

US EPA ARCHIVE DOCUMENT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

Date of Notice: June 23, 2005

Public Notice Number: PN2005-0004

Comment Period: June 24, 2005 - July 25, 2005

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

Under Section 311(b)(6)(C)(i) of the Clean Water Act (CWA), 33 U.S.C. § 1321(b)(6)(C)(i), 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 proceeding under CWA Section 311(b)(6)(B)(ii), 33 U.S.C. § 1321(b)(6)(B)(i), 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 CWA Section 311(b)(6)(C)(i), EPA is providing public notice of the following proposed Class II administrative penalty assessment:

In the Matter of Mount Mansfield Company, Inc.

Name and Mailing Address of Respondent: Mount Mansfield Company, Inc.,
5781 Mountain Road, Stowe, Vermont 05672

Name and Address of Facility or Site Addressed by Consent Agreement: Stowe
Mountain Resort, 5781 Mountain Road, Stowe, Vermont 05672

Description of Business or Activity Conducted by the Respondent: Ski Area

Description of Violations Alleged in Consent Agreement: After a discharge of oil into the Little River, Stowe, VT on March 31, 2003 it is alleged that: 1) the company failed to have a Spill Prevention Control and Countermeasure (SPCC) Plan prior to July 2001 in violation of 40 C.F.R. § 112.3(a); at the time of the spill the company had an inadequate SPCC Plan in violation of 40 C.F.R. § 112.7; and 3) failed to timely provide summary reports of the March 31, 2003 spill in violation of 40 C.F.R. § 112.4(a).

Proposed Settlement Penalty: \$50,000

Name of Case: In the Matter of Mount Mansfield Company, Inc.

Docket Number: CWA-01-2005-0021

Date Filed with Regional Hearing Clerk: June 22, 2005

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 02114-2023; (617) 918-1113

FOR FURTHER INFORMATION: Persons wishing to receive a copy of Part 22, review the 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.

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), this matter will not be resolved or settled until ten (10) days after the close of the public comment period in accordance with 40 C.F.R. §22.45(b).