

US EPA ARCHIVE DOCUMENT

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

Date of Notice: 8/3/2012

Public Notice Number: PN2012-0015

Comment Period: August 6, 2012 – September 5, 2012

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 or on January 12, 2009 of up to \$11,000 per day for each day during which the violation continued, up to a maximum of \$125,000; and, for each violation occurring 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: the Town of Swansea, Massachusetts

Name and Mailing Address of Respondent:

Town of Swansea
81 Main Street
Swansea, MA 02777

Name and Address of Facility Addressed by Action:

Town of Swansea
81 Main Street
Swansea, MA 02777

Description of Business or Activity Conducted by the Respondent: Municipality

Description of Violation(s): Failure to submit or timely submit Annual Report(s) required by the National Pollutant Discharge Elimination System ("NPDES") General Permit for Storm Water Discharges from Small Municipal Separate Sewer Systems issued under Section 402 of the Clean Water Act, 33 U.S.C. § 1342.

Proposed penalty: \$1,500

Name of case: In the Matter of: the Town of Swansea, Massachusetts

Docket number: CWA-01-2011-0095

Date Filed with Regional Hearing Clerk: TBD

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

Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square, Suite 100 (ORA18-1)
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, 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).