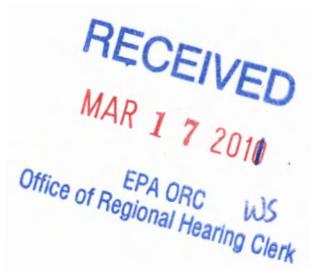




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region One

5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912



Martin Suuberg, Regional Director
Massachusetts Department of Environmental Protection, Central Region
627 Main Street
Worcester, Massachusetts 01608

Re: In the Matter of: Gallo Construction, Inc.,
Docket CWA-01-2011-0019

Dear Mr. Suuberg:

Enclosed is a copy of an Expedited Storm Water Settlement Agreement (the "Agreement") between Gallo Construction, owner and operator of the construction activity at the Bryn Mawr Development in Auburn, and the Environmental Protection Agency - Region I. This Agreement will simultaneously commence and conclude this action. Following a public notice period, the Agreement will be forwarded to the Regional Judicial Officer for signature. Under the terms of the Agreement, Gallo Construction will pay a penalty of \$1,250 for violations of the federal construction storm water permitting program at the Bryn Mawr site.

If you or your staff wish to confer further on this matter or have any additional comments or questions, please call Andrew Spejewski of the Water Technical Section at (617) 918-1014.

Sincerely,

A handwritten signature in black ink that reads "Denny Dart".

Denny Dart, Chief
Water Technical Unit

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

RECEIVED
MAR 17 2011
EPA ORG WS
Office of Regional Hearing Clerk

Date of Notice: March 18, 2011

Public Notice Number: PN2011-0005

Comment Period: March 21, 2011 – April 19, 2011

Action: Notice of Proposed Assessment of Class I Clean Water Act Section 309(g)(2)(A) 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 I proceedings under Section 309(g)(2)(A), 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 \$25,000. 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 in Class I proceedings 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, up to a maximum of \$32,500; 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 of \$37,500. 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:

Name of Case: In the Matter of: Gallo Construction

Name and Mailing Address of Respondent:

Gallo Construction
31 Gallair Circle
Holden, MA 01520

Name and Address of Facility or Site Addressed by Complaint:

Bryn Mawr Estates, Briarcliff Drive, Auburn, MA

Description of Business or Activity Conducted by Respondent:

Residential Development and Construction

Description of Violation(s) Alleged in Complaint: Violations of Construction Stormwater General Permit

Proposed Settlement Penalty: \$1,250

Docket Number: CWA-01-2011-0019

Date Filed with Regional Hearing Clerk: N/A

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
Mail Code: ORA18-1
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, Boston, Massachusetts, and the file will be open for public inspection during normal business hours.

Because this matter involves a CWA Section 309(g) proceeding that 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 ten (10) days after the close of the public comment period in accordance with 40 C.F.R. § 22.45(b) and (c).

