



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
5 Post Office Sq., Suite 100
BOSTON, MASSACHUSETTS 02109-3912

March 16, 2010

BY HAND

Wanda Santiago
Regional Hearing Clerk
U.S. EPA, Region I
5 Post Office Sq., Suite 1100
Mail Code: ORA18-1
Boston, MA 02109-3912

RE: **In the Matter of: Charles River Pollution Control District**
Docket No. CWA-01-2011-0020

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 309(g)(4) of the Clean Water Act, 33 U.S.C. § 1319(g)(4). Accordingly, EPA has provided the public the opportunity to comment on this matter beginning on March 14, 2011. EPA will receive public comment on the proposed penalty in this action through April 12, 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 available on the internet at:

<http://www.epa.gov/region01/enforcement/water/public-notices.html>

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 card showing completion of service of the complaint in this matter to the District.

Sincerely,

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

Jeffrey Kopf
Senior Enforcement Counsel
EPA Region 1

Enclosures

cc Cheri Cousens, P.E., Executive Director, CRPCD

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

Date of Notice: March 11, 2011

Public Notice Number: PN2011-0002

Comment Period: March 14, 2011 – April 12, 2011

Action: Notice of Proposed Assessment of Class II Clean Water Act Section 309(g)(2)(B) Administrative Penalties and Opportunity to Comment

Under Section 309(g) of the Clean Water Act, 33 U.S.C. § 1319(g), 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. In Class II proceedings under Section 309(g)(2)(B), any person who violates certain provisions of the Clean Water Act may be administratively assessed a civil penalty of up to \$10,000 per violation per day for each day during which the violation continues, up to a maximum of \$125,000. 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, 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; and for violations occurring on or after January 13, 2009, up to \$16,000 per violation per day for each day during which the violation continues, up to a maximum total penalty of \$177,500. Proceedings are

Name, Mailing Address, and Telephone Number of Regional Hearing Clerk:

Wanda Santiago, Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Sq., Suite 100 (Mail Code: 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.

UNITED STATES POST OFFICE BOSTON MA 02111

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• Sender: Please print your name, address, and ZIP+4 in this box •

Jeff Kopf, (AES044)
U.S. EPA - Region 1
Office of Env. Stewardship
5 Post Office Square - suite 100
Boston, MA 02109-3912



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <i>Cheri Cousens</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (<i>Printed Name</i>)</p> <p>C. Date of Delivery</p>
<p>1. Article Addressed to: Ms. Cheri Cousens, P.E. Executive Director Charles River Pollution Control District Medway, MA 02053</p>	<p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No <i>District</i></p> <p>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.</p> <p>4. Restricted Delivery? (<i>Extra Fee</i>) <input type="checkbox"/> Yes</p>

2. Article Number

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