

US EPA ARCHIVE DOCUMENT

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

Date of Notice: August 28, 2012

Public Notice Number: PN2012-0018

Comment Period: August 29, 2012 – September 27, 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 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 Sections 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 as follows: for violations occurring from March 15, 2004 through January 12, 2009, up to \$11,000 per violation per day for each day during which the violation continues; and 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 or Suspension

of Permits,” found at 40 C.F.R. Part 22 (“Part 22”). The procedures by which the public may submit written comments on a proposed penalty order or participate in a penalty proceeding are set forth in Part 22. The deadline for submitting public comment on a proposed penalty order is thirty (30) days after issuance of public notice.

Pursuant to Sections 309(g) and 311(b)(6), EPA is providing public notice of the following proposed administrative penalty assessment:

Name and Mailing Address of Respondent:

Strategic Materials, Inc.
16365 Park Ten Place, Suite 200
Houston, TX 77084

Name and Address of Facility or Site Addressed by Complaint:

Strategic Materials, Inc.
45 Kenwood Circle
Franklin, MA 02038

Description of Business or Activity Conducted by the Respondent:

Source-separated glass recycling.

Description of Violations Alleged in Complaint: Unauthorized discharge of stormwater associated with industrial activity and discharge of stormwater in violation of the Multi-Sector General Permit for Industrial Activities (“MSGP”).

Proposed Penalty: Penalties of up to \$11,000 per day for violations that occurred prior to and including January 12, 2009 and up to \$16,000 per violation per day for each day during which the violation continues for violations that occurred after January 12, 2009, up to a maximum of \$177,500.

Name of Case: In the Matter of Strategic Materials, Inc.

Docket Number: CWA-01-2012-0056

Date Filed with Regional Hearing Clerk: August 27, 2012

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

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1

5 Post Office Square, Suite 100
Mail Code ORA18-1
Boston, MA 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 5 Post Office Square, Suite 100, 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.