

US EPA ARCHIVE DOCUMENT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

Date of Notice: December 31, 2003

Public Notice Number: PN2004-0001

Comment Period: December 31, 2003 - January 29, 2004

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

Under Section 309(g)(2)(B) of the Clean Water Act, 33 U.S.C. § 1319(g)(2)(B), 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. In Class II proceeding under Section 309(g)(2)(B), any person who violates certain provisions of the Clean Water Act may be administratively assessed a civil penalty of up to \$137,500 by EPA. Class II proceedings are conducted in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation 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)(2)(B), EPA is providing public notice of the following proposed Class II administrative penalty assessments:

In the Matter of Methuen Group Realty Trust, Ashwood Development Companies, Inc.,
and Park Construction Corporation.

Docket No. CWA-01-2004-0007

Name and Mailing Address of Respondents:

Ms. Barbara A. Deneault
Mr. Michael D. Tancreti
Ashwood Development Companies, Inc.
84 Lake Street
Nashua, NH 03060

Ms. Barbara A. Deneault
Mr. Michael D. Tancreti
Methuen Group Realty Trust
84 Lake Street
Nashua, NH 03060

Steven Norby, President
Park Construction Corporation
P.O. Box 600
Fitzwilliam, NH 03447

Name and Address of Facility or Site Addressed by Complaint:

Birch Hill Estates
Birch Hill Road
Methuen, Massachusetts

Description of Business or Activity Conducted by the Respondents:

Residential Development

Description of Violations Alleged in Complaint: Failure of Respondents to obtain NPDES permit coverage and failure of Respondents Methuen Group and Ashwood Development Corporation to comply with permit conditions for storm water discharges from the Birch Hill Estates residential subdivision in Methuen, Massachusetts

Proposed Penalty: In an amount not to exceed \$11,000 per violation, up to a maximum of \$137,500.

Name of Case: In the Matter of: Methuen Group Realty Trust, Ashwood Development Companies, Inc., and Park Construction Corporation

Docket Number: CWA-01-2004-0007

Date Filed with Regional Hearing Clerk: 12/23/03

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

Wanda Rivera
Acting Regional Hearing Clerk
U.S. EPA, Region I
One Congress Street
Boston, Massachusetts 02203
(617) 918-1113

FOR FURTHER INFORMATION: Persons wishing to receive a copy of Part 22, review the complaint 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 One Congress Street, Boston, Massachusetts, and the file will be open for public inspection during normal business hours.

In order to provide opportunity for public comment, EPA will not take final action in this proceeding prior to thirty (30) days after issuance of this notice.