

US EPA ARCHIVE DOCUMENT

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

Date of Notice: February 11, 2009

Public Notice Number: PN2009-0003

Comment Period: February 12, 2009 - March 13, 2009

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:

Consolidated Concrete Corp.
835 Taunton Ave
East Providence RI 02914

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

Consolidated Concrete Corp.
835 Taunton Ave
East Providence RI 02914

Description of Business or Activity Conducted by the Respondent: concrete manufacturing

Description of Violations Alleged in Complaint:

- discharge of process water without authorization, in violation of Section 301(a) of the CWA;
- discharge of storm water associated with industrial activity without authorization in violation of Section 301(a) of the CWA;
- failure to file for coverage under the Rhode Island Department of Environmental Management's ("RIDEM") 2003 Industrial General Permit and 2006 Multi-Sector General Permit ("MSGP") for the storm water discharges, in violation of Section 308 of the CWA;
- failure to prepare, maintain and/or fully implement a Spill Prevention, Control, and Countermeasure ("SPCC") plan as required by Section 311(j) of the CWA.

Proposed Penalty: \$55,000

Proposed Supplemental Environmental Projects: In addition to paying a penalty, the Consolidated Concrete Corporation will spend approximately \$178,000 to complete three SEPs. The first two SEPs involve construction and implementation of a closed loop recycling system so

that captured waste waters can be re-used in its concrete manufacturing operations. In addition to saving water, the company will periodically empty out the solids from the containment basins and re-use them in its manufacturing process greatly reducing the amount of cement dust or sediment exposed to the environment. The third SEP involves the installation of two Storm Water Quality Control Units to improve the quality of storm water runoff from the Facility.

Name of Case: In the Matter of: Consolidated Concrete Corp.

Docket Number: CWA-01-2009-0014

Date Filed with Regional Hearing Clerk: TBD

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

Wanda Santiago
U.S. EPA, Region I
One Congress Street
Suite 1100, Mail Code RAA
Boston, Massachusetts 02114; (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 One Congress Street, 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).