

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
290 BROADWAY
NEW YORK, N.Y. 10007-1866**

Comment Period Open Until: 30 DAYS FROM DATE OF NOTICE

Action: Notice of Proposed Assessment of Class II Clean Water Act Section 311

Administrative Penalty and Opportunity to Comment

EPA is authorized under Section 311(b) (6) of the Clean Water Act, 33 U.S.C. §1321(b) (6), 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. Under Section 311(b)(6) of the Clean Water Act, any owner, operator, or person in charge of a vessel, onshore facility, or offshore facility who fails or refuses to comply with any regulation that has been issued under Section 311(j) of the Clean Water Act, 33 U.S.C. §1321(j) may be administratively assessed a civil penalty of up to \$157,500 by EPA. Class II proceedings under Section 311(b) (6) of the Clean Water Act are conducted in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits" (Consolidated Rules) found in 64 Federal Register 40176 et seq., (July 23, 1999).

The procedures by which the public may submit written comments on a proposed Class II penalty order or participate in a Class II penalty proceeding are set forth in the Consolidated Rules. The deadline for submitting public comment on a proposed Class II order is thirty days after issuance of public notice.

Pursuant to Section 311(b) (6) (C) of the Clean Water Act, 33 U.S.C. § 1321(b) (6) (C), EPA is providing public notice of the following proposed Class II administrative penalty assessment: Name and Address of Respondent: ZIEGLER CHEMICAL AND MINERAL CORPORATION, 366 NORTH BROADWAY, SUITE 210, JERICHO, NY 11753. Location of Alleged Violations: ZIEGLER CHEMICAL AND MINERAL CORPORATION, 600 PROSPECT AVENUE, PISCATAWAY, NEW JERSEY 08854. Nature of Alleged Violations: FAILURE TO PREPARE AN SPCC PLAN IN ACCORDANCE WITH 40 CFR §112.7, IN VIOLATION OF 40 CFR §112.3(a); FAILURE TO FULLY IMPLEMENTED AN SPCC PLAN AT THE FACILITY, IN VIOLATION OF 40 CFR §112.3(a); FAILURE TO HAVE A PROFESSIONAL ENGINEER CERTIFY THE SPCC PLAN AS REQUIRED BY 40 CFR §112.3(D); FAILURE TO MAINTAIN A COPY OF THE PLAN AT THE FACILITY AND HAVE THE PLAN AVAILABLE FOR ON-SITE REVIEW DURING NORMAL WORKING HOURS AS REQUIRED BY 40 CFR §112.3(E); FAILURE TO AMEND THE SPCC PLAN FOLLOWING A CHANGE IN THE FACILITY DESIGN, CONSTRUCTION, OPERATION, OR MAINTENANCE THAT MATERIALLY AFFECTS ITS POTENTIAL FOR A DISCHARGE AS REQUIRED BY 40 CFR §112.5(A); S FAILURE TO COMPLETE A REVIEW AND EVALUATION OF THE SPCC PLAN AT LEAST ONCE EVERY FIVE YEARS AND DOCUMENT THE COMPLETION OF THE REVIEW AND EVALUATION IN THE PLAN AS REQUIRED BY 40 CFR §112.5(B). Proposed Penalty: \$107,200. Name of Case: ZIEGLER CHEMICAL AND MINERAL CORPORATION, 366 NORTH BROADWAY SUITE 210, JERICHO, NY 11753. Docket Number: CWA-02-2008-3801. Date Filed with Regional Hearing Clerk: FEBRUARY 13, 2008. Name, Mailing Address, and Telephone Number of

Regional Hearing Clerk:

**KAREN MAPLES
REGIONAL HEARING CLERK
REGION II
U.S. ENVIRONMENTAL PROTECTION AGENCY
290 BROADWAY - 16th Floor
NEW YORK, N.Y. 10007
(212) 637-3247**

FOR FURTHER INFORMATION: Persons wishing to receive a copy of the Consolidated Rules, review the Complaint 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. The public record for the proceeding is located in the EPA Regional Office at the above address, and the file will be open for public inspection during normal business hours. It is recommended that you telephone before visiting the EPA Region II office.