

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2009 JUL 17 PM 1:26
REGIONAL HEARING
CLERK

DATE: JUN - 8 2009

SUBJECT: Public Notice

FROM: Douglas McKenna, Chief
Water Compliance Branch



TO: Patrick J. Harvey, Chief
Compliance Assistance and Program Support Branch

Please provide a Public Notice number for the attached Public Notice for the Proposed Administrative Penalty Assessment and Opportunity to Comment for Robinson Concrete, Inc., d/b/a Franklin Street Ready-Mix Facility, Robinson Concrete, Inc. Franklin Street Pit Sand and Gravel Mine, and Vitale Ready Mix Concrete, Inc., 3486 Franklin Street Rd., Auburn, New York 13021, CWA-02-2009-3404, to ensure that this is public noticed appropriately on the EPA web site.

Should you have any questions, please feel free to contact Justine Jaccoma at 212-637-4268.

Attachment

cc: Karen Maples, Regional Hearing Clerk

PUBLIC NOTICE:

NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENTS AND OPPORTUNITY TO COMMENT

AGENCY: United States Environmental Protection Agency (EPA)
Region 2
290 Broadway
New York, NY 10007

ACTION: Notice of Proposed Administrative Penalty Assessments and Opportunity to Comment

SUMMARY: EPA is providing notice of a proposed administrative penalty assessment for alleged violations of the Clean Water Act (Act). EPA is also providing notice of opportunity to comment on the proposed penalty assessment.

Under 33 U.S.C. §1319(g), EPA is authorized to issue Orders assessing civil penalties for various violations of the Act. EPA may issue such Orders after the commencement of a Class I or Class II penalty proceeding. EPA provides Public Notice of the proposed assessment pursuant to 33 U.S.C. §1319(g)(4)(A).

Administrative civil penalty proceedings are conducted under EPA's "Consolidated Rules of Practice Governing The Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders and the Revocation Termination or Suspension of Permits." 40 CFR Part 22. The procedures through which the public may submit written comment on a proposed administrative penalty action or participate in an administrative penalty proceeding, and the procedures by which a Respondent may request a Hearing, are set forth in the Consolidated Rules. The deadline for submitting public comment on this administrative civil penalty proceeding is thirty (30) days after issuance of this Public Notice.

On the date identified below, EPA commenced the following administrative action for the assessment of administrative civil penalties: In the Matter of Robinson Concrete, Inc., d/b/a Franklin Street Ready-Mix Facility, Robinson Concrete, Inc. Franklin Street Pit Sand and Gravel Mine, and Vitale Ready Mix Concrete, Inc., 3486 Franklin Street Rd. Auburn, New York 13021, CWA-02-2009-3404; issued on _____ and served on Regional Hearing Clerk Karen Maples, EPA Region 2, 290 Broadway, 16th Floor, New York, New York 10007 (212) 637-3110. The Complaint proposed a penalty of \$ 88,000 for unauthorized discharges from its facility, and for failure to apply for or obtain or adhere to the requirements of a State Pollutant Discharge Elimination System Multi Sector General Permit for Stormwater Discharges Associated with Industrial Activity at Robinson Concrete, Inc.'s ready mix and sand and gravel mine operations located at 3486 Franklin St. Rd. Auburn, New York 13021 as required by the storm water regulations.

FOR FURTHER INFORMATION: Persons wishing to receive a copy of EPA's Consolidated Rules or review documents filed in these proceedings, comment upon the proposed assessments, or otherwise participate in any of the proceedings, should contact the Regional Hearing Clerk Karen Maples, EPA Region 2, 290 Broadway, 16th Floor, New York, New York 10007 (212) 637-3110. Unless otherwise noted, the administrative record for these proceedings is located in the EPA Regional Office identified above, and the files will be open for public inspection during normal business hours. All information submitted by the Respondent is available as part of the administrative record, subject to provisions of law restricting public disclosure of confidential information.

Dated: **Dore LaPosta, Director**
Division of Enforcement and
Compliance Assistance