

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

DATE: JAN 24 2014

SUBJECT: Public Notice

FROM: Douglas McKenna, Chief
Water Compliance Branch



TO: Barbara McGarry, Chief
Compliance Assistance and Program Support Branch

Please have the attached Public Notice for the Proposed Administrative Penalty Assessments and Opportunity to Comment for Dan's Supreme Super Markets, Inc. DBA Key Food (Docket No. CWA-02-2014-3301) published on the Region 2 water web page.

Attachment

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2014 JAN 27 P 3:47
REGIONAL HEARING
CLERK

bcc: Karen Maples, Regional Hearing Clerk
Doughlas McKenna, DECA-WCB
Philip Greco, DECA-WCB
Phyllis Feinmark, ORC-WGL
Eduardo Gonzalez, ORC-WGL
Barbara McGarry, DECA-CAPS

PUBLIC NOTICE:

NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND OPPORTUNITY TO COMMENT

AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)

ACTION: NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND OPPORTUNITY TO COMMENT

SUMMARY: EPA IS PROVIDING NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT FOR ALLEGED VIOLATIONS OF THE CLEAN WATER ACT. EPA IS ALSO PROVIDING NOTICE OF OPPORTUNITY TO COMMENT ON THESE 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 THESE PROPOSED ASSESSMENT PURSUANT TO 33 U.S.C. §1319(G)(4)(A).

CLASS I PROCEEDINGS ARE CONDUCTED UNDER EPA'S "CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES AND THE REVOCATION/TERMINATION OR SUSPENSION OF PERMITS", 40 CODE OF FEDERAL REGULATIONS PART 22. THE PROCEDURES THROUGH WHICH THE PUBLIC MAY SUBMIT WRITTEN COMMENT ON A PROPOSED CLASS I COMPLAINT OR PARTICIPATE IN A CLASS I 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 A PROPOSED CLASS I ORDER IS THIRTY (30) DAYS AFTER THE DATE OF PUBLICATION OF THIS PUBLIC NOTICE.

ON THE DATE IDENTIFIED BELOW, EPA COMMENCED THE FOLLOWING CLASS I PROCEEDING FOR THE ASSESSMENT OF PENALTIES: IN THE MATTER OF DAN'S SUPREME SUPER MARKETS, INC. DBA KEY FOOD. THE OWNER AND/OR OPERATOR OF THE FACILITY LOCATED AT 153-55 CROSS ISLAND PARKWAY, WHITESTONE, NEW YORK 11357, DOCKET NO. CWA-02-2014-3301; FILED ON DECEMBER 27, 2013 WITH REGIONAL HEARING CLERK KAREN MAPLES, U.S. EPA, REGION 2, 290 BROADWAY, 16 FLOOR, NEW YORK, NEW YORK 10007 (212) 637-3247; PROPOSED PENALTY: \$11,500.00, FOR DISCHARGE OF POLLUTANTS WITHOUT A STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) PERMIT PURSUANT TO SECTION 301 OF THE CLEAN WATER ACT.

FOR FURTHER INFORMATION: PERSONS WISHING TO RECEIVE A COPY OF EPA'S CONSOLIDATED RULES, REVIEW THESE COMPLAINTS OR OTHER DOCUMENTS FILED IN THESE PROCEEDINGS, COMMENT UPON THE PROPOSED ASSESSMENTS, OR OTHERWISE PARTICIPATE IN ANY OF THESE PROCEEDINGS, SHOULD CONTACT THE REGIONAL HEARING CLERK IDENTIFIED ABOVE. 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.

IN ORDER TO PROVIDE OPPORTUNITY FOR PUBLIC COMMENT, EPA WILL ISSUE NO FINAL ORDER ASSESSING A PENALTY IN THESE PROCEEDINGS PRIOR TO THIRTY (30) DAYS FROM THE DATE SPECIFIED BELOW.

**DATED: DORE LAPOSTA, DIRECTOR
DIVISION OF ENFORCEMENT AND
COMPLIANCE ASSISTANCE**