

US EPA ARCHIVE DOCUMENT

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

Date of Notice: December 2, 2009

Public Notice Number: PN2009-0025

Comment Period: December 3, 2009 - January 4, 2010

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

Under Section 309(g) of the Clean Water Act (CWA), 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.

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, in a Class II proceeding under 309(g), the maximum civil penalties that may be administratively assessed have been increased as follows: For violations occurring after December 11, 2008, up to \$16,000 per violation per day for each day during which the violation continues, up to a maximum of \$177,500. Class II proceedings are conducted in accordance with the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, 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 Class II penalty order or participate in a Class II penalty proceeding are set forth in Part 22. The deadline for submitting public comment on a proposed Class II 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 amended Class II administrative penalty assessment:

Name and Mailing Address of Respondent: Town of North Providence, Rhode Island

Name and Address of Facility Addressed by Amended Complaint: 200 Smith Street,
North Providence, RI

Description of Business or Activity Conducted by the Respondent: Municipality

Description of Violations alleged in Amended Complaint subject to public comment:
On August 20, 2009, EPA filed an administrative complaint alleging North Providence's failure to submit an annual report and other information regarding sanitary sewer overflows, in violation of Section 308 of the Clean Water Act, 33 U.S.C. § 1318. By this action, EPA amends its complaint to include an unauthorized discharge, in violation of Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a).

Proposed penalty: Up to the statutory maximum of \$177,000.

Name of case: In the Matter of Town of North Providence, RI

Docket numbers: CWA-01-2009-0093

Date Amended Complaint Filed with Regional Hearing Clerk: December 1, 2009

Name, Mailing Address, and Telephone Number of Regional Hearing Clerk: Judy Lao-Ruiz, Acting Regional Hearing Clerk, U.S. EPA, Region I, One Congress Street, Suite 1100 (RCA), Boston, Massachusetts 02114; (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.