

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I**

**Date of Notice:** September 28, 2016

**Public Notice Number:** PN2016 - 0008

**Comment Period:** September 29, 2016 – October 28, 2016

**Action:** Notice of Proposed Amended Assessment of Class II Clean Water Act Section 309(g) Administrative Penalty and Opportunity to Comment

Under Section 309(g) of the Clean Water Act (“CWA”), 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 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). Class II proceedings are conducted in accordance with the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, 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 309(g), EPA is providing public notice of the following proposed amended Class II administrative penalty assessment:

**Name and Mailing Address of Respondent:**

Billings Diesel & Marine Services, Inc., 72 Moose Island Road, Stonington, Maine.

**Name and Address of Facility Addressed by Consent Agreement and Final Order:**

Facility located at 72 Moose Island Road, Stonington, Maine.

**Description of Business or Activity Conducted by the Respondent:**

Full service marina and boat maintenance, repair, and storage facility.

**Description of Violation(s):**

Discharge of untreated process wastewater from marine rail bottom-washing of boats containing pollutants into navigable waters of the United States without authorization of a permit in violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

**Proposed penalty:** \$41,000

**Name of case:** In the Matter of Billings Diesel & Marine Services, Inc.

**Docket numbers:** Docket No. CWA-01-2016-0071

**Date Consent Agreement Lodged with Regional Hearing Clerk:** N/A

**Name, Mailing Address, and Telephone Number of Regional Hearing Clerk:** Wanda Santiago, Regional Hearing Clerk, U.S. EPA, Region I, 5 Post Office Square, Suite 100 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 One Congress Street, Boston, Massachusetts, and the file will be open for public inspection during normal business hours.

Because this matter involves a CWA Section 309(g)(2)(B) proceeding which 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 10 days after the close of the public comment period in accordance with 40 C.F.R. § 22.45(b).