



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912

December 18, 2012

Wanda Santiago  
Regional Hearing Clerk  
U.S. Environmental Protection Agency - Region I  
5 Post Office Square, Suite 100 (ORA18-1)  
Boston, MA 02109-3912

BY HAND

RECEIVED  
DEC 18 2013  
EPA ORC  
Office of Regional Hearing Clerk

Re: In the Matter of Harbor Fuel Oil Corporation  
CWA-01-2012-0081  
Public Notice

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 311(b)(6)(B)(ii) of the Clean Water Act, 33 U.S.C. § 1321(b)(6)(B)(ii). Accordingly, EPA has provided the public the opportunity to comment on this matter beginning on December 18, 2012. EPA will receive public comment on the proposed penalty in this action through January 16, 2013.

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 also available at:

<http://www.epa.gov/region1/enforcement/water/public-notices.html>

Thank you for your attention to this matter.

Sincerely,

Tonia Bandrowicz  
Senior Enforcement Counsel  
EPA, Region 1

Enclosure (Public Notice)

cc: John J. Stackpole  
President, Harbor Fuel Oil Corporation  
10 Airport Road, P. O. Box 1400  
Nantucket, MA 02554

*In the Matter of: Harbor Fuel Oil Corporation*  
Docket No. CWA-01-2012-0081

**CERTIFICATE OF SERVICE**

I certify that the foregoing letter regarding the public notice comment period in the above-referenced case was transmitted to the following persons, in the manner specified, on the date below:


Original and one copy  
hand-delivered:

Wanda Santiago,  
Regional Hearing Clerk  
U.S. EPA – Region I  
5 Post Office Square, Suite 100  
Mail Code: ORA18-1  
Boston, MA 02109-3912

Copy by certified mail,  
return receipt requested:

John J. Stackpole  
President, Harbor Fuel Oil Corporation  
10 Airport Road, P. O. Box 1400  
Nantucket, MA 02554

Dated: December 18, 2012

  
\_\_\_\_\_  
Tonia Bandrowicz  
Senior Enforcement Counsel  
U.S. EPA – Region I  
5 Post Office Square, Suite 100  
Mail Code: OES04-3  
Boston, MA 02109-3912  
671-918-1734  
bandrowicz.toni@epa.gov

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1**

**Date of Notice:** December 17, 2012

**Public Notice Number:** PN2012-0021

**Comment Period:** December 18, 2012 - January 16, 2013

**Action:** Notice of Proposed Assessment of Class II Clean Water Act Section 311(b)(6) Administrative Penalty and Opportunity to Comment



Under Section 311(b)(6)(B)(ii) of the Clean Water Act (CWA), 33 U.S.C.

§ 1321(b)(6)(B)(ii), 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 with public notice of the proposed penalty and a reasonable opportunity to comment on its issuance. 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, in a Class II proceeding under 311(b)(6)(B)(ii) the maximum civil penalties that may be administratively assessed have been increased as follows: For violations occurring after January 12, 2009, up to \$16,000 per violation per day for each day during which the violation continues, up to a maximum of \$177,500. Class II proceedings are conducted in accordance with the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, and the Revocation, Termination 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 Class II penalty order or participate in a Class II penalty proceeding are set forth in Part 22. The deadline for submitting public comment on a proposed Class II penalty order is 30 days after issuance of public notice.

Pursuant to Section 311(b)(6)(B)(ii), EPA is providing public notice of the following proposed Class II administrative penalty assessment:

**Name and Mailing Address of Respondent:** Harbor Fuel Oil Corporation, 10 Airport Road, P. O. Box 1400, Nantucket, Massachusetts 02554.

**Name and Address of Facility or Site Addressed by Complaint:** Harbor Fuel Oil Corporation's facility located at the southwest corner of Salem Street and New Whale Street in Nantucket, Massachusetts.

**Description of Business or Activity Conducted by the Respondent:** Operation of fuel storage and distribution facility.

**Description of Violations alleged in Complaint subject to public comment:** Failure to comply with Oil Pollution Prevention regulations at 40 C.F.R. Part 112 in violation of Section 311(j) of the Clean Water Act, 33 U.S.C. § 1321, specifically, the Facility Response Plan regulatory requirements.

**Proposed penalty:** Up to the statutory maximum for violations occurring after January 12, 2009 of \$16,000 per day of violation, up to a maximum of \$177,500.

**Name of case:** In the Matter of: Harbor Fuel Oil Corporation

**Docket number:** CWA-01-2012-0081

**Date Filed with Regional Hearing Clerk:** November 29, 2012

**Name, Mailing Address, and Telephone Number of Regional Hearing Clerk:** Wanda Santiago, U.S. EPA, Region 1, 5 Post Office Square, Suite 100 (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.

In order to provide opportunity for public comment, EPA will not take final action in this proceeding prior to 30 days after issuance of this notice.



