 U.S.C. § 1311.

Count 3: Construction Equipment

26. Section D.1.q. (6) of the SWPPP requires construction equipment to be monitored on a daily basis for proper operation and when construction equipment is found to be operating improperly, it is to be repaired immediately. Any leakage from ruptures of hydraulic hoses or other equipment failures is to be cleaned up immediately.
27. At the time of the inspection, EPA inspectors observed fluid from construction equipment, specifically a backhoe, to be leaking onto the ground. Brown stains were observed on the ground near the parked backhoe. Inspectors identified the leakage in at least one area to be an oily substance.
28. Respondent's failure to clean the area of the Site where fluid from construction equipment was leaking violates the Permit and Section 301 of the Act, 33 U.S.C. § 1311.

Count 4: Inlet Protection

29. Section D.3.a. of the SWPPP requires that all control measures be properly maintained in effective operating condition in accordance with good engineering practices and, where applicable, manufacturer specifications.
30. Section D.1.g. of the SWPPP requires storm sewer inlet protection to be applied to all inlets adjacent to and contained within the project area.
31. Page C2.3, of the E&S Plan includes a diagram for the construction of silt fence drop storm sewer inlet protection.
32. Page C2.3. of the E&S Plan - Erosion Control Notes.10, states that all storm sewer inlets that are made operable during construction shall be protected so that sediment-laden water cannot enter the conveyance system without first being filtered or otherwise treated to remove sediment.

33. Page C2.3 of the E&S Plan - Erosion Control Installation/Maintenance Plan. Inlet Protection.1, requires that the storm sewer inlet protection structure shall be inspected after each rain and repairs made as needed.
34. At the time of the inspection, EPA observed significant amounts of sediment in high trafficked areas close to the storm sewer inlets on the south side of the Site near inlets DI 081, DI 113, and Grate 173.
35. At the beginning of the inspection EPA observed that three storm sewer inlets had no inlet protection. The EPA inspectors later observed that during the course of the inspection filter fabric and gravel were placed over those storm sewer inlets. These inlets are identified as DI 113, DI 081, and Grate 173 on Page C5.0 of the E&S Plan.
36. The materials applied to DI 113, DI 081, and Grate 173 did not meet E&S Plan specifications.
37. The EPA inspectors observed that a storm sewer drop inlet protection structure at Grate 175 had a hole under the silt fence and had did not meet the E&S specifications on Plan page C2.3. The control was not properly installed and maintained. There was a visible hole in the storm drain structure under the silt fence fabric and the posts at the four corners holding the filter fabric were collapsing.
38. Respondent's failure to properly install and maintain storm sewer inlet protection in accordance with the E&S Plan violates the Permit and Section 301 of the Act, 33 U.S.C. § 1311.

Count 5: Silt Fences

39. Section D.1.g. of the SWPPP requires that silt fences be installed downhill of all proposed grading.
40. Section D.3.c. of the SWPPP requires that the sediment control devices, such as silt fences, be cleaned when the sediment level reaches the sediment cleanout levels. The removed sediment shall be disposed of properly so as not to overload any other erosion and sediment control measures downstream. In order to keep the silt fence in good and effective operating condition, any damaged portion of the silt fence shall be reconstructed.
41. Page C2.3 of the E&S Plan – Silt Fence Notes, states that silt fences and filter fabric must be entrenched. A diagram for the construction of a silt fence is provided on the same page of the E&S Plan.

42. Page C2.3. of the E&S Plan - Erosion Control Installation/Maintenance Plan, Silt Fence-2-4, requires that: 1) close attention be paid to the repair of damaged silt fence resulting from end runs and undercutting; 2) the fabric be replaced promptly should the fabric on a silt fence decompose or become ineffective prior to the end of the expected useable life and while the barrier is still necessary; and 3) sediment deposits be removed after each storm event and when deposits are approximately one-half the height of the barrier.
43. The EPA inspectors observed that silt fences installed along the south side of the Site were not entrenched. A collapsed silt fence was observed on the west side of the Site. New fabric had not been applied to punctured and undermined silt fence fabric on the west side of the Site.
44. Respondent's failure to properly install, maintain, and repair the silt fences violates the Permit and Section 301 of the Act, 33 U.S.C. § 1311.

