

US EPA ARCHIVE DOCUMENT

**PUBLIC NOTICE: 2018-9**

**NOTICE OF PROCEEDING TO ASSESS A CLASS II CIVIL PENALTY AND OPPORTUNITY TO COMMENT**

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

**ACTION:** Notice of Proceeding to Assess a Class II Civil Penalty and Opportunity to Comment

**SUMMARY:** EPA is providing notice of a proceeding to assess a Class II civil penalty for alleged violations of the Clean Water Act (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 proceeding pursuant to 33 U.S.C. §1319(g)(4)(B).

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 ("CROP"), 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 CROP. The deadline for submitting public comment on this administrative civil penalty proceeding is thirty (30) days after issuance of this Public Notice.

Pursuant to 40 C.F.R. §22.13(b), EPA has commenced the following administrative action for the assessment of administrative civil penalties: In the matter of Kaplan Companies, Kaplan & Sons Construction Corp., Kaplan Associates, K-Land, 433 River Road, Highland Park, NJ 08904; Docket Number CWA-02-2018-3401; and served on Regional Hearing Clerk, Karen Maples, EPA Region 2, 290 Broadway, 16th Floor, New York, New York 10007, (212) 637-3247. The action includes a penalty of \$100,000 for failure to comply with provisions of the New Jersey Pollutant Discharge Elimination System 5G3- Construction Activity Storm Water General Permit No. NJG0088323, for stormwater from construction sites to waters of the United States.

**FOR FURTHER INFORMATION:** Persons wishing to receive a copy of the CROP or review documents filed in these proceedings, comment upon the proposed assessments, or otherwise participate in any of the proceedings, should contact Regional Hearing Clerk, Karen Maples, EPA Region 2, 290 Broadway, 16th Floor, New York, New York 10007, on any written correspondence about this matter. Unless otherwise noted, the administrative record for these proceedings is located in the EPA Regional Office identified above, and the files will be made available upon request to the person listed above during normal business hours. All information submitted by Respondents are available as part of the administrative record, subject to provisions of law restricting public disclosure of confidential, or otherwise privileged, information.

**Dated: May 21, 2018**

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