UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

Date of Notice: September 5, 2008

Public Notice Number: PN2008-0011

Comment Period: September 8, 2008 - October 7, 2008

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 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 as follows: For violations occurring on or after March 15, 2004, up to $11,000 per violation per day for each day during which the violation continues, up to a maximum of $157,500. 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").

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

In the Matter of TLT Construction Corporation

Name and Mailing Address of Respondent:

TLT Construction Corporation
One Pope Street
Wakefield, Massachusetts 01880

Name and Address of Facility or Site Addressed by Complaint:

Reading Memorial High School
82 Oakland Road
Reading, Massachusetts

Description of Business or Activity Conducted by the Respondent: Respondent is a general contractor.

Description of Violations Alleged in Complaint:
Respondent has violated certain provisions of the Clean Water Act. In particular, Respondent has discharged storm water associated with industrial activity without authorization under any National Pollutant Discharge Elimination System (NPDES) Permit. In addition, Respondent has failed to submit a Notice of Intent for coverage under the NPDES Permit for Storm Water Discharges from Construction Activities.

Proposed Settlement Penalty: Up to $157,500

Name of Case: In the Matter of: TLT Construction Corporation

Docket Number: CWA-01-2008-0070

Date Filed with Regional Hearing Clerk: June 12, 2008

Name, Mailing Address, and Telephone Number of Regional Hearing Clerk:
Wanda Santiago, Regional Hearing Clerk (RAA), U.S. EPA, Region I, One Congress

Street, Boston, Massachusetts 02114-2023; (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.