Count 6: Inspections

45. Section II.D.4.b. of the Permit requires inspections to be conducted 1) at least every seven calendar days; or 2) at least once every 14 calendar days and within 48 hours following any runoff producing storm event.
46. Section II.D.4.d. of the Permit requires a record of each inspection and any actions taken to be prepared and retained by the operator as part of the SWPPP for at least three years from the date that permit coverage expires or is terminated.
47. Page C2.3. of the E&S Plan - General Erosion and Sediment Control Notes. ES-9, requires contractors to inspect all erosion measures at least every 2 weeks and immediately after each runoff producing rainfall event. Any necessary repairs or cleanup to maintain the effectiveness of the erosion control devices shall be made immediately.
48. Respondent did not conduct inspections and does not have records of inspections and corrective actions taken for the period between October 20, 2009 and June 16, 2010.
49. Respondent's failure to conduct inspections from October 20, 2009 to June 16, 2010 and to prepare and maintain records of such inspections and any actions taken as a result of the inspections violates the Permit and Section 301(a) of the Act, 33 U.S.C. § 1311.

IV. PROPOSED CIVIL PENALTY

50. Pursuant to the Act and the subsequent Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19 (effective January 12, 2009), any person who has violated any NPDES permit condition or limitation after January 12, 2009 may be liable for an administrative penalty under Section 309 (g)(2)(B) of the Act not to exceed \$16,000 per

day for each such violation occurring after January 12, 2009 up to a total penalty amount of \$177,500.

51. Based upon the foregoing allegations, and pursuant to the authority of Section 309(g)(2)(B) of the Act, and in accordance with the enclosed, Part 22 Procedural Rules, Complainant hereby proposes to issue a Final Order Assessing Administrative Penalties to the Respondent in the amount of forty-five thousand dollars (\$45,000) for the violations alleged herein. This does not constitute a "demand" as that term is defined in the Equal Access to Justice Act, 28 U.S.C. § 2412.
52. The proposed penalty was determined after taking into account the nature, circumstances, extent and gravity of the violation, Respondent's prior compliance history, ability to pay the penalty, the degree of culpability for the cited violations, and any economic benefit or savings to Respondent because of the violations. 33 U.S.C. § 1319(g)(3). In addition, to the extent that facts or circumstances unknown to Complainant at the time of issuance of this Complaint become known after issuance of this Complaint, such facts or circumstances may also be considered as a basis for adjusting the proposed administrative penalty.
53. The Regional Administrator may issue the Final Order Assessing Administrative Penalties after a thirty (30) day comment period unless Respondent either responds to the allegations in the Complaint and requests a hearing according to Section V below or pays the civil penalty in accordance with Section VII below.
54. If warranted, EPA may adjust the proposed civil penalty assessed in this Complaint. In so doing, the Agency will consider any number of factors in making this adjustment, including Respondent's ability to pay. However, the burden of raising the issue of an inability to pay and demonstrating this fact rests with the Respondent. In addition, to the extent that facts or circumstances unknown to EPA at the time of issuance of the Complaint become known after issuance of the Complaint, such facts and circumstances may also be considered as a basis for adjusting the proposed civil penalty assessed in this Complaint.
55. Neither assessment nor payment of an administrative civil penalty pursuant to Section 309 of the Act, 33 U.S.C. § 1319, shall affect Respondent's continuing obligation to comply with the Act, any other Federal or State laws, and with any separate Compliance Order issued under Section 309(a) of the Act, 33 U.S.C. § 1319(a), for the violations alleged herein.

V. ANSWER TO COMPLAINT AND OPPORTUNITY TO REQUEST HEARING

56. Respondent must file an Answer to this Complaint unless it utilizes the Quick Resolution process described in Section VII.

57. The Answer must clearly and directly admit, deny, or explain each of the factual allegations contained in the Complaint with respect to which the Respondent has any knowledge, or clearly state that the Respondent has no knowledge as to particular factual allegations in the Complaint. The Answer shall also state the following:
- a. the specific factual and legal circumstances or arguments which are alleged to constitute any grounds of defense;
 - b. the facts which Respondent disputes;
 - c. the basis for opposing any relief; and
 - d. whether a hearing is requested.

Failure to admit, deny, or explain any of the factual allegations in the Complaint constitutes admission of the undenied allegations.

