

US EPA ARCHIVE DOCUMENT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

Date of Notice: June 29, 2006

Public Notice Number: PN2006-0006

Comment Period: June 30, 2006 - July 31, 2006

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

Under Section 311(b)(6)(B)(ii) of the Clean Water Act, 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 Class II proceeding under Section 311(b)(6)(B)(ii), EPA may assess against a person an administrative civil penalty of up to \$137,500 for violations of the Clean Water Act occurring after January 31, 1997 and on or before March 15, 2004 and up to \$157,500 for violations occurring after March 15, 2004. 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" (the "Consolidated Rules") at 40 C.F.R. 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 the Consolidated Rules. 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 311(b)(6)(B)(ii), EPA is providing public notice of the following

proposed Class II administrative penalty assessment:

In the Matter of Lisbon Fuel Company

Name and Mailing Address of Respondent:

Lisbon Fuel Company
19 Capital Avenue
Lisbon Falls, ME 04252

Name and Addresses of Facilities or Sites Addressed by Complaint:

Lisbon Fuel Company
19 Capital Avenue
Lisbon Falls, ME 04252

Description of Business or Activity Conducted by the Respondent:

Home heating oil storage and transport

Description of Violations alleged in Complaint: Failure to develop and implement a Spill Prevention, Control and Countermeasure (SPCC) Plan pursuant to Section 311 of the Clean Water Act.

Proposed penalty: Up to \$157,500

Name of case: In the Matter of Lisbon Fuel Company

Docket number: CWA-01-2006-0094

Date Filed with Regional Hearing Clerk: June 26, 2006

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

Wanda I. Rivera, Regional Hearing Clerk
U.S. Environmental Protection Agency Region I
One Congress Street, Suite 1100 RAA
Boston, MA 02114-2023
(617) 918-1113

FOR FURTHER INFORMATION: Persons wishing to receive a copy of the Consolidated Rules, 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 record will be open for public inspection during normal business hours.