

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

Date of Notice: September 28, 2018

Public Notice Number: PN2018-0007

Comment Period: October 1, 2018 – October 30, 2018

Action: Notice of Proposed Assessment of Class I Clean Water Act Section 309(g)(2)(A) 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 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 I proceedings under Section 309(g)(2)(A), 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 \$25,000. 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 in Class I proceedings have been increased up to \$21,393 per violation per day for each day during which the violation continues, up to a maximum penalty of \$53,484. Proceedings are conducted in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation 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 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), EPA is providing public notice of the following proposed administrative penalty assessment:

Name of Case: In the Matter of: J &F Marinella Development Corporation

Name and Mailing Address of Respondent:

J &F Marinella Development Corporation
26 Tia Place
P.O. Box 623
Franklin, MA 02038

Name and Address of Facility or Site Addressed by Agreement:

Cobbler's Knoll
Chocolog Road
Uxbridge, MA

Description of Business or Activity Conducted by Respondent:

Residential Home Development

Description of Violation(s) Alleged in Agreement: Failure to have proper erosion controls, including a lack of stabilization for the entire winter on portions of the site and not completing detention basin before beginning work on the rest of the site; failure to have SWPPP available on site; and failure to document all erosion control inspections.

Proposed Settlement Penalty: \$6,900

Docket Number: CWA-01-2018-0031

Date Filed with Regional Hearing Clerk: N/A

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

Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square - Suite 100
Mail Code: ORC04-6
Boston, Massachusetts 02109-3912
(617) 918-1113

FOR FURTHER INFORMATION: Persons wishing to receive a copy of Part 22, review the proposed agreement 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.

Because this matter involves a CWA Section 309(g) proceeding that is 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).