

US EPA ARCHIVE DOCUMENT

PUBLIC NOTICE: 2017-21

NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND OPPORTUNITY TO COMMENT

AGENCY: United States Environmental Protection Agency (EPA)
Region 2
290 Broadway
New York, NY 10007

ACTION: Notice of Proposed Administrative Penalty Assessment and Opportunity to Comment

SUMMARY: The EPA is providing notice of a proposed administrative penalty assessment for alleged violations of the Clean Water Act (Act). The EPA is also providing notice of the opportunity to comment on the proposed penalty assessment.

Under 33 U.S.C. §1319(g), the EPA is authorized to issue Orders assessing civil penalties for various violations of the Act. The EPA may issue such Orders after the commencement of a Class I or Class II penalty proceeding. The 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 the 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" ("Consolidated Rules"), 40 C.F.R. Part 22. The procedures through which the public may submit written comment on a proposed administrative penalty action or participate in an administrative penalty 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 civil penalty proceeding is thirty (30) days after issuance of this Public Notice.

On June 14, 2017, the EPA commenced the following administrative action for the assessment of administrative civil penalties: In the matter of Miller's Son Shine Acres, Inc., 1280 Bennett Road, Corfu, New York 14036, Docket Number CWA-02-2017-3308; and served the Administrative Complaint, Findings of Violation, Notice of Proposed Assessment of an Administrative Penalty, and Notice of Opportunity to Request a Hearing ("Complaint") on the Regional Hearing Clerk Karen Maples, EPA Region 2, 290 Broadway, 16th Floor, New York, New York 10007 (212) 637-3247. The Complaint proposed a penalty of **\$15,000** for failure to comply with the requirements of the New York State Department of Environmental Conservation ("NYSDEC") State Pollution Discharge Elimination System ("SPDES") General Permit for Concentrated Animal Feeding Operations ("CAFOs").

FOR FURTHER INFORMATION: Persons wishing to receive a copy of the 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 Justine Modigliani, Compliance Section Chief at (212) 637-4268, EPA Region 2, 290 Broadway, 20th Floor, New York, New York 10007, and also send any written correspondence about this matter to the Regional Hearing Clerk, Karen Maples, EPA Region 2, 290 Broadway, 16th Floor, New York, New York 10007. Unless otherwise noted, the administrative record for these proceedings is 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.

Dated: June 30, 2017

Dore LaPosta, Director
Division of Enforcement and Compliance Assistance