

US EPA ARCHIVE DOCUMENT

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

Date of Notice: January 28, 2009

Public Notice Number: PN2009-0001

Comment Period: January 29, 2009 - February 27, 2009

Action: Notice of Proposed Assessment of Class I Clean Water Act Section 309(g)(B)
Administrative Penalties 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 I proceeding under Section 309(g), the maximum civil penalties that may be administratively assessed have been increased as follows: 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 \$32,500. Class I 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 I penalty order or participate in a Class I penalty proceeding are set forth in Part 22. The deadline for submitting public comment on a proposed Class I penalty order is thirty (30) days after issuance of the public notice.

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

In the Matter of: Town of Northborough, Massachusetts

Name and Mailing Address of Respondent:

Town of Northborough
Town Offices, 63 Main Street, Northborough, MA 01532

Name and Address of Facility or Site Addressed by Complaint:

Town of Northborough
Town Offices, 63 Main Street, Northborough, MA 01532

Description of Business or Activity Conducted by the Respondent:

Town government

Description of Violations Alleged in Complaint:

Non submittal of annual reports for 2007, and 2008 as required by their stormwater permit No. MAR041084.

Proposed Settlement Penalty: \$4,000

Name of Case:

In the Matter of: Town of Northborough, Massachusetts

Docket Number: CWA-01-2008-0081

Date Filed with Regional Hearing Clerk:

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

Wanda Santiago, Regional Hearing Clerk, U.S. Environmental Protection Agency,
Region I, One Congress Street, Suite 1100 (RAA), Boston, MA 02114-2023

FOR FURTHER INFORMATION: Persons wishing to receive a copy of the Part 22 Rules, 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 at U.S. Environmental Protection Agency Region I, One Congress

Street, Suite 1100, Boston, Massachusetts, and the record will be open for public inspection during normal business hours.

Because this matter involves a CWA Section 309(g) proceeding that 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 ten (10) days after the close of the public comment period in accordance with 40 C.F.R. § 22.45(b) and (c).