Date of Notice: November 18, 2016  
Public Notice Number: PN2016 - 0009  
Comment Period: November 21, 2016 – December 20, 2016  

Action: Notice of Proposed Assessment of Class II Clean Water Act Section 309(g)(2)(B) Administrative Penalties and Opportunity to Comment  

Under Section 309(g) of the Clean Water Act, 33 U.S.C. §§ 1319(g), 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 Clean Water Act may be administratively assessed a civil penalty of up to twenty thousand six hundred twenty-eight dollars ($20,628) per day per violation for each day during which the violation continued, up to a maximum of two hundred fifty-seven thousand eight hundred forty-eight dollars ($257,848). 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 public notice.  

Pursuant to Section 309(g), EPA is providing public notice of the following proposed administrative penalty assessment:
In the Matter of: J.F. White Contracting Co. and Massachusetts Department of Transportation CWA-01-2017-0009

Name and Mailing Address of Respondents:

J.F. White Contracting Company
10 Burr St.
Framingham, Massachusetts 01701

Massachusetts Department of Transportation
10 Park Plaza, Suite 4160
Boston, Massachusetts 02116

Name and Address of Facility or Site Addressed by Consent Agreement and Final Order:

Deerfield River and Stillwater Road and Lower Road bridges construction project located along Interstate-91 in Deerfield, Massachusetts.

Description of Business or Activity Conducted by the Respondents:

Construction

Description of Violation Alleged in Complaint: Discharged stormwater not in compliance with the terms and conditions of the federal Construction General Permit

Proposed Penalty: Penalty of $21,600

Name of Case: In the Matter of: J.F. White Contracting Company and Massachusetts Department of Transportation

Docket Number: CWA-01-2017-0009

Date Filed with Regional Hearing Clerk: N/A

Name, Mailing Address, and Telephone Number of Regional Hearing Clerk: Wanda Santiago, Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 1, 5 Post Office Square, Suite 100, Mail Code ORA18-1, Boston, MA 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, Suite 100, Boston,
Massachusetts, and the file will be open for public inspection during normal business hours.

Because this matter involves CWA Section 309(g) proceedings that are proposed to be
simultaneously commenced and settled under 40 C.F.R. § 22.13(b), this matter will not be
resolved or settled until 10 days after the close of the public comment period in accordance with
40 C.F.R. §§ 22.45(b) and (c).