

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

Date of Notice: July 13, 2017

Public Notice Number: PN2017-0002

Comment Period: July 14, 2017 – August 14, 2017

Action: Notice of Proposed Assessment of Class II Civil Penalty and Notice of Opportunity for a Hearing under Sections 309(g) and 311(b)(6) of the Clean Water Act (CWA)

Under Sections 309(g) and 311(b)(6) of the CWA, 33 U.S.C. §§ 1319(g) and 1321(b)(6), the United States Environmental Protection Agency (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 CWA may be administratively assessed a civil penalty of up to \$20,965 per day per violation for each day during which the violation continued, up to a maximum of \$262,066. In Class II proceedings under Section 311(b)(6)(B)(ii), any person who violates certain provisions of the CWA may be administratively assessed a civil penalty of up to \$18,107 per day per violation for each day during which the violation continued, up to a maximum of \$226,338. 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 30 days after issuance of the public notice.

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

Name of Case: In the Matter of P.J. Keating Company

Name and Mailing Address of Respondent:

P.J. Keating Company
999 Reservoir Road
Lunenburg, MA 01462

Name and Address of Facility or Site Addressed by Agreement:

P.J. Keating Company
72 South Main Street
Acushnet, MA 02743

Description of Business or Activity Conducted by Respondent:

Respondent owns and/or operates a facility that mines stone and gravel, conducts trap rock quarrying, processes sand, gravel, and stone, and produces concrete asphalt.

Description of Violation(s) Alleged in Agreement:

EPA alleges that Respondent: (1) failed to comply with specific effluent limits in the facility's National Pollutant Discharge Elimination System ("NPDES") permit in violation of CWA, Section 301(a), and 40 C.F.R. Part 122; (2) failed to comply with specific stormwater pollution prevention requirements in its NPDES permit in violation of CWA, Section 301(a) and 40 C.F.R. Part 122; and (3) failed to comply with CWA, Section 311(j), and the Oil Pollution Prevention regulations set forth at 40 C.F.R. Part 112.

Proposed Settlement Penalty: \$140,000

Docket Number: CWA-01-2017-0059

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: ORA18-1
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 Sections 309(g) and 311(b)(6) 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).