

US EPA ARCHIVE DOCUMENT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

Date of Notice: September 19, 2007

Public Notice Number: PN2007-0017

Comment Period: September 20, 2007 - October 19, 2007

Action: Notice of Proposed Assessment of Class I Clean Water Act Section 309(g)(2)(A) 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 I proceedings under Section 309(g)(2)(A), any person who violates certain provisions of the Clean Water Act may be administratively assessed a civil penalty of up to \$32,500. Class I 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," 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. Because this matter involves a CWA Section 309(g)(2)(A) proceeding which is proposed to be simultaneously commenced and settled under 40 C.F.R. § 22.13(b), the proposed consent agreement and final order resolving or settling this matter will not be issued until at least ten (10) days after the close of the public comment period in accordance with 40 C.F.R. § 22.45(b).

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

In the Matter of Martin International Enclosures, Inc.

Name and Mailing Address of Respondent: Martin International Enclosures, Inc., 14 Woodworkers Way, Seabrook, New Hampshire 03874

Name and Address of Facility or Site Addressed by Complaint: Martin International Enclosures, Inc., 14 Woodworkers Way, Seabrook, New Hampshire 03874

Description of Business or Activity Conducted by the Respondent: Manufacture of computer cabinets. The manufacturing process includes phosphate coating of metal parts prior to painting or powder coating.

Description of Violations Alleged in Complaint: Martin International Enclosures, Inc. Periodically discharged process wastewater to the Seabrook, New Hampshire sanitary sewer system. The company's phosphate coating operations make it subject to the National Categorical Pretreatment Standards for the Metal Finishing Point Source Category. These Categorical Standards require, among other things, that the company submit baseline and periodic reports on its discharge. Martin International Enclosures, Inc. Failed to submit the required reports from at least 2001 until September of 2006.

Proposed Settlement Penalty: \$12,600

Name of Case: In the Matter of Martin International Enclosures, Inc.

Docket Number: CWA-01-2007-0100

Date Filed with Regional Hearing Clerk: N/A

Name, Mailing Address, and Telephone Number of Regional Hearing Clerk: Wanda Rivera, Regional Hearing Clerk, U.S. EPA, Region I, One Congress Street, Boston, Massachusetts 02203; (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.

Because this matter involves a CWA Section 309(g) proceeding which is proposed to be simultaneously commenced and settled under 40 C.F.R. § 22.13(b), this matter will not be resolved or settled until ten (10) days after the close of the public comment period in accordance with 40 C.F.R. §22.45(b) and (c).