

US EPA ARCHIVE DOCUMENT

**PUBLIC NOTICE: 2018-05**

**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 December 19, 2017, the EPA commenced the following administrative action for the assessment of administrative civil penalties: In the matter of the 201West Broadway, PJ, LLC construction site located at 201 West Broadway Port Jefferson, NY 11777, Docket Number CWA-02-2018-3304; 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 **\$1,500** for failure to properly install and/or maintain some Storm Water Best Management Practices for erosion and sediment control as required by the New York State Department of Environmental Conservation ("NYSDEC") State Pollutant Discharge Elimination System ("SPDES") General Permit for Storm Water Discharges from Construction Activity ("Construction General Permit", "CGP" or "Permit") GP-0-15-002 and the Site's Stormwater Pollution Prevention Plan ("SWPPP").

**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.

**Dore LaPosta, Director**  
**Division of Enforcement and Compliance Assistance**