

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I
1 Congress Street
Suite 1100 - SES
Boston, MA 02114-2023

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BY HAND

October 4, 2007

Wanda Rivera
Regional Hearing Clerk
U.S. Environmental Protection Agency - Region I
One Congress Street, Suite 1100 (RCA)
Boston, MA 02114-2023

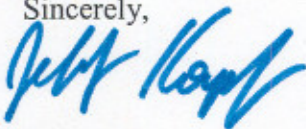
Re: Notice of CWA Administrative Penalty Complaint Issued to
Town of North Providence, Rhode Island
Docket No. CWA-01-2008-001

Dear Ms. Rivera:

Enclosed for filing in the above-referenced action, please find the original and one copy of an Administrative Complaint and Opportunity to Request a Hearing.

Thank you for your attention to this matter.

Sincerely,



for Tonia Bandrowicz
Senior Enforcement Counsel

Enclosure

cc: Charles A. Lombardi, Mayor
Anthony Gallone, Esq.
Stephen H. Burke, Esq.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

October 4, 2007

Dean Albro, Chief
Office of Compliance and Inspection
Rhode Island Department of
Environmental
235 Promenade Street
Providence, RI 02908-5767

Re: Notice of Class II Clean Water Act Administrative Complaint
Docket No. CWA-01-2008-001
Issued to Town of North Providence, Rhode Island

Dear Mr. Albro:

Pursuant to recent conversations my staff had with staff at the Rhode Island Department of Environmental Management, enclosed please find a copy of the Administrative Complaint which the U.S. Environmental Protection Agency, New England Region has issued to the Town of North Providence, Rhode Island.

If you wish to confer further on this matter or if you have any additional comments or questions, please call me at (617) 918-1734, or Dave Turin of the Regional Water Technical Section at (617) 918-1598.

Sincerely,

For Tonia Bandrowicz
Sr. Enforcement Counsel
Office of Environmental Stewardship
U.S. EPA

Enclosure

cc: Wanda Rivera, Regional Hearing Clerk

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

IN THE MATTER OF

Town of North Providence,
North Providence, Rhode Island

DOCKET NO. CWA-01-2008-001

Proposal to Assess
Administrative Penalty
Under Section 309(g) of
the Clean Water Act

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ADMINISTRATIVE COMPLAINT,
FINDINGS OF VIOLATION,
NOTICE OF PROPOSED ASSESSMENT OF
A CIVIL PENALTY, AND NOTICE OF OPPORTUNITY
TO REQUEST A HEARING THEREON

I. STATUTORY AUTHORITY

The following Findings are made and Notices given under the authority vested in U.S. Environmental Protection Agency ("EPA") by Section 309(g) of the Clean Water Act (the "Act"), 33 U.S.C. § 1319(g). The Complainant is the Director of the Office of Environmental Stewardship, EPA, Region 1.

II. FINDINGS OF VIOLATION

1. The Town of North Providence, Rhode Island ("Respondent" or the "Town") is a person within the meaning of Section 502(5) of the Act, 33 U.S.C. § 1362(5).
2. The Respondent owns and operates a wastewater collection system located in North Providence, Rhode Island.
3. Section 308(a) of the Act, 33 U.S.C. § 1318(a), authorizes EPA to require the submission of information whenever necessary for the purpose of carrying out the objectives of

the Act.

4. Pursuant to Section 308(a) of the Act, 33 U.S.C. § 1318(a), on May 16, 2007, EPA requested, in writing, that the Respondent submit information pertaining to its wastewater collection system and discharges from this system to EPA within 45 days of receipt of the written request (the "Information Request"). The Respondent received the Information Request on, or about, May 18, 2007; therefore a response was due no later than July 2, 2007. The Respondent failed to provide the requested information by this date in violation of Section 308 of the Act, 33 U.S.C. § 1318.

5. On August 10, 2007, EPA sent a letter to the Respondent informing the Town that EPA had not received a written response to its Information Request and reminding the Town that compliance with the requirements of the Information Request is mandatory. On August 17, 2007, EPA received a package of documents related to storm water control from the North Providence Planning and Zoning Department. These documents arrived without cover letter and were not responsive to EPA's Information Request.

6. To date, the Respondent has failed to provide the requested information, in violation of Section 308 of the Act, 33 U.S.C. § 1318.

7. Section 309(g)(1)(B) of the Act, 33 U.S.C. § 1319(g)(1)(B), authorizes EPA to assess Class II administrative penalties for violations of Section 308 of the Act, 33 U.S.C. § 1318.

