

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1**

**Date of Notice: 12/22/2020**

**Public Notice Number: PN2021-0003**

**Comment Period: 12/23/2020 – 1/22/2021**

**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), the U.S. 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 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 \$22,320 per day per violation for each day during which the violation continued, up to a maximum penalty of \$55,800. 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: Egan Development, LLC*

**Name and Mailing Address of Respondent:**

Egan Development, LLC  
6 Pasture Lane  
Whitman, MA 02382

**Name and Address of Facility or Site Addressed by Agreement:**

Heritage Park  
Hogg Memorial Drive  
Whitman, MA 02382

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

Respondent is a developer, operating the Heritage Park residential development site under construction in Whitman, MA.

**Description of Violation(s) Alleged in Agreement:**

Respondent failed to submit a Notice of Intent for coverage under EPA's National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Construction Activities (CGP).

**Proposed Settlement Penalty:** \$7,200

**Docket Number:** CWA-01-2021-0010

**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: 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).