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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

Date of Notice: March 11, 2011

Public Notice Number: PN2011-0002

Comment Period: March 14, 2011 – April 12, 2011

Action: Notice of Proposed Assessment of Class II Clean Water Act Section 309(g)(2)(B) Administrative Penalties and Opportunity to Comment

Under Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g), EPA is authorized to assess a civil penalty, after providing the person subject to the penalty with 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 proceedings 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 $10,000 per violation per day for each day during which the violation continues, up to a maximum of $125,000. 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, 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; and for violations occurring on or after January 13, 2009, up to $16,000 per violation per day for each day during which the violation continues, up to a maximum total penalty of $177,500. 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").

Part 22 sets forth the procedures by which the public may submit written comments on a proposed penalty order or participate in a penalty proceeding. The deadline for submitting public comment on a proposed 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 administrative penalty assessment:

In the Matter of: Charles River Pollution Control District ("CRPCD")

Name and Mailing Address of Respondent:

CRPCD
66 Village Street
Medway, MA 02053

Name and Address of Facility or Site Addressed by Complaint:

CRPCD
66 Village Street
Medway, MA 02053

Description of Business or Activity Conducted by the Respondent:
Wastewater Treatment

Description of Violations Alleged in Complaint:
CRPCD violated phosphorus and total suspended solids limits in NPDES Permit.

Proposed Penalty: Up to $177,500

Name of Case: In the Matter of: Charles River Pollution Control District

Docket Number: CWA-01-2011-0020

Date Filed with Regional Hearing Clerk: March 9, 2011

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

Wanda Santiago, Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Sq., Suite 100 (Mail Code: ORA18-1)
Boston, Massachusetts 02109-3912
(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 5 Post Office Square, 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.

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