58. Pursuant to Section 309(g)(2)(B) of the Act, 33 U.S.C. § 1319(g)(2)(B), Respondent may request a hearing on the proposed civil penalty within thirty (30) days of receiving this Complaint.
59. EPA is obligated, pursuant to Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A), to give members of the public notice of and an opportunity to comment on this proposed penalty assessment.
60. If Respondent requests a hearing on this proposed penalty assessment, members of the public who submitted timely comments on this proposed penalty assessment will have a right under Section 309(g)(4)(B) of the Act, 33 U.S.C. § 1319(g)(4)(A), to not only be notified of the hearing but also to be heard and to present evidence at the hearing on the appropriateness of this proposed penalty assessment.
61. If Respondent does not request a hearing, EPA will issue a Final Order Assessing Administrative Penalties, and only members of the public who submit timely comments on this proposal will have an additional thirty (30) days to petition EPA to set aside the Final Order Assessing Administrative Penalties and to hold a hearing thereon, 33 U.S.C. § 1319(g)(4)(C). EPA will grant the petition and will hold a hearing if the petitioner's evidence is material and was not considered by EPA in the issuance of the Final Order Assessing Administrative Penalties.
62. Any hearing that Respondent requests will be held and conducted in accordance with the Part 22 Procedural Rules.
63. At such a hearing, Respondent may contest any material fact contained in the Factual and Legal Allegations listed in Section II above, the Findings listed in Section III above, and the appropriateness of the amount of the proposed civil penalty in Section IV, above.

64. Any Answer to this Complaint and any Request for Hearing must be filed within thirty (30) days of receiving this Complaint with the following:

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

65. Copies of the Request for Hearing and the Answer, along with other documents filed in this action, should also be sent to the following:

Ms. Deane Bartlett
Senior Assistant Regional Counsel (3RC20)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029
(215) 814-2776

66. Failure to file an Answer may result in entry of a Default Judgment against Respondent. Upon issuance of a default judgment, the civil penalty proposed herein shall become due and payable. Respondent's failure to pay the entire penalty assessed by the Default Order by its due date will result in a civil action to collect the assessed penalty, plus interest, attorney's fees, costs, and an additional quarterly nonpayment penalty pursuant to Section 309(g)(9) of the Act, 33 U.S.C. § 1319(g)(9). In addition, the default penalty is subject to the provisions relating to imposition of interest, penalty and handling charges set forth in the Federal Claims Collection Act at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717.

VI. SETTLEMENT CONFERENCE

67. EPA encourages settlement of proceedings at any time after issuance of a Complaint if such settlement is consistent with the provisions and objectives of the Act. Whether or not a hearing is requested, the Respondent may request a settlement conference with Complainant to discuss the allegations of the Complaint and the amount of the proposed civil penalty. **However, a request for a settlement conference does not relieve the Respondent of the responsibility to file a timely Answer to the Complaint.**
68. In the event settlement is reached, its terms shall be expressed in a written Consent Agreement prepared by Complainant, signed by the parties, and incorporated into a final Order signed by the Regional Administrator. The execution of such a Consent Agreement shall constitute a waiver of Respondent's right to contest the allegations of the Complaint or to appeal the Final Order accompanying the Consent Agreement.

69. If Respondent wishes to arrange a settlement conference or if Respondent has any questions related to this proceeding, please contact the attorney assigned to this case, as indicated in Paragraph 65 above, following receipt of this Complaint. **Once again, however, such a request for a settlement conference does not relieve the Respondent of the responsibility to file an Answer within thirty (30) days following Respondent's receipt of this Complaint.**

VII. QUICK RESOLUTION

70. In accordance with 40 C.F.R. § 22.18(a), and subject to the limitations of 40 C.F.R. § 22.45, Respondent may resolve this proceeding at any time by paying the specific penalty proposed in this Complaint.
71. If Respondent pays the specific penalty proposed in this Complaint within 30 days of receiving this Complaint, then, pursuant to 40 C.F.R. § 22.18(a)(1), no Answer need be filed.
72. If Respondent wishes to resolve this proceeding by paying the penalty proposed in this Complaint instead of filing an Answer, but needs additional time to pay the penalty, pursuant to 40 C.F.R. § 22.18(a)(2), such Respondent may file a written statement with the Regional Hearing Clerk within thirty (30) days after receiving this Complaint stating that such Respondent agrees to pay the proposed penalty in accordance with 40 C.F.R. § 22.18(a)(1). Such written statement need not contain any response to, or admission of, the allegations in the Complaint. Such statement shall be filed with the following:

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

and a copy shall be provided to

Ms. Deane Bartlett (3RC20)
Senior Assistant Regional Counsel
U.S. EPA, Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029.

