

US EPA ARCHIVE DOCUMENT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

Date of Notice: October 1, 2010

Public Notice Number: PN2010-0009

Comment Period: October 4, 2010 - November 2, 2010

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 for each violation occurring before January 12, 2009 of up to eleven thousand dollars (\$11,000) per day for each day during which the violation continued; and, for each violation occurring on or after January 12, 2009, any person who violates certain provisions of the Clean Water Act may be administratively assessed a civil penalty up to \$16,000 per violation per day for each day during which the violation continues, up to a maximum 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," 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 Mt. Tom Generating Company, LLC

Name and Mailing Address of Respondent:

Mt. Tom Generating Co., LLC
20 Church St. – 16th Floor
Hartford, CT 06103

Name and Address of Facility or Site Addressed by Complaint:

Route 5, Smith's Ferry
Holyoke, Massachusetts 01040

Description of Business or Activity Conducted by the Respondent:

Energy generation through coal combustion

Description of Violations Alleged in Complaint: Violation of National Pollution Discharge Elimination System ("NPDES") Permit limits for total suspended solids.

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

Name of Case: In the Matter of Mt. Tom Generating Co., LLC

Docket Number: CWA-01-2010-0059

Date Filed with Regional Hearing Clerk: September 30, 2010

Name, Mailing Address, and Telephone Number of Regional Hearing Clerk:
Wanda Rivera, Regional Hearing Clerk, U.S. Environmental Protection

Agency, Region I, 5 Post Office Square, Suite 100, Mail Code ORA17-1, 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.