

US EPA ARCHIVE DOCUMENT

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

Date of Notice: January 4, 2011

Public Notice Number: PN2011-0001

Comment Period: January 5, 2011 – February 3, 2011

Action: Notice of Proposed Assessment of Class II Clean Water Act Section 309(g) Administrative Penalty and Opportunity to Comment

Under Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g), EPA is authorized to assess a civil penalty after providing the person subject to the penalty notice of the proposed penalty and the opportunity for a hearing, and after providing interested persons public notice of the proposed penalty and a reasonable opportunity to comment on its issuance. Pursuant to 40 C.F.R. Part 19 (Adjustments of Civil Penalties for Inflation) promulgated pursuant to the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, in a Class II proceeding under 309(g)(2)(B), the maximum civil penalties that may be administratively assessed have been increased as follows: For violations occurring between January 31, 1997 and March 14, 2004, up to \$11,000 per violation per day for each day during which the violation continues, up to a maximum of \$137,500; and, for violations occurring between March 15, 2004 and January 12, 2009, up to \$11,000 per violation per day for each day during which the violation continues, up to a maximum of \$157,500; and, for violations occurring after January 12, 2009, up to \$16,000 per violation per day for each day during which the violation continues, up to a maximum of \$177,500. Class II proceedings are conducted in accordance with the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, and the Revocation, Termination or Suspension of Permits,” at 40 C.F.R. Part 22 (“Part 22”).

The procedures by which the public may submit written comments on a proposed Class II penalty order or participate in a Class II penalty proceeding are set forth in Part 22. The deadline for submitting public comment on a proposed Class II penalty order is thirty (30) days after issuance of public notice.

Pursuant to Section 309(g), EPA is providing public notice of the following proposed Class II administrative penalty assessment:

Name and Mailing Address of Respondent:

H. Krevit & Company, Inc.
67 Welton Street
New Haven, Connecticut 06534

Name and Address of Facilities or Sites Addressed by Consent Agreement and Final Order:

H. Krevit & Company, Inc.
67 Welton Street
New Haven, Connecticut 06534

Description of Business or Activity Conducted by the Respondent:

Owns and operates a chemical manufacturing and distribution facility.

Description of Violations Alleged in Complaint:

Failure to develop a Spill Prevention, Control and Countermeasure Plan in violation of 40 C.F.R. Part 112, promulgated pursuant to Section 311(j)(1) of the CWA.

Terms of proposed settlement:

Proposed Cash Penalty for CWA violation: \$3,001
Proposed Supplemental Environmental Project valued at \$36,956

Name of Case: In the Matter of: H. Krevit & Company, Inc.

Docket Number: CWA-01-2010-0065

Date Filed with Regional Hearing Clerk: TBD

Name, Mailing Address, and Telephone Number of Regional Hearing Clerk:

Wanda Santiago
U.S. EPA, Region 1
Five Post Office Square, Suite 100
Mail Code: ORA-18-1
Boston, Massachusetts 02109; (617) 918-1113.

FOR FURTHER INFORMATION: Persons wishing to receive a copy of Part 22, review the consent agreement and final order or other documents filed by the parties in this proceeding, comment upon the proposed penalty assessment, or participate in any hearing that may be held, should contact the Regional Hearing Clerk identified above. Unless otherwise noted, the public record for the proceeding is located in the EPA Regional Office at Five Post Office Square, Boston, Massachusetts, and the file will be open for public inspection during normal business hours.

Because this matter involves a CWA Section 309(g) proceeding which is proposed to be simultaneously commenced and settled under 40 C.F.R. § 22.13(b), this matter will not be resolved or settled until 10 days after the close of the public comment period in accordance with 40 C.F.R. § 22.45(b).