



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

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Office of Regional Hearing Clerk

October 27, 2011

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

Re: In the Matter of BOSFuel Corporation and Swissport Fueling, Inc., Boston, MA
CWA-01-2011-0123
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 October 3, 2011. EPA will receive public comment on the proposed penalty in this action through November 1, 2011.

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/region01/publicnotices/index.html>

Thank you for your attention to this matter.

Sincerely,

Tonia Bandrowicz
Senior Enforcement Counsel
EPA, Region 1

Enclosure (Public Notice)

cc:

Lloyd W. Landreth
Landreth Law Firm PLC
801 East B Street
Jenks, OK 74037-4307
Ph 918-296-0460
Fax 918-296-0404

**In the Matter of BOSFuel Corporation and Swissport Fueling, Inc.
CWA-01-2011-0123**

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:

Lloyd W. Landreth
Landreth Law Firm PLC
801 East B Street
Jenks, OK 74037-4307
Ph 918-296-0460
Fax 918-296-0404

Dated: _____

Tonia Bandrowicz
Senior Enforcement Counsel
U.S. EPA – Region I
5 Post Office Square, Suite 100
Mail Code: OES04-4
Boston, MA 02109-3912
671-918-1734
bandrowicz.toni@epa.gov



Actions Open for Public Comment

This page provides a summary of issues that EPA's New England regional office is seeking public input and comment on. The individual links will provide detailed information on each issue for which EPA is seeking comment, as well as information on when the comment period ends and how you can submit comments.

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.

Cleanup

There are no open public comment periods for Cleanup at this time.

[GE/Housatonic River Web Site](#) »

[Cleanup Web Site](#) »

Enforcement - Clean Water Act

[In the Matter of: the Town of Dudley, MA \(PDF\)](#) (3 pp, 17K)

Comment period: 10/18/11 - 11/17/11

[In the Matter of: the Town of Hopedale, MA \(PDF\)](#) (3 pp, 17K)

Comment period: 10/17/11 - 11/16/11

[In the Matter of: the Town of Lakeville, MA \(PDF\)](#) (3 pp, 19K)

Comment period: 10/12/11 - 11/14/11

[In the Matter of: the Town of Auburn, NH \(PDF\)](#) (3 pp, 19K)

Comment period: 10/12/11 - 11/14/11

[In the Matter of: Grimmel Industries, LLC \(PDF\)](#) (3 pp, 19K)

Comment period: 10/06/11 - 11/04/11

[In the Matter of: the Town of Hampden, MA \(PDF\)](#) (3 pp, 19K)

Comment period: 10/05/11 - 11/04/11

[In the Matter of: the Town of Groton, MA \(PDF\)](#) (3 pp, 19K)

Comment period: 10/05/11 - 11/04/11

[In the Matter of: the Town of Swansea, MA \(PDF\)](#) (3 pp, 17K)

Comment period: 10/4/11 - 11/3/11

[In the Matter of: BOSFuel Corporation and Swissport Fueling, Inc. \(PDF\)](#) (3 pp, 18K)

Comment period: 10/03/11 - 11/01/11

[In the Matter of: the Town of Lancaster, MA \(PDF\)](#) (2 pp, 2K)

Comment period: 09/30/11 - 10/31/11

[In the Matter of: the Town of Sturbridge, MA \(PDF\)](#) (3 pp, 17K)

Comment period: 09/29/11 - 10/31/11

[In the Matter of: the Town of Chatham, MA \(PDF\)](#) (3 pp, 17K)

Comment period: 09/28/11 - 10/28/11

[In the Matter of: the Town of Topsfield, MA \(PDF\)](#) (3 pp, 19K)

Comment period: 09/28/11 - 10/28/11

[In the Matter of: the Town of Newton, NH \(PDF\)](#) (3 pp, 19K)

Comment period: 09/26/11 - 10/26/11

[In the Matter of: the Town of Stow, MA \(PDF\)](#) (3 pp, 19K)

Comment period: 09/22/11 - 10/24/11

[In the Matter of: the Town of Plainville, MA \(PDF\)](#) (3 pp, 19K)

Comment period: 09/22/11 - 10/24/11

[In the Matter of: the Town of Rowley, MA \(PDF\)](#) (3 pp, 17K)

Comment period: 09/21/11 - 10/21/11

[In the Matter of: the Town of Lanesborough, MA \(PDF\)](#) (3 pp, 17K)

Comment period: 09/19/11 - 10/19/11

[Enforcement - Recent Clean Water Act Notices »](#)

No Discharge Zones

There are no open public comment periods for No Discharge Areas at this time.

[EPA's New England No Discharge Areas Web Site »](#)

NPDES

[OMYA, Inc., Proctor, VT \(PDF\)](#) (14 pp, 133K)

Comment period: 10/24/11 – 11/23/11

[OPK Biotech, LLC, Cambridge, MA \(PDF\)](#) (70 pp, 1MB)

Comment period: 10/20/11 – 11/18/11

[Newmarket WWTF, Newmarket, NH \(PDE\)](#) (70 pp, 1MB)

Comment period: 10/05/11 – 12/03/11

[Merrimack Station, Bow, NH](#)

Comment period: 09/30/11 – 11/30/11

[Crane and Company, Inc., Dalton, MA \(PDF\)](#) (42 pp, 12.7MB)

Comment period: 09/21/11 – 10/20/11

[Invensys Systems, Inc, Foxboro, MA \(PDF\)](#) (51 pp, 4.5MB)

[Public Notice Extension \(PDF\)](#) (3 pp, 19K)

Comment period: 08/03/11 – 09/15/11 (**Extended to 10/31/11**)

[NPDES Water Permit Program in New England Web Site »](#)

If you have general comments or questions for EPA that are not covered by these specific issues, please use our contact [EPA New England Web page for phone, fax, email and Web contact information](#).

Last updated on Monday, October 24, 2011

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

Date of Notice: September 30, 2011

Public Notice Number: PN2011-0023

Comment Period: October 3, 2011 – November 1, 2011

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 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. 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 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 \$157,500; and, 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 thirty (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 Respondents: BOSFuel Corporation c/o American Airlines, 4333 Amon Carter Blvd., Fort Worth, Texas, and Swissport Fueling, Inc., 45025 Aviation Drive, Suite 350, Dulles, Virginia.

Name and Address of Facility or Site Addressed by Complaint: BOSFuel Corporation's facility at Logan International Airport, 196 Prescott Street, Boston, Massachusetts.

Description of Business or Activity Conducted by the Respondents: 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, 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: BOSFuel Corporation and Swissport Fueling, Inc.

Docket numbers: CWA-01-2011-0123

Date Filed with Regional Hearing Clerk: September 27, 2011

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 thirty (30) days after issuance of this notice.