## Clean Water Act Public Notices - Proposed Administrative Penalty

In accordance with Sections 309(g)(4) and 311(b)(6)(C) of the Clean Water Act, EPA is hereby providing public notice of the following proposed administrative penalty assessments:

You will need Adobe Reader to view some of the files on this page. See [EPA's PDF page](#) to learn more about PDF, and for a link to the free Acrobat Reader.

Public Notice Archives
• <a href="#">2011</a>
• <a href="#">2010</a>
• <a href="#">2009</a>
• <a href="#">2008</a>
• <a href="#">2007</a>
• <a href="#">2006</a>
• <a href="#">2005</a>
• <a href="#">2004</a>

- December 17, 2012  
[In the Matter of: Harbor Fuel Oil Corporation \(PDF\)](#) (2 pp, 15K)
- September 26, 2012  
[In the Matter of: Shield Packaging Company, Inc. \(PDF\)](#) (3 pp, 15K)  
REVISED NOTICE - COMMENT PERIOD EXTENDED
- September 5, 2012  
[In the Matter of: Red Shield Acquisition LLC \(dba Old Town Fuel & Fiber\) \(PDF\)](#) (3 pp, 15K)
- August 28, 2012  
[In the Matter of: Strategic Materials, inc. \(PDF\)](#) (3 pp, 15K)
- August 22, 2012  
[In the Matter of: UniFirst Corporation \(PDF\)](#) (3 pp, 16K)
- August 3, 2012  
[In the Matter of: the Town of Braintree, MA \(PDF\)](#) (3 pp, 19K)
- August 3, 2012  
[In the Matter of: the Town of Swansea, MA \(PDF\)](#) (3 pp, 19K)
- August 1, 2012  
[In the Matter of: J&S Oil Company, Inc. \(PDF\)](#) (3 pp, 16K)
- June 27, 2012  
[In the Matter of: the Town of Wayland, MA \(PDF\)](#) (3 pp, 17K)
- June 20, 2012  
[In the Matter of: Albee Realty Trust \(PDF\)](#) (3 pp, 18K)
- June 5, 2012  
[In the Matter of: the Town of Sudbury, MA \(PDF\)](#) (3 pp, 17K)
- May 31, 2012  
[In the Matter of: The Miller Company, Inc. \(PDF\)](#) (3 pp, 18K)
- May 9, 2012  
[In the Matter of: Pleasant Acre Farms, LLC \(PDF\)](#) (3 pp, 18K)

- April 26, 2012 <http://www.epa.gov/region1/enforcement/water/public-notices.html>  
[In the Matter of: the Town of Wareham, MA \(PDF\)](#) (3 pp, 19K)
- April 26, 2012  
[In the Matter of: the Town of Mattapoisett, MA \(PDF\)](#) (3 pp, 19K)
- April 11, 2012  
[In the Matter of: the Town of Norton, MA \(PDF\)](#) (3 pp, 17K)
- March 21, 2012  
[In the Matter of: CSG Holdings, Inc. \(PDF\)](#) (3 pp, 18K)
- January 25, 2012  
[In the Matter of: the Town of Medway, MA \(PDF\)](#) (3 pp, 17K)
- January 18, 2012  
[In the Matter of: the Town of Boxford, MA \(PDF\)](#) (3 pp, 17K)
- January 18, 2012  
[In the Matter of: the Town of Westport, MA \(PDF\)](#) (3 pp, 17K)
- January 5, 2012  
[In the Matter of: the Town of Rollinsford, NH \(PDF\)](#) (3 pp, 17K)

EPA is authorized under Sections 309(g) and 311(b)(6) of the Clean Water Act to assess civil penalties after providing the persons subject to the penalty notice of the proposed penalty and an opportunity for a hearing, and after providing interested persons public notice of the proposed penalties and a reasonable opportunity to comment

The procedures by which the public may submit written comments on a proposed penalty order are set forth in 40 C.F.R. Part 22. Any person wishing to comment on a proposed penalty order must submit written comments to the Regional Hearing Clerk within thirty (30) days after issuance of this public notice. Also, please include the following information along with your comments and submit them in accordance with 40 C.F.R. Part 22: Your full name, mailing address, telephone number, e-mail address, and the EPA Docket Number for the case on which you are commenting.

Send your comments to:

[Wanda Santiago \(santiago.wanda@epa.gov\)](mailto:santiago.wanda@epa.gov)  
Regional Hearing Clerk  
U.S. EPA, Region 1  
5 Post Office Square  
Suite 100 (Mail Code: ORA18-1)  
Boston, MA 02109-3912  
Tel: 617-918-1113

Persons wishing to receive a hard copy of 40 C.F.R. Part 22, review the complaint or other documents filed by the parties in the proceeding, comment upon the proposed penalty assessment, or participate in any hearing that may be held should contact the Regional Hearing Clerk. Unless otherwise noted, the public record for the proceedings are located in the offices of EPA, Region 1, at 5 Post Office Square, Boston, Massachusetts. The public record is open for inspection during normal business hours.

Last updated on Monday, December 17, 2012