

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

Date of Notice: 7/17/2025

Public Notice Number: PN2025-000014

Comment Period: 7/17/2025 to 8/18/2025

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

Under Sections 309(g) of the Clean Water Act, 33 U.S.C. §§ 1319(g) EPA is authorized to assess civil penalties after providing the person subject to the penalties notice of the proposed penalties 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 \$27,378 per day per violation for each day during which the violation continued, up to a maximum penalty of \$342,218. Proceedings are conducted in accordance with the “Consolidated Rules Governing the Administrative Assessment of Civil Penalties and the Revocation 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 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:

Name of Case:

In the Matter of: E.L. Harvey & Sons, Inc. et al.

Name and Mailing Address of Respondents:

E.L. Harvey & Sons, Inc.
3 Waterway Square Place
Suite 110
The Woodlands, Texas 77380

Trojan Recycling, Inc.
3 Waterway Square Place
Suite 110
The Woodlands, Texas 77380

Nauset Disposal Holdings, Inc.
3 Waterway Square Place
Suite 110
The Woodlands, Texas 77380

Arrowhead Environmental Partners, LLC
3 Waterway Square Place
Suite 110
The Woodlands, Texas 77380

Name and Address of Facilities or Sites Addressed by Agreement:

New Bedford Transfer Station
1245 Shawmut Avenue
New Bedford, Massachusetts 02746

New Bedford Garage
994-998 Nash Road & 1136 Shawmut Avenue
New Bedford, Massachusetts 02746

Zero Waste
48-50 Cranberry Highway
Rochester, Massachusetts 02576

Trojan Recycling, Inc.
71 Forest Street

Brockton, Massachusetts 02302

Nauset Disposal
22 Cantor Court
Plymouth, Massachusetts 02360

Nauset Disposal
61 Commonwealth Avenue
South Yarmouth, Massachusetts 02664

Ayer Transload Facility
98 Berkshire Boulevard
Ayer, Massachusetts 01432

Description of Businesses or Activities Conducted by Respondents:

E.L. Harvey & Sons, Inc., Trojan Recycling, Inc., Nauset Disposal Holdings, Inc., and Arrowhead Environmental Partners LLC are companies that conduct waste and recycling processing activities and also conduct vehicle maintenance at some of their sites.

Description of Violations Alleged in Agreement:

Discharges of stormwater without authorization under the National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activity at the seven sites listed above.

Proposed Settlement Penalty:

\$170,000

Docket Number:

CWA-01-2025-0032

Date Filed with Regional Hearing Clerk:

N/A

Name, Mailing Address, and Telephone Number of Regional Hearing Clerk:

Wanda I. Santiago
Regional Hearing Clerk
U.S. EPA, Region 1
5 Post Office Square – Suite 100
Mail Code: 4-MO
Boston, Massachusetts 02109-3912

(617) 918-1113

R1_Hearing_Clerk_Filings@epa.gov or santiago.wanda@epa.gov

We strongly encourage you to contact the Regional Hearing Clerk using either email address provided above or by calling her at (617) 918-1113. Please reference Docket No. CWA01-2025-0032 in any comments submitted.

FOR FURTHER INFORMATION: Copies of Part 22 can be found at:

<https://ecfr.io/Title-40/Part-22>. Persons wishing to receive a copy of Part 22, review the proposed agreement 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.

Because this matter involves CWA Sections 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).