

US EPA ARCHIVE DOCUMENT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
One Congress Street, Suite 1100
Boston, Massachusetts, 02114

Date of Notice: May 17, 2004

Public Notice Number: PN2004-0005

Comment Period: May 17, 2004 - June 15, 2004

Action: Notice of Proposed Assessment of Class II Clean Water Act Section 311(b)(6) Administrative Penalty and Opportunity to Comment

Under Sections 311(b)(6)(B)(ii) of the Clean Water Act (CWA), 33 U.S.C. §§ 1321(b)(6)(B)(ii), 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 311(b)(6)(B)(ii), any person who violates certain provisions of the Clean Water Act, may be administratively assessed a civil penalty of up to \$157,500 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/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. Because this matter involves a CWA Section 311(b)(6)(B)(ii) proceeding which is proposed to be simultaneously commenced and settled under 40 C.F.R. § 22.13(b), the proposed consent agreement and final order resolving or settling this matter will not be issued until at least ten (10) days after the close of the public comment period in accordance with 40 C.F.R. § 22.45(b).

Pursuant to Sections 311(b)(6)(B)(ii), EPA is providing public notice of the following proposed Class II administrative penalty assessment:

Name and Mailing Address of Respondent: St. Johnsbury Highway Department, 6 Almshouse Road, St. Johnsbury, Vermont

Name and Address of Facility or Site Addressed by Complaint: St. Johnsbury Highway Department Garage, 6 Almshouse Road, St. Johnsbury, Vermont

Description of Business or Activity Conducted by the Respondent: Municipal agency that constructs and maintains the roads in the Town of St. Johnsbury, Vermont

Description of Violations alleged in Complaint: Failure to timely prepare and implement a Spill Prevention Control and Countermeasure (SPCC) plan in violation of the Oil Pollution Prevention regulations [specifically 40 C.F.R. § 112.3(a)] which were promulgated pursuant to Section 311(j) of the CWA.

Proposed penalty: \$3,200

Name of case: In the Matter of: St. Johnsbury Highway Dept.

Docket number: CWA-01-2004-0039

Date Filed with Regional Hearing Clerk: May 13, 2004

Name, Mailing Address, and Telephone Number of Acting Regional Hearing Clerk: Wanda Rivera, Mail Code RAA, U.S.

EPA, Region 1, One Congress Street, Suite 1100, 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 Acting 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 forty (40) days after issuance of this notice.