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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

Date of Notice: December 21, 2004

Public Notice Number: PN2004-0018

Comment Period: December 21, 2004 - January 19, 2005

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 $10,000 per violation per day for each day during which the violation continues. 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 to $11,000 per violation per day for each day during which the violation continues for violations occurring after January 31, 1997 up to a maximum penalty of $32,500. 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 Thibeault Corporation of N.E.

Name and Mailing Address of Respondent:
Thibeault Corporation of N.E.
Londonderry, NH

Name and Address of Facility or Site Addressed by Complaint:
Shepherd's Hill Residential Development
Kimball Road
Hudson, NH 03351

Description of Business or Activity Conducted by the Respondent:
Residential Development

Description of Violations Alleged in Complaint: Discharge of storm water without NPDES permit authorization

Proposed Settlement Penalty: $8,650

Name of Case: In the Matter of Thibeault Corporation of N.E.

Docket Number: CWA-01-2004-0091

Date Filed with Regional Hearing Clerk: December 20, 2004

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

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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).

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