

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

Date of Notice: 4/28/23

Public Notice Number: PN2023-000004

Comment Period: 4/28/23 thru 5/29/23

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 \$25,847 per day per violation for each day during which the violation continued, up to a maximum penalty of \$64,618. 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 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: Captain Joseph J. O'Connell Co., Inc.*

Name and Mailing Address of Respondent:

Captain Joseph J. O'Connell Co., Inc.
180 River Street
Fall River, MA 02720

Name and Address of Facility or Site Addressed by Agreement:

Captain Joseph J. O'Connell Co., Inc.
180 River Street
Fall River, MA 02720

Description of Business or Activity Conducted by Respondent:

Captain Joseph J. O'Connell Co., Inc. operates a marina boat yard for the winterization, storage, washing, sale, and repair of private boats and yachts in Fall River, MA.

Description of Violation(s) Alleged in Agreement:

Failed to comply with the Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) including:

- Failure to maintain exposure minimization practices and failure to eliminate non-stormwater discharges;
- Failure to conduct routine facility inspections, benchmark monitoring and failure to monitor from all outfalls;
- Failure to prepare and fully implement an accurate Stormwater Pollution Prevention Plan (SWPPP);

Proposed Settlement Penalty: \$16,875

Docket Number: CWA-01-2023-0051

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: 4-OM
Boston, Massachusetts 02109-3912
(617) 918-1113
R1_Hearing_Clerk_Filings@epa.gov or Santiago.Wanda@epa.gov

We strongly encourage you to contact the Regional Hearing Clerk using either email address provided above or by calling her at (617) 918-1113. Please reference Docket No. CWA-01-2023-0051 in any comments submitted.

FOR FURTHER INFORMATION: Copies of Part 22 can be found at: <https://ecfr.io/Title-40/Part-22>. 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. Documents in the public record for the proceeding will be provided electronically upon request.

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 10 days after the close of the public comment period in accordance with 40 C.F.R. § 22.45(b) and (c).