

US EPA ARCHIVE DOCUMENT

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I**

**Date of Notice:** August 9, 2005

**Public Notice Number:** PN2005-0005

**Comment Period:** August 10, 2005 – September 8, 2005

**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) of the Clean Water Act, 33 U.S.C. § 1319(g), EPA may issue a final order assessing a civil penalty only after providing public notice of and reasonable opportunity to comment on the proposed issuance of the final order. In a Class II proceeding under Section 309(g)(2)(B), EPA may assess 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/Termination or Suspension of Permits” (the “Consolidated Rules”) at 40 C.F.R. Part 22. The Consolidated Rules govern the procedure by which the public may submit comments on the proposed issuance of an order assessing civil penalties or participate in a Class II proceeding. All comments must be submitted to the Regional Hearing Clerk within 30 days of the issuance of this public notice.

Pursuant to Section 309(g), EPA hereby provides public notice of the following proposed assessment of a Class II administrative civil penalty:

**Case Name:** In the Matter of Town of North Attleborough

**Docket Number:** CWA-01-2005-0013

**Name and Address of Respondent:**

Town of North Attleborough  
43 Washington Street  
North Attleborough, MA 02760

**Location of Facility or Site Addressed by Complaint:**

Department of Public Works  
240 Smith Street  
North Attleborough, MA 02760

**Description of Violations:**

Unauthorized discharge of pollutants into waters of the United States in violation of Section 301 of the Clean Water Act.

**Proposed Settlement Penalty:** \$8,000

**Deadline for submitting comments:** September 8, 2005

**Name and Address of Regional Hearing Clerk:**

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

FOR FURTHER INFORMATION: Persons wishing to receive a copy of the Consolidated Rules, review 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 this proceeding is located at U.S. Environmental Protection Agency Region I, One Congress Street, Suite 1100, Boston, Massachusetts, and the record will be open for public inspection during normal business hours.

The parties propose to simultaneously commence and settle this Clean Water Act Section 309(g)(2)(B) proceeding pursuant to 40 C.F.R. § 22.13(b). In accordance with 40 C.F.R. § 22.45(b), this matter will not be settled or otherwise concluded until at least 10 days after the close of the 30-day public comment period.