

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

Date of Notice: August 19, 2016

Public Notice Number: PN2016-0007

Comment Period: August 20, 2016 – September 19, 2016

Action: Notice of Proposed Assessment of Class II Clean Water Act Section 309(g)(2)(B) and 311(b)(6)(B)(ii) Administrative Penalties and Opportunity to Comment

Under Sections 309(g) and 311(b)(6) of the Clean Water Act, 33 U.S.C. §§ 1319(g) and 1321(b)(6), 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. 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 twenty thousand six hundred twenty-eight dollars (\$20,628) per day per violation for each day during which the violation continued, up to a maximum of two hundred fifty-seven thousand eight hundred forty-eight dollars (\$257,848). In Class II proceedings under Section 311(b)(6)(B)(ii), any person who violates certain provisions of the Clean Water Act may be administratively assessed a civil penalty of up to seventeen thousand eight hundred sixteen dollars (\$17,816) per day per violation for each day during which the violation continued, up to a maximum of two hundred twenty-two thousand six hundred ninety-five dollars (\$222,695). 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,” found at 40 C.F.R. Part 22 (“Part 22”).

The procedures by which the public may submit written comments on a proposed penalty order or participate in a penalty proceeding are set forth in Part 22. The deadline for submitting public comment on a proposed penalty order is thirty (30) days after issuance of public notice.

Pursuant to Section 309(g) and 311(b)(6), EPA is providing public notice of the following proposed administrative penalty assessment:

In the Matter of: Great Bay Marine Inc., CWA-01-2016-0066

Name and Mailing Address of Respondent:

Great Bay Marine Inc.
61 Beane Ln
Newington, NH 03801

Name and Address of Facility or Site Addressed by Complaint:

Great Bay Marine Inc.
61 Beane Ln
Newington, NH 03801

Description of Business or Activity Conducted by the Respondents:

Marina and boat storage and repair yard where boats are serviced and washed.

Description of Violation Alleged in Complaint: (1) discharged untreated wastewater containing pollutants into navigable waters of the United States without authorization; (2) discharged stormwater not in compliance with the terms and conditions of the National Pollutant Discharge Elimination System (“NPDES”) permit and (3) failure to fully implement a Spill Prevention Control and Countermeasure (“SPCC”) Plan in accordance with the Oil Pollution Prevention regulations set forth at 40 C.F.R. Part 112.

Proposed Penalty: Penalty of \$50,000 plus implementation of an Oyster Restoration Supplemental Environmental Project valued at \$95,000.

Name of Case: In the Matter of: Great Bay Marine Inc.

Docket Number: CWA-01-2016-0066

Date Filed with Regional Hearing Clerk: N/A

Name, Mailing Address, and Telephone Number of Regional Hearing Clerk: Wanda Santiago, Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 1, 5 Post Office Square, Suite 100, Mail Code ORA18-1, Boston, MA 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, Suite 100, Boston, Massachusetts, and the file will be open for public inspection during normal business hours.

Because this matter involves CWA Sections 309(g) and 311(b)(6) proceedings that are proposed to be simultaneously commenced and settled under 40 C.F.R. § 22.13(b), this matter will not be resolved or settled until ten (10) days after the close of the public comment period in accordance with 40 C.F.R. §§ 22.45(b) and (c).