III. NOTICE OF PROPOSED ORDER ASSESSING A CIVIL PENALTY

Based on the foregoing Findings of Violation, and pursuant to the authority of Section 309(g) of the Act, 33 U.S.C. § 1319(g), EPA hereby proposes to issue a Final Order Assessing Administrative Penalties to Respondent assessing a total penalty of five thousand dollars

(\$5,000) for the violation alleged in Section II for the period of noncompliance commencing on July 2, 2007 through the date of this complaint.

The proposed penalty amount was determined by EPA after taking into account the nature, circumstances, extent and gravity of the violations, the Respondent's prior compliance history, degree of culpability for the cited violations, any economic benefit or savings accruing to the Respondent by virtue of the violations, and Respondent's ability to pay the proposed penalty, all of which are factors identified at Section 309(g)(3) of the Act, 33 U.S.C. § 1319(g)(3).

IV. NOTICE OF OPPORTUNITY TO REQUEST A HEARING

Pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), Respondent may request a hearing on the proposed penalty assessment and, at the hearing, may contest any material fact contained in the Findings of Violation set forth in Section II above, and the appropriateness of the proposed penalty amount.

The requirements for requesting a hearing, and the procedures for the hearing, if one is requested, are set forth in the July 23, 1999 Consolidated Rules of Practice, found at 40 C.F.R. Part 22, a copy of which is enclosed herewith.

A request for a hearing must be incorporated into the Respondent's Answer to this Complaint, which must be filed with the Regional Hearing Clerk at the following address within thirty (30) days of receipt of the Complaint:

Wanda Rivera
Regional Hearing Clerk, RCA
U.S. Environmental Protection Agency
Region I
1 Congress Street, Suite 1100
Boston, Massachusetts 02114-2023

The Answer must comply with Section 22.15 of the enclosed Consolidated Rules of Practice.

Members of the public, to whom the EPA is obligated to give notice of this proposed action, will have a right under Section 309(g)(4)(B) of the Act, 33 U.S.C. § 1319(g)(4)(B), to comment on the proposal and to be heard and present evidence at the hearing.

Be advised that if the Respondent does not file a timely Answer to this Complaint, Respondent may be found in default. Default constitutes, for purposes of this action, an admission of all facts alleged in the Complaint and a waiver of Respondent's right to a hearing on such factual allegations.

V. QUICK RESOLUTION

Under Section 22.18(a) of the Consolidated Rules of Practice, the Respondent has the option of resolving this matter at any time by paying the penalty proposed in this Complaint in full. Please be advised, however, that because this case requires public notice pursuant to Section 22.45, the Respondent must wait until ten (10) days after the period for public comment has closed before submitting a penalty payment under the Quick Resolution provisions of the Consolidated Rules of Practice.

Payment of the penalty must be made by submitting a bank, cashier's or certified check payable to the "Treasurer, United States of America," to:

U.S. EPA, Region I
P.O. Box 360197M
Pittsburgh, PA 15251

Copies of the check must also be mailed to the Regional Hearing Clerk at the address above and to:

Tonia Bandrowicz
Senior Enforcement Counsel
One Congress Street
Suite 1100 (Mail Code: SEL)
Boston, MA 02114-2023

The penalty payment check must reference the title of this proceeding ("In the Matter of North Providence, Rhode Island) and its Docket Number ("CWA-01-2008-001").

If the Respondent pays the proposed penalty in full within thirty (30) days after receiving this Complaint, then the Respondent need not file an Answer to the Complaint. If the Respondent wishes to resolve this matter without having to file an Answer but needs additional time in which to do so, the Respondent may file a written statement with the Regional Hearing Clerk at the address above within thirty (30) days of receiving the Complaint. The written statement must specify that the Respondent agrees to pay the penalty within sixty (60) days of receipt of the Complaint. Failure to make such a payment within the sixty (60) days may subject the Respondent to a default action.

Neither assessment nor payment of an administrative penalty pursuant to this section of the Act shall affect the Respondent's continuing obligation to comply with the outstanding Request for information, any other terms of the Act, State or local wastewater discharge permits and other requirements, and with any separate Compliance Order(s) issued under Section 309(a) of the Act, 33 U.S.C. § 1319(a).

Date: 10/04/07

Susan Studlien
Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency
Region I
1 Congress Street, Suite 1100
Boston, Massachusetts 02114-2023