

**PUBLIC NOTICE: 2016-18**

**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 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, 2016, EPA commenced the following administrative action for the assessment of administrative civil penalties: In the matter of MYM Management Corp., PO Box 2527, Monroe, PR 10950, Docket No. CWA-02-2016-3311 with a proposed penalty of **\$15,000** for failure to obtain a State Pollution Discharge Elimination System General Permit for Storm Water Discharges from Construction Activity for its 1.25 acre site located at or about 4 Druhbich Way, Kiryas Joel, New York 10950 as required by the storm water regulations.

**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 Justine Modigliani, P.E., Chief, Compliance Section at (212) 637-4268, EPA Region 2, 290 Broadway, 20<sup>th</sup> Floor, New York, New York 10007 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: March 11, 2016**

**Dore Laposta, Director  
Division of Enforcement and Compliance Assistance**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2**

**DATE:**

**SUBJECT:** MYM Management Corp., (Druhbich Way) Docket No. CWA-02-2016-3311

**FROM:** Douglas McKenna, Chief, Water Compliance Branch

**TO:** Dore LaPosta, Division Director, DECA

Attached is the Expedited Settlement Package for the above referenced case. In order to complete the ESO process, you must sign the attached letter to the respondent which transmits the ESO and gives them the opportunity to accept the proposed penalty.

Letter with proposed ESO sent to respondent \_\_\_\_\_ Date: \_\_\_\_\_  
Dore LaPosta

Within 30 days of the respondent receiving your proposal, they must return the ESO document signed and dated in the "Approved by Respondent" section. Upon receipt of the respondent's acceptance of the ESO, the ESO Agreement will then be returned to you for your signature in the "Approved by EPA" section of the ESO Agreement.

Approval by EPA \_\_\_\_\_ Date: \_\_\_\_\_  
Dore LaPosta

Upon your signature, the ESO will be noticed in accordance with the current requirements for public notification for a period of 30 days.

Date of Public Notice: \_\_\_\_\_

Ten (10) days after the close of the thirty (30) day public comment period, the ESO will be returned to you for your final approval in the "It is so Ordered" Section of the ESO Agreement along with a transmittal letter for your signature. The finalized ESO will then be returned to the respondent who will then submit payment in accordance to the agreement and provide copies of the payment and ESO to EPA for inclusion into the file. In addition, this memo will also be placed in the file as documentation that all procedures were followed:

ESO so Ordered and Transmittal Letter signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Dore LaPosta

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**Article Number: 7015 3010 0001 6837 6657**

Mr. Myer Indig  
MYM Management Corp.  
PO Box 2527  
Monroe, New York 10950

**RE: Final Expedited Settlement Agreement/Consent Agreement and Final Order**  
Druhlich Way (Druhlich Gardens), Kiryas Joel, New York  
Docket No. CWA-02-2016-3311  
NPDES Permit No. NYU004043

Dear Mr. Indig:

Enclosed is a copy of the signed Expedited Settlement Offer ("ESO") Agreement entered into as part of the Consent Agreement and Final Order ("CAFO").

As you agreed to in this Expedited Storm Water Settlement Agreement, you must pay the settlement penalty amount (\$15,000) within ten (10) days from the date of receipt of this letter, which contains the agreement which has been "So Ordered" and is effective. You must send your payment and a copy of the Agreement, via certified mail, to:

Regional Hearing Clerk  
U.S. EPA, Region 2  
In the Matter of: Druhlich Way Construction Site  
Docket No. CWA-02-2016-3311  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

The payment for the penalty amount must be in the form of a bank, cashiers or certified check payable to the "Treasurer, United States of America" with EPA and the Docket Number of the Expedited Settlement Agreement written on the check.

A copy of the check payment of the penalty amount must also be sent via certified mail, express mail or equivalent to Chief, Compliance Section, Water Compliance Branch, 290 Broadway, 20<sup>th</sup> Floor, New York, NY 10007 for our records.

Please note that once full payment is made this settles all civil penalties claims against you only for the Clean Water Act violations described in the Expedited Settlement Offer and/or CAFO. If you have any questions concerning the above, please contact Mrs. Justine Modigliani, Chief, Compliance Section at (212) 637-4268.

Sincerely,

Dore LaPosta, Director  
Division of Enforcement and Compliance Assistance

Enclosure

cc: Joseph DiMura, P.E., Director, Bureau of Water Compliance Programs, NYSDEC

bcc: Murray Lantner, DECA-WCB (w/enclosure)  
Justine Modigliani, DECA-WCB (w/enclosure)  
John Ciorciari, OPM-FMB (w/enclosure)  
Barbara McGarry, DECA-CAPS (w/enclosure)  
Karen Maples, Regional Hearing Clerk (w/enclosure)  
Blake Edwards, EPA Cincinnati Finance Center (w/enclosure)

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Orders\Druhlich Way\_Kiryas Joel\_2016-3311\Druhlich Way\_ESO.docx

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 2**

**IN THE MATTER OF:**

MYM Management Corp.  
PO Box 2527  
Monroe, New York 10950

NPDES Tracking No. NYU004043

Respondent

Proceeding to Assess Civil Penalty  
Pursuant to Section § 309 (g) of the  
Clean Water Act, 33 U.S.C. § 1319 (g)

Docket No. CWA-02-2016-3311

**CERTIFICATE OF SERVICE**

I certify that, on the date noted below, I caused to be mailed a copy of this “CONSENT AGREEMENT AND FINAL ORDER” to the following person at the address listed below:

Myer Indig  
MYM Management Corp.  
PO Box 2527  
Monroe, New York 10950

I [hand carried/mailed] the original and a copy of this “CONSENT AGREEMENT AND FINAL ORDER” to the following person at the address listed below:

U.S. Environmental Protection Agency  
Regional Hearing Clerk  
290 Broadway, 16<sup>th</sup> Floor  
New York, N.Y. 10007-1866

Date: \_\_\_\_\_  
New York, New York

\_\_\_\_\_  
[Signature of Sender]