

**PUBLIC NOTICE: 22-07**

**February 13, 2007**

**NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENTS AND  
OPPORTUNITY TO COMMENT**

**AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)**

**ACTION: NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENTS  
AND OPPORTUNITY TO COMMENT**

**SUMMARY: EPA IS PROVIDING NOTICE OF A PROPOSED ADMINISTRATIVE  
PENALTY ASSESSMENT FOR ALLEGED VIOLATIONS OF THE CLEAN WATER  
ACT. EPA IS ALSO PROVIDING NOTICE OF OPPORTUNITY TO COMMENT ON  
THE PROPOSED PENALTY ASSESSMENT.**

**UNDER 33 U.S.C.§1319(G), EPA IS AUTHORIZED TO ISSUE ORDERS  
ASSESSING CIVIL PENALTIES FOR VARIOUS VIOLATIONS OF THE ACT. EPA  
MAY ISSUE SUCH ORDERS AFTER THE COMMENCEMENT OF A CLASS I OR  
CLASS II PENALTY PROCEEDING. EPA PROVIDES PUBLIC NOTICE OF THE  
PROPOSED ASSESSMENT PURSUANT TO 33 U.S.C.§1319(G)(4)(A).**

**CLASS I PROCEEDINGS ARE CONDUCTED UNDER EPA'S  
'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', 40 CFR PART 22. THE PROCEDURES THROUGH WHICH THE PUBLIC MAY SUBMIT WRITTEN COMMENT ON A PROPOSED CLASS I COMPLAINT OR PARTICIPATE IN A CLASS I PROCEEDING, AND THE PROCEDURES BY WHICH A RESPONDENT MAY REQUEST A HEARING, ARE SET FORTH IN THE CONSOLIDATED RULES. THE DEADLINE FOR SUBMITTING PUBLIC COMMENT ON A PROPOSED CLASS I ORDER IS THIRTY (30) DAYS AFTER ISSUANCE OF PUBLIC NOTICE.**

**ON THE DATE IDENTIFIED BELOW, EPA COMMENCED THE FOLLOWING CLASS I PROCEEDINGS FOR THE ASSESSMENT OF PENALTIES: IN THE MATTER OF OCTAGON PARK APARTMENTS, 888 MAIN STREET, ROOSEVELT ISLAND, NEW YORK 10044, DOCKET NO. CWA-02-2007-3407; PROPOSED PENALTY: \$14,350 FOR FAILURE TO RETAIN A STORM WATER POLLUTION PREVENTION PLAN (SWPPP) ON SITE, FAILURE TO PERFORM AND DOCUMENT INSPECTIONS AT LEAST ONCE EVERY SEVEN (7) DAYS, AND FAILURE TO MAINTAIN AN INSPECTION LOGBOOK AS REQUIRED BY THE STORM WATER REGULATIONS.**

**FOR FURTHER INFORMATION: PERSONS WISHING TO RECEIVE A COPY OF EPA'S CONSOLIDATED RULES, REVIEW THE COMPLAINT OR OTHER DOCUMENTS FILED IN THESE PROCEEDINGS, COMMENT UPON THE PROPOSED ASSESSMENTS, OR OTHERWISE PARTICIPATE IN ANY OF THE**

**PROCEEDINGS, SHOULD CONTACT MR. PHILIP LI, U.S. EPA, REGION II, 290 BROADWAY, 20<sup>TH</sup> FLOOR, NEW YORK, N.Y. 10007 (212) 637-3920. UNLESS OTHERWISE NOTED, THE ADMINISTRATIVE RECORD FOR THESE PROCEEDINGS IS LOCATED IN THE EPA REGIONAL OFFICE IDENTIFIED ABOVE, AND THE FILES WILL BE OPEN FOR PUBLIC INSPECTION DURING NORMAL BUSINESS HOURS. ALL INFORMATION SUBMITTED BY THE RESPONDENT IS AVAILABLE AS PART OF THE ADMINISTRATIVE RECORD, SUBJECT TO PROVISIONS OF LAW RESTRICTING PUBLIC DISCLOSURE OF CONFIDENTIAL INFORMATION.**

**EPA HAS PROVIDED THE RESPONDENT WITH AN EXPEDITED SETTLEMENT OFFER IN AN EFFORT TO PROMPTLY SETTLE THIS MATTER. IN ORDER TO PROVIDE OPPORTUNITY FOR PUBLIC COMMENT, EPA WILL TAKE FINAL ACTION IN THIS PROCEEDING PRIOR TO THIRTY (30) DAYS AFTER ISSUANCE OF THIS NOTICE.**

**DORE LAPOSTA, DIRECTOR  
DIVISION OF ENFORCEMENT AND  
COMPLIANCE ASSISTANCE**