

US EPA ARCHIVE DOCUMENT

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

Date of Notice: April 17, 2014

Public Notice Number: PN2014 - 0002

Comment Period: April 18, 2014 – May 19, 2014

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 Section 309(g), the maximum civil penalties that may be administratively assessed have been increased as follows: For violations occurring after January 12, 2009 through December 6, 2013, up to \$16,000 per violation per day for each day during which the violation continues, up to a maximum of \$177,500; and for violations occurring after December 6, 2013, up to \$16,000 per violation per day for each day during which the violation continues, up to a maximum of \$187,500. 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: City of Attleboro, Massachusetts

Name and Address of Facility Addressed: Russell F. Tennant Water Treatment Facility located at 1296 West Street, Attleboro, Massachusetts

Description of Business or Activity Conducted by the Respondent: Municipal Drinking Water Facility

Description of Violation(s): Discharging storm water mixed with untreated supernatant containing pollutants, such as aluminum, through point sources into Orr's Pond, a navigable water of the United States, without authorization of an NPDES permit issued pursuant to Section 402 of the Clean Water Act, in violation of Section 301(a) of the Clean Water Act.

Proposed penalty: \$32,000

Name of case: In the Matter of City of Attleboro, Massachusetts

Docket numbers: Docket No. CWA-01-2013-0033

Date Consent Agreement and Final Order Lodged with Regional Hearing Clerk: April 14, 2014

Name, Mailing Address, and Telephone Number of Regional Hearing Clerk: Wanda Santiago, Regional Hearing Clerk, U.S. EPA, Region I, 5 Post Office Square, Suite 100 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 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)(2)(B) 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 10 days after the close of the public comment period in accordance with 40 C.F.R. § 22.45(b).