

US EPA ARCHIVE DOCUMENT

PUBLIC NOTICE: 2016-04

DATED: November 12, 2015

**NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND
OPPORTUNITY TO COMMENT**

AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)

**ACTION: NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT
AND OPPORTUNITY TO COMMENT**

**SUMMARY: EPA IS PROVIDING NOTICE OF A PROPOSED ADMINISTRATIVE
PENALTY ASSESSMENT FOR ALLEGED VIOLATIONS OF THE CLEAN WATER
ACT. EPA IS ALSO PROVIDING NOTICE OF OPPORTUNITY TO COMMENT ON
THE PROPOSED PENALTY ASSESSMENT.**

**UNDER 33 U.S.C. §1319(G), EPA IS AUTHORIZED TO ISSUE ORDERS
ASSESSING CIVIL PENALTIES FOR VARIOUS VIOLATIONS OF THE ACT. EPA
MAY ISSUE SUCH ORDERS AFTER THE COMMENCEMENT OF A CLASS I OR
CLASS II PENALTY PROCEEDING. EPA PROVIDES PUBLIC NOTICE OF THE
PROPOSED ASSESSMENT PURSUANT TO 33 U.S.C. §1319(G)(4)(A).**

**ADMINISTRATIVE CIVIL PENALTY PROCEEDINGS ARE CONDUCTED UNDER
EPA'S "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 CFR PART 22. THE PROCEDURES THROUGH WHICH THE PUBLIC MAY SUBMIT WRITTEN COMMENT ON A PROPOSED ADMINISTRATIVE PENALTY ACTION OR PARTICIPATE IN A CLASS I PROCEEDING, AND THE PROCEDURES BY WHICH A RESPONDENT MAY REQUEST A HEARING, ARE SET FORTH IN THE CONSOLIDATED RULES. THE DEADLINE FOR SUBMITTING PUBLIC COMMENT ON THIS ADMINISTRATIVE PENALTY PROCEEDING IS THIRTY (30) DAYS AFTER ISSUANCE OF PUBLIC NOTICE.

ON THE DATE IDENTIFIED BELOW, EPA COMMENCED THE FOLLOWING ADMINISTRATIVE ACTION FOR THE ASSESSMENT OF ADMINISTRATIVE CIVIL PENALTIES: IN THE MATTER OF DUCOMMUN INCORPORATED, D/B/A DUCOMMUN AEROSTRUCTURES NEW YORK, INC., 2 FLINT MINE ROAD, COXSACKIE, NEW YORK, 12051, DOCKET NO. CWA-02-2016-3303; FILED ON OCTOBER 19, 2015 WITH REGIONAL HEARING CLERK KAREN MAPLES, U.S. EPA, REGION 2, 290 BROADWAY, 16 FLOOR, NEW YORK, NEW YORK 10007 (212) 637-3247; PROPOSED PENALTY: \$37,160, FOR FAILURE TO COMPLY WITH REPORTING REQUIREMENTS AS REQUIRED BY THE 40 CFR PART 403.12 (e) GENERAL PRETREATMENT REGULATIONS SINCE AT LEAST DECEMBER 2010 AND FOR FAILURE TO SAMPLE FOR PARAMETERS REGULATED IN THE PRETREATMENT REGULATIONS AS REQUIRED BY THE 40 CFR PART 403.12(b) AND (e) SINCE AT LEAST DECEMBER 2010. EPA HAS PROVIDED THE RESPONDENT WITH A SETTLEMENT OFFER OF \$23,474 IN AN

EFFORT TO PROMPTLY SETTLE THIS MATTER.

FOR FURTHER INFORMATION: PERSONS WISHING TO RECEIVE A COPY OF EPA'S CONSOLIDATED RULES, OR REVIEW DOCUMENTS FILED IN THESE PROCEEDINGS, COMMENT UPON THE PROPOSED ASSESSMENTS, OR OTHERWISE PARTICIPATE IN ANY OF THE PROCEEDINGS, SHOULD CONTACT THE REGIONAL HEARING CLERK KAREN MAPLES, EPA REGION 2, 290 BROADWAY, 16 TH FLOOR, NEW YORK, NEW YORK 10007 (212) 637-3247. UNLESS OTHERWISE NOTED, THE ADMINISTRATIVE RECORD FOR THESE PROCEEDINGS ARE LOCATED IN THE EPA REGIONAL OFFICE IDENTIFIED ABOVE, AND THE FILES WILL BE OPEN FOR PUBLIC INSPECTION DURING NORMAL BUSINESS HOURS. ALL INFORMATION SUBMITTED BY THE RESPONDENT IS AVAILABLE AS PART OF THE ADMINISTRATIVE RECORD, SUBJECT TO PROVISIONS OF LAW RESTRICTING PUBLIC DISCLOSURE OF CONFIDENTIAL INFORMATION.

IN ORDER TO PROVIDE OPPORTUNITY FOR PUBLIC COMMENT, EPA WILL ISSUE NO FINAL ORDER ASSESSING A PENALTY IN THESE PROCEEDINGS PRIOR TO THIRTY (30) DAYS FROM THE DATE SPECIFIED ABOVE.

DORE LAPOSTA, DIRECTOR
DIVISION OF ENFORCEMENT AND
COMPLIANCE ASSISTANCE