

US EPA ARCHIVE DOCUMENT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

Date of Notice: March 22, 2004

Public Notice Number: PN2004-0002

Comment Period: March 22, 2004 - April 20, 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 a Class II proceeding under Section 309(g)(2)(B), any person who violates certain provisions of the Clean Water Act prior to January 31, 1997, may be administratively assessed a civil penalty of up to \$125,000 by EPA; on or after January 31, 1997, any such person may be 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 Seabrook, New Hampshire

Name and Mailing Address of Respondents:

Frederick Welch, Town Manager
Town of Seabrook
99 Lafayette Road
P.O. Box 456
Seabrook, NH 03874-0456

Name and Address of Facility or Site Addressed by Complaint:

Seabrook Wastewater Treatment Plant
Wright's Island
Seabrook, NH 03874

Description of Business or Activity Conducted by the Respondent:

Wastewater Treatment Plant for the Town of Seabrook

Description of Violations Alleged in Complaint: The Town violated its National Pollutant Discharge Elimination System ("NPDES") permit, failed to operate and maintain all facilities properly, and discharged from a point source not authorized by a NPDES permit.

Proposed Penalty: In an amount not to exceed \$11,000 per violation, up to a maximum of \$50,000.

Name of Case: In the Matter of Seabrook, New Hampshire

Docket Number: CWA 01-2004-0037

Date Filed with Regional Hearing Clerk: March 17, 2004

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

Wanda Rivera
Regional Hearing Clerk
U.S. EPA, Region I
One Congress Street
Suite 1100 (RAA)

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.