

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

PUBLIC NOTICE: 2023 – 5

NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENTS AND OPPORTUNITY TO COMMENT

AGENCY: United States Environmental Protection Agency (EPA)
Region 2
290 Broadway
New York, NY 10007

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 (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).

Administrative civil penalty 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 administrative penalty action or participate in an administrative penalty proceeding, and the procedures by which Respondent may request a Hearing, are set forth in the Consolidated Rules. The deadline for submitting public comment on this administrative civil penalty proceeding is thirty (30) days after issuance of this Public Notice.

On January 19, 2023, EPA commenced the following administrative action for the assessment of administrative civil penalties: In the matter of Vireo Health of New York, 256 County Route 117, Johnstown, New York, Docket No.CWA-02-2023-3304 with a proposed penalty of **\$2,400** for violations of the Clean Water Act associated with failure to comply with a SPDES General Permit for Storm Water Discharges from Construction Activities (NYR11I517) at the Vireo Health of New York Construction Site at 256 County Route 117, Johnstown, New York.

FOR FURTHER INFORMATION: Persons wishing to receive a copy of EPA's Consolidated Rules, review the Expedited Settlement Agreement or other documents filed in these proceedings, comment upon the proposed assessments, or otherwise participate in any of the proceedings, should contact Daniel Asselin, Environmental Engineer at (212) 637-4262, Asselin.daniel@epa.gov and Karen Maples, EPA Region 2, Regional Hearing Clerk, Maples.Karen@epa.gov on any written correspondence about this matter. 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 no final action in this proceeding prior to thirty (30) days after issuance of this Notice.

Dated: January 25, 2023

**Dore LaPosta, Division Director
Enforcement and Compliance Assurance Division**

