

US EPA ARCHIVE DOCUMENT

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

Date of Notice: December 28, 2006

Public Notice Number: PN2006-0016

Comment Period: December 29, 2006 - January 29, 2007

Action: Notice of Proposed Assessment of Class II Clean Water Act Section 309(g)(2)(B) and Section 311(b)(6) Administrative Penalties and Opportunity to Comment

Under Sections 309(g) and 311(b)(6)(B)(ii) of the Clean Water Act (“CWA”), 33 U.S.C. §§ 1319(g) and 1321(b)(6)(B)(ii), EPA is authorized to assess a civil penalty for CWA violations 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 either Section 309(g)(2)(B) or 311(b)(6)(B)(ii) of the CWA, any person who violates certain provisions of the CWA 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 from January 31, 1997 through March 15, 2004, up to \$11,000 per violation per day for each day during which the violation continues, up to a maximum of \$137,500; and, for violations occurring 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.

For Class II administrative proceedings pursuant to either Section 309(g)(2)(B) or Section 311(b)(6)(B)(ii) of the CWA, the 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 Sections 309(g) and 311(b) of the CWA, EPA is providing public notice of the following proposed administrative penalty assessment:

In the Matter of: Peter Pan Bus Lines, Inc.

Name and Mailing Address of Respondent:

Peter Pan Bus Lines, Inc.
1776 Main Street
Springfield, MA 01103

Name and Address of Facility or Site Addressed by Complaint:

Peter Pan Bus Lines, Inc.
333 Third Street
Chelsea, MA 02150

Description of Business or Activity Conducted by the Respondent:

Respondent operates a fleet of commercial passenger buses, and related bus maintenance facilities in Springfield and Chelsea, Massachusetts.

Description of Violations Alleged in Complaint:

Failure to apply for a federal storm water discharge permit. Discharge of storm water without a federal storm water permit. Failure to prepare and fully implement a Spill Prevention Control and Countermeasure (“SPCC”) Plan, in violation of the Oil Pollution Prevention regulations issued pursuant to Section

311(j) of the CWA. Also, Clean Air Act vehicle idling violations in various locations in Massachusetts and Connecticut.

Proposed Settlement Penalty:

\$ 24,140 for the Clean Water Act storm water and SPCC violations, plus \$ 46,300 for unrelated Clean Air Act idling violations.

Name of Case: Peter Pan Bus Lines, Inc.

Docket Number: CAA-01-2007-0020, CWA-01-2007-0021

Date Filed with Regional Hearing Clerk: December 28, 2006

Name, Mailing Address, and Telephone Number of Regional Hearing Clerk:

Wanda I. Rivera, Regional Hearing Clerk
U.S. EPA, Region 1
One Congress Street – Suite 1100 (Mailcode RAA)
Boston, Massachusetts 02114-2023
(617) 918-1113

FOR FURTHER INFORMATION: Persons wishing to receive a copy of Part 22, review the consent agreement and proposed final order or other documents filed by the parties in this proceeding, comment upon the proposed CWA 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 proceeding under Sections 309(g) and 311(b) of the CWA that is proposed to be simultaneously commenced and settled pursuant to 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).