

Public Notice: 2024-16

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 ("CROP"), 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 CROP. The deadline for submitting public comment on this administrative civil penalty proceeding is thirty (30) days after issuance of this Public Notice.

On 6/26/2024 EPA commenced the following administrative action for the assessment of administrative civil penalties: In the matter of Chester 41 AMD LLC, 41 Alta Mira Drive, Chester, New York, 10918, Docket No. CWA-02-2024-3315, with a proposed penalty of **\$20,400** for violations of the Act associated with discharging stormwater associated with construction activity to a Water of the United States at the site located at 41 Alta Mira Drive, Chester, New York without coverage under a SPDES General Permit or other authorization.

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.

FOR FURTHER INFORMATION: Persons wishing to receive a copy of the CROP, review the Expedited Settlement Agreement, comment upon the proposed assessments, or otherwise participate in any of the proceedings, should contact Nicholas Ferreira, Water Compliance Branch, EPA Region 2, 290 Broadway, 21st Floor, New York, New York 10007 at Ferreira.Nicholas.K@epa.gov or (212) 637-4248. 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.

Dated: June 28, 2024

**Kate Anderson, Director
Enforcement and Compliance Assurance Division**