



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
5 Post Office Square, Suite 100  
Mail Code: OES04-4  
BOSTON, MASSACHUSETTS 02109-3912

August 7, 2012

**BY HAND**

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

Re: **In the Matter of: J&S Oil Company, Inc.**  
**Docket No. CWA-01-2012-0074**

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, on its website, EPA Region 1 has provided the public the opportunity to comment on this matter beginning on August 1, 2012. EPA will receive public comment on the proposed penalty in this action through August 31, 2012. Enclosed with this letter is a copy of the public notice which is to be included with the record for this case.

In addition, pursuant to 40 C.F.R. § 22.5(b)(1)(iii), enclosed for filing in the above-referenced action, please find a copy of the "green cards" showing completion of service of the Complaint in this matter to both the Registered Agent and President of J&S Oil Company.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey Kopf".

Jeffrey Kopf  
Counsel for the Complainant

Enclosures

cc Ms. Cassie Babb, J&S Oil Co., Inc.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature <input checked="" type="checkbox"/> <i>Philip G. Mohlar</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to:	B. Received by (Printed Name) Philip G. Mohlar	C. Date of Delivery AUG 02 2012
Philip G. Mohlar, Registered Agent J&S Oil Company P.O. Box 189 Skowhegan, ME 04976	D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)	Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
PS Form 3811, February 2004	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
	7011 1150 0002 0901 5467	
	Domestic Return Receipt	
	102595-02-M-1540	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature <input checked="" type="checkbox"/> <i>John Babb, Jr.</i>	<input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
1. Article Addressed to:	B. Received by (Printed Name) John Babb, Jr.	C. Date of Delivery 8/1/12
John Babb, Jr., President J&S Oil Company 867 Western Ave. Manchester, ME 04351	D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
PS Form 3811, February 2004	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
	7011 1150 0002 0901 5450	
	Domestic Return Receipt	
	102595-02-M-1540	

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1**

**Date of Notice:** August 1, 2012

**Public Notice Number:** PN2012 - 0016

**Comment Period:** August 2, 2012 – August 31, 2012

**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 public notice of the proposed penalty and a reasonable opportunity to comment on its issuance. Pursuant to 40 C.F.R. Part 19 (Adjustment of Civil Monetary 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 continued, up to a maximum of \$157,500; and, for violations occurring on or after January 12, 2009, up to \$16,000 per violation per day for each day during which the violation continued, 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 Respondent:** J&S Oil Company, Inc., 867 Western Avenue, Manchester, Maine

**Name and Address of Facilities or Sites Addressed by Complaint:** 867 Western Avenue, Manchester, Maine

**Description of Business or Activity Conducted by the Respondent:** Owns and operates a number of ventures throughout Maine related to motor vehicle service and fuel oil sales, including seven gas stations, two oil change garages, a wholesale fuel distribution service and a heating oil and propane delivery service.

**Description of Violations alleged in Complaint subject to public comment:** Failure to maintain and implement an adequate Spill Prevention, Control, and Countermeasure ("SPCC") Plan in violation of the Oil Pollution Prevention regulations and Section 311(j) of the Clean Water Act, 33 U.S.C. § 1321.

**Proposed penalty:** Up to the statutory maximum of \$11,000 per day of violation from March 15, 2004 through January 12, 2009, up to a maximum of \$157,500; and \$16,000 per day of violation on or after January 12, 2009, up to a maximum of \$177,500.

**Name of case:** In the matter of J&S Oil Co., Inc.

**Docket number:** CWA-01-2012-0074

**Date Filed with Regional Hearing Clerk:** July 30, 2012

**Name, Mailing Address, and Telephone Number of Regional Hearing Clerk:** Wanda Santiago, EPA Region 1, 5 Post Office Square Suite 100, Mail Code: ORA18-1, Boston, MA 02109-3912

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 Five Post Office Square, Suite 100, 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.