

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

Date of Notice: December 21, 2018

Public Notice Number: PN2018-0010

Comment Period: December 26, 2018 – January 24, 2019

Action: Notice of Proposed Assessment of Class II Civil Penalty under Section 309(g)(2)(B) of the Clean Water Act and Opportunity to Comment

Under Section 309(g) of the Clean Water Act (“CWA”), 33 U.S.C. § 1319(g), 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 \$21,393 per day per violation for each day during which the violation continued, up to a maximum of \$267,415. 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 30 days after issuance of the public notice.

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

Name of Case: In the Matter of Marblehead Trading Company

Name and Mailing Address of Respondent:

Marblehead Trading Company
89 Front Street
Marblehead, MA 01945

Name and Address of Facilities or Sites Addressed by Agreement:

Marblehead Trading Company
3 Beacon Street
Marblehead, MA 01945

Description of Business or Activity Conducted by Respondent:

Marblehead Trading Company is a private marina that provides boat storage and maintenance and repair services. Maintenance provided to boats in the facility include mechanical services, painting, and pressure washing.

Description of Violation(s) Alleged in Agreement:

EPA alleges that Respondent: (1) discharged stormwater not in compliance with the terms and conditions of its National Pollutant Discharge Elimination System (“NPDES”) permit.

Proposed Settlement Penalty: \$15,000

Docket Number: CWA-01-2019-0008

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: ORC 04-6
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).