



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
ONE CONGRESS STREET SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

June 17, 2010

BY HAND

Wanda Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency - Region I
5 Post Office Square – Suite 100
Mailcode ORA18-01
Boston, MA 02109-3912

Re: In the Matter of Crabtree Development, LLC, - Docket No. CWA-01-2010-0014

Dear Ms. Santiago,

Pursuant to 40 C.F.R. § 22.45, EPA is required to notify the public before assessing a civil penalty in any proceeding under Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g). Accordingly, EPA has provided the public the opportunity to comment on this matter beginning on June 15, 2010. EPA will receive public comment on the proposed penalty in this action through July 14, 2010.

Enclosed with this letter is a copy of the public notice which is to be included with the record for this case. The public notice is available on the internet at:

<http://www.epa.gov/region01/enforcement/water/public-notices.html>

In addition, pursuant to 40 C.F.R. § 22.5(b)(1)(iii), enclosed for filing in the above-referenced action, please find a copy of the “green cards” showing completion of service of the complaint in this matter to Crabtree Development, LLC, and to R.A. Powell Construction Corp.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joanna Jerison".

Joanna Jerison
Counsel for the Complainant

Enclosures

cc: Richard D. Roper, Crabtree Development, LLC
Steven R. Powell, R.A. Powell Construction Corp.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

Date of Notice: June 14, 2010

Public Notice Number: PN2010-0003

Comment Period: June 15, 2010 - July 14, 2010

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 with 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 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 between March 15, 2004 and January 12, 2009, up to \$11,000 per violation per day for each day during which the violation continues; and for violations occurring on or after January 13, 2009, up to \$16,000 per violation per day for each day during which the violation continues, up to a maximum total penalty of \$177,500. Proceedings are

Discharges From Construction Activities (“Construction General Permit” or “CGP”).

Proposed Penalty: Up to \$177,500

Name of Case: In the Matter of: Crabtree Development, LLC

Docket Number: CWA-01-2010-0014

Date Filed with Regional Hearing Clerk: June 10, 2010

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

Wanda I. Santiago, Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square, Suite 100 (ORA 18-1)
Boston, Massachusetts 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 in 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.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> Jennifer Garvey <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	B. Received by (Printed Name) Jennifer Garvey	C. Date of Delivery
1. Article Addressed to: <div style="border: 1px solid black; padding: 5px; width: fit-content;"> Steven R. Powell R.A. Powell Contruction Corp. 259 Leominster-Shirley Rd Lunenberg, MA 01462-1658 </div>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)	7009 2820 0002 4911 2311	
	PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> [Signature] <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	B. Received by (Printed Name)	C. Date of Delivery
1. Article Addressed to: <div style="border: 1px solid black; padding: 5px; width: fit-content;"> Richard D. Roper, Manager Crabtree Development, LLC 13 Fox Run Drive Ayer, MA 01432-5523 </div>	D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No PO Box 863 Ayer MA 01432	
2. Article Number (Transfer from service label)	7009 2820 0002 4911 2304	
	PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	