If Respondent files such a written statement as set forth above within thirty (30) days of receiving this Complaint, Respondent shall pay the full amount of the proposed penalty within sixty (60) days of receiving the Complaint. Failure to make such payment within

sixty (60) days of receipt of the Complaint may subject the Respondent to default pursuant to 40 C.F.R. § 22.17.

Payment of the penalty shall be made by one of the following methods below:

Payment by Respondent shall reference Respondent's name and address, and the EPA Docket Number of this action. A copy of Respondent's check or a copy of Respondent's electronic fund transfer shall be sent simultaneously to Lydia Guy, Regional Hearing Clerk, and the case attorney.

Payment by check to "United States Treasury"

By Regular US Postal Service Mail:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Contact: Eric Volck (519-487-2105)

By Private Commercial Overnight Delivery:

U.S. Bank
Government Lockbox 979077
U.S. EPA, Fines & Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

Contact: Eric Volck (513-487-2105)

Payment by EFT to:

Wire Transfers
Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT Address = FRNYUS33
33 Liberty Street
New York, NY 10045

(Field Tag 4200 of the wire transfer message should read:
"D 68010727 Environmental Protection Agency")

Automated Clearing House (ACH) Transfers for receiving U.S. currency (also known as REX or remittance express):

PNC Bank
ABA = 051036706
Environmental Protection Agency
Account = 310006
CTX Format
Transaction Code 22 – checking
808 7th Street NW
Washington, DC 20074

Contact for ACH: John Schmid (202-874-7026)

On Line Payments:

There is now an On Line Payment Option, available through the Department of Treasury. This payment option can be accessed from the information below:

WWW.PAY.GOV
Enter sfo 1.1 in the search field
Open form and complete required fields.

Additional payment guidance is available at:

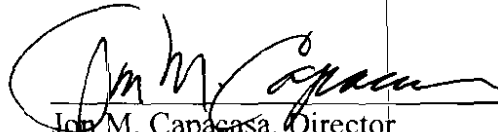
http://www.epa.gov/ocfo/finservices/make_a_payment.htm

73. At the same time payment is made, copies of the check shall be mailed to the addresses in Paragraphs 64 and 65 above.
74. Upon receipt of payment in full, in accordance with 40 C.F.R. § 22.18(a)(3), the Regional Judicial Officer or Regional Administrator shall issue a Final Order. Payment by Respondent shall constitute a waiver of Respondent's rights to contest the allegations and to appeal the Final Order.

VIII. SEPARATION OF FUNCTIONS AND EX PARTE COMMUNICATIONS

75. The following Agency offices, and the staffs thereof, are designated as the trial staff to represent the Agency as a party in this case: the Region III Office of Regional Counsel, the Region III Water Protection Division, the Office of the EPA Assistant Administrator for the Office of Water, and the EPA Assistant Administrator for Enforcement and Compliance Assurance. From the date of this Complaint until the final agency decision in this case, neither the Administrator, members of the Environmental Appeals Board, Presiding Officer, Regional Administrator, nor the Regional Judicial Officer, may have an *ex parte* communication with the trial staff on the merits of any issue involved in this proceeding. Please be advised that the Consolidated Rules of Practice, 40 C.F.R. Part 22, prohibit any unilateral discussion or *ex parte* communication of the merits of a case with the Administrator, members of the Environmental Appeals Board, Presiding Officer, Regional Administrator, or the Regional Judicial Officer after issuance of a Complaint.

Date: 3/31/11



Jon M. Capacasa, Director
Water Protection Division
U.S. Environmental Protection Agency, Region III

CERTIFICATE OF SERVICE

I certify that the enclosed Administrative Complaint and Notice of Opportunity for Hearing, Docket No. CWA-03-2011-0081 was delivered to the following persons in the manner indicated:

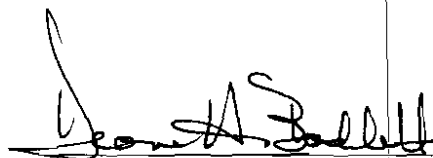
Hand Delivery of original and one copy:

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

By Certified Mail, Return Receipt Requested

John Lawson, CEO
W.M. Jordan Company
11010 Jefferson Avenue
Newport News, VA 23601-0337

Date: April 4, 2011



Deane Bartlett
Senior Assistant Regional Counsel