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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

Date of Notice: April 15, 2008

Public Notice Number: PN2008-0004

Comment Period: April 16, 2008 – May 15, 2008

Action: Notice of Proposed Assessment of Class I 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 I proceeding under Section 309(g), the maximum civil penalties that may be administratively assessed have been increased as follows: for violations occurring on or after March 15, 2004, 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 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: Stephen Lowe, 5 Warren Avenue, Westborough, Massachusetts 01581

Name and Address of Facility or Site Addressed by Complaint: 226 Gardner Road, Hubbardston, Massachusetts

Description of Business or Activity Conducted by the Respondent: Excavation

Description of Violations alleged in Complaint subject to public comment: Failure to respond to EPA information request issued under Section 308 of the Clean Water Act, 33 U.S.C. § 1318 regarding potential storm water related violations

Proposed penalty: Up to $32,500

Name of case: In the Matter of Stephen Lowe

Docket numbers: CWA-01-2008-0048

Date Filed with Regional Hearing Clerk: April 14, 2008

Name, Mailing Address, and Telephone Number of Regional Hearing Clerk: Wanda Santiago, U.S. EPA, Region I, One Congress Street, Suite 1100 (RAA), Boston, Massachusetts 02114; (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.

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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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