

US EPA ARCHIVE DOCUMENT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

Date of Notice: March 21, 2012

Public Notice Number: PN2012-0005

Comment Period: March 22, 2012 – April 20, 2012

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

Under Sections 309(g) and 311(b)(6) of the Clean Water Act, 33 U.S.C. §§ 1319(g) and 1321(b)(6), 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 proceedings under Sections 309(g)(2)(B) and 311(b)(6)(B)(ii), any person who violates certain provisions of the Clean Water Act may be administratively assessed a civil penalty for each violation occurring before and including January 12, 2009 of up to eleven thousand dollars (\$11,000) per day per violation for each day during which the violation continued; and, for each violation occurring after January 12, 2009, any person who violates certain provisions of the Clean Water Act may be administratively assessed a civil penalty up to sixteen thousand dollars (\$16,000) per day per violation for each day during which the violation continued, up to a maximum of one hundred seventy-seven thousand five hundred dollars (\$177,500). 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,” found at 40 C.F.R. Part 22 (“Part 22”).

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

Pursuant to Sections 309(g) and 311(b)(6), EPA is providing public notice of the following proposed administrative penalty assessment:

In the Matter of CSG Holdings, Inc. (formerly known as Columbia Sand & Gravel, Inc.)

Name and Mailing Address of Respondent:

CSG Holdings, Inc. (f/k/a Columbia Sand & Gravel, Inc.)
P.O. Box 1030
Intervale, NH 03845

Name and Address of Facility or Site Addressed by Complaint:

Columbia Sand & Gravel
U.S. Route 3
Columbia, NH 03590

Description of Business or Activity Conducted by the Respondent:

Sand and gravel mining, stone mining, aggregate processing (including crushing, screening, and washing), and minor vehicle maintenance.

Description of Violations Alleged in Complaint: Unauthorized discharge of process water; unauthorized discharge of storm water associated with industrial activity; failure to apply for a National Pollution Discharge Elimination System ("NPDES") permit or for coverage under the Multi-Sector General Permit for Industrial Activities ("MSGP"); and failure to prepare and implement a Spill Prevention, Control, and Countermeasure ("SPCC") plan.

Proposed Penalty: Penalties of up to \$11,000 per day for violations that occurred prior to and including January 12, 2009 and up to \$16,000 per violation per day for each day during which the violation continues for violations that occurred after January 12, 2009, up to a maximum of \$177,500 for each of three Counts.

Name of Case: In the Matter of CSG Holdings, Inc. (f/k/a Columbia Sand & Gravel, Inc.)

Docket Number: CWA-01-2012-0032

Date Filed with Regional Hearing Clerk: March 20, 2012

Name, Mailing Address, and Telephone Number of Regional Hearing Clerk: Wanda Santiago, Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 1, 5 Post Office Square, Suite 100, Mail Code ORA18-1, Boston, MA 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, Suite 100, 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.