

US EPA ARCHIVE DOCUMENT

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

Date of Notice: August 22, 2012

Public Notice Number: PN2012-0017

Comment Period: August 23, 2012 – September 21, 2012

Action: Notice of Proposed Assessment of Class II Clean Water Act Section 309(g)(2)(B) Administrative Penalties and Opportunity to Comment

Under Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g), EPA is authorized to assess a civil penalty, after providing the person subject to the penalty with 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 proceedings under Section 309(g)(2)(B), any person who violates certain provisions of the Clean Water Act may be administratively assessed a civil penalty of up to \$10,000 per violation per day for each day during which the violation continues, up to a maximum of \$125,000. 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, the maximum civil penalties that may be administratively assessed have been increased: for violations occurring on or after January 13, 2009, up to \$16,000 per violation per day for each day during which the violation continues, up to a maximum total penalty of \$177,500. 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”).

Part 22 sets forth the procedures by which the public may submit written comments on a proposed penalty order or participate in a penalty proceeding. The deadline for submitting public comment on a proposed penalty order is thirty (30) days after issuance of the public notice.

Pursuant to Section 309(g), EPA is providing public notice of the following proposed administrative penalty assessment:

In the Matter of: UniFirst Corporation

Name and Mailing Address of Respondent:

UniFirst Corporation
68 Jonspin Road
Wilmington, MA 01887

Name and Address of Facility or Site Addressed by Complaint:

UniFirst Corporation
125 Etna Road
Lebanon, NH 03766

Description of Business or Activity Conducted by the Respondent:

Industrial laundry

Description of Violations Alleged in Complaint:

Respondent violated 40 C.F.R. Part 403 by causing pass through at the City of Lebanon's publicly owned treatment works ("POTW") as a result of discharging wastewater laden with industrial grade detergent and by failing to immediately notify the POTW of that discharge. Respondent also discharged wastewater with a pH of less than 5.0 standard units to the POTW in violation of 40 C.F.R. 403.5.

Proposed Penalty: \$64,000

Name of Case: In the Matter of UniFirst Corporation

Docket Number: CWA-01-2012-0033

Date Filed with Regional Hearing Clerk: August 14, 2012

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

Wanda Santiago, Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Sq., Suite 100 (Mail Code: ORA18-1)
Boston, Massachusetts 02109-3912
(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.

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.