

PUBLIC NOTICE: 2023-12

NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT 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 Assessment 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 C.F.R. 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 a 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 March 7, 2023 EPA commenced the following administrative action for the assessment of administrative civil penalties: In the matter of Robert Mente, Docket No. CWA-02-2023-3601 with a proposed penalty of **\$2,700** for violations of the Clean Water Act associated with failure to obtain a Section 404 permit from the Secretary of the Army to permit discharge of fill material into waters of the United States at Mr. Mente's property at 6351 State Route 13, Cayuta, New York.

FOR FURTHER INFORMATION: Persons wishing to receive a copy of EPA's Consolidated Rules or review documents filed in these proceedings, comment upon the proposed assessments, or otherwise participate in any of the proceedings, should contact Austin Jepsky, Life Scientist at (212) 637-3795, EPA Region 2, 290 Broadway, 24th Floor, New York, New York 10007 (Jepsky.Austin@epa.gov, and also send to the Regional Hearing Clerk, Karen Maples, EPA Region 2, 290 Broadway, 17th Floor, New York, New York 10007 (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, upon request, 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.

Dated: March 15, 2023 **Dore LaPosta, Director**
Division of Enforcement and Compliance Assistance