

1/26/24

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

Date of Notice: 1/26/24

Received by
EPA Region 1
Hearing Clerk

Public Notice Number: PN2024-000005

Comment Period: 1/26/24 to 2/26/24

Action: Notice of Proposed Assessment of Class II Civil Penalty and Notice of Opportunity for a Hearing under Section 311(b)(6)(B)(ii) of the Clean Water Act (CWA)

Under Section 311(b)(6) of the CWA, 33 U.S.C. §1321(b)(6) the United States Environmental Protection Agency (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 311(b)(6)(B)(ii), any person who violates certain provisions of the CWA may be assessed an administrative civil penalty of up to \$23,048 per day per violation for each day during which the violation continued, up to a maximum of \$288,080. 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 30 days after issuance of the public notice.

Pursuant to Section 311(b)(6), notice is hereby given of a proposed settlement recorded in a Consent Agreement and Proposed Final Order (“Proposed Consent Agreement”) between the U.S. Environmental Protection Agency, Region 1 and Central Maine & Quebec Railway US, Inc.

("Respondent"). Under the Proposed Consent Agreement, Respondent would pay a penalty of \$16,544 and donate emergency response equipment to the Jackman, Maine Volunteer Fire Department as a supplemental environmental project.

Name of Case: *In the Matter of: Central Maine & Quebec Railway US, Inc.*

Mailing Address of Respondent:

Central Maine & Quebec Railway US, Inc.
120 S. Sixth St., Ste. 700
Minneapolis, MN 55402

Description of Business or Activity Conducted by Respondent:

Central Maine & Quebec Railway US Inc. dba Canadian Pacific Kansas City ("Canadian Pacific") is a railroad transportation company that operates more than 12,500 miles of track in seven provinces of Canada and into the United States. Its rail network serves Minneapolis–St. Paul, Milwaukee, Detroit, Chicago, and Albany, New York, in the United States.

Description of Violation(s) Alleged in Agreement:

EPA alleges that Respondent discharged oil from derailed trains in violation of Section 311(b)(3) of the Clean Water Act, 33 U.S.C. § 1321(b)(3) on two separate occasions.

Location of Sites Addressed by Agreement:

Site #1: Railway track adjacent to State Route 16 and the Dead Stream in LaGrange, Maine.

Site #2: Railway track adjacent to an unnamed creek south of Little Brassua Lake in the Sandwich Academy Grant Township near Brassua, Maine.

Docket Number:

CWA-01-2024-0002

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: 4-MO
Boston, Massachusetts 02109-3912
(617) 918-1113
R1_Hearing_Clerk_Filings@epa.gov or santiago.wanda@epa.gov

We strongly encourage you to contact the Regional Hearing Clerk using either email address provided above or by calling her at (617) 918-1113. Please reference Docket No. CWA-01-2024-0002 in any comments submitted.

FOR FURTHER INFORMATION: Copies of Part 22 can be found at:

<https://ecfr.io/Title-40/Part-22>. Persons wishing to receive a copy of Part 22, review the proposed agreement 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. Documents in the public record for the proceeding will be provided electronically upon request.

Because this matter involves a CWA Section 311(b)(6)(B)(ii) 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).