

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

Date of Notice: November 4, 2015

Public Notice Number: PN2015-0009

Comment Period: November 5, 2015 – December 4, 2015

Action: Notice of Proposed Assessment of Class II Clean Water Act Section 311(b)(6) Administrative Penalty and Opportunity to Comment

Under Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g), EPA is authorized to assess a civil penalty after providing the person subject to the penalty with notice of the proposed penalty and the opportunity for a hearing, and after providing interested persons with public notice of the proposed penalty and a reasonable opportunity to comment on its issuance. Pursuant to 40 C.F.R. Part 19 (Adjustments of Civil Penalties for Inflation) promulgated pursuant to the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, in a Class II proceeding under 309(g), the maximum civil penalties that may be administratively assessed have been increased as follows: For violations occurring after January 12, 2009 through December 6, 2013, up to \$16,000 per violation per day for each day during which the violation continues, up to a maximum of \$177,500, and for violations occurring after December 6, 2013, up to \$16,000 per violation per day for each day during which the violation continues, up to a maximum of \$187,500. Class II 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,” at 40 C.F.R. Part 22 (“Part 22”).

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 Part 22. The deadline for submitting public comment on a proposed Class II penalty order is 30 days after issuance of public notice.

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

Name and Mailing Address of Respondent: Town of Sunapee, 22 Edgemont Road, Sunapee, New Hampshire.

Name and Address of Facility or Site Addressed by Complaint: Sunapee Wastewater Treatment Plant located on Treatment Plant Road (Route 11) Sunapee, New Hampshire.

Description of Business or Activity Conducted by the Respondent: Operation of wastewater treatment facility.

Description of Violations alleged in Complaint subject to public comment: Town of Sunapee discharged sewage sludge from its wastewater treatment facility into a navigable water of the United States without authorization of a National Pollutant Discharge Elimination System (“NPDES”) permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342; and (2) improperly operated its wastewater treatment facility in noncompliance with its NPDES permit, both violations of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

Proposed penalty: Not to exceed the statutory maximum for violations occurring after January 12, 2009 through December 6, 2013 of \$16,000 per day of violation (up to a maximum of \$177,500), and up to the statutory maximum for violations occurring after December 6, 2013 of \$16,000 per violation (up to a maximum of \$187,500).

Name of case: In the Matter of Town of Sunapee, New Hampshire.

Docket number: CWA-01-2016-0006

Date Filed with Regional Hearing Clerk: November 3, 2015

Name, Mailing Address, and Telephone Number of Regional Hearing Clerk: Wanda Santiago, U.S. EPA, Region 1, 5 Post Office Square, Suite 100 (ORA18-1), Boston, Massachusetts 02109-3912; (617) 918-1113.

FOR FURTHER INFORMATION: Persons wishing to receive a copy of Part 22, 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. 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.

In order to provide opportunity for public comment, EPA will not take final action in this proceeding prior to 30 days after issuance of this notice.