

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1**

**Date of Notice:** November 18, 2016

**Public Notice Number:** PN2016 - 0009

**Comment Period:** November 21, 2016 – December 20, 2016

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

Under Section 309(g) of the Clean Water Act, 33 U.S.C. §§ 1319(g), EPA is authorized to assess a civil penalty after providing the person subject to the penalty notice of the proposed penalty 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 twenty thousand six hundred twenty-eight dollars (\$20,628) per day per violation for each day during which the violation continued, up to a maximum of two hundred fifty-seven thousand eight hundred forty-eight dollars (\$257,848). Proceedings are conducted in accordance with the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits,” found 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:

**In the Matter of: J.F. White Contracting Co. and Massachusetts Department of Transportation CWA-01-2017-0009**

**Name and Mailing Address of Respondents:**

J.F. White Contracting Company  
10 Burr St.  
Framingham, Massachusetts 01701

Massachusetts Department of  
Transportation  
10 Park Plaza, Suite 4160  
Boston, Massachusetts 02116

**Name and Address of Facility or Site Addressed by Consent Agreement and Final Order:**

Deerfield River and Stillwater Road and Lower Road bridges construction project located along Interstate-91 in Deerfield, Massachusetts.

**Description of Business or Activity Conducted by the Respondents:**

Construction

**Description of Violation Alleged in Complaint:** Discharged stormwater not in compliance with the terms and conditions of the federal Construction General Permit

**Proposed Penalty:** Penalty of \$21,600

**Name of Case:** In the Matter of: J.F. White Contracting Company and Massachusetts Department of Transportation

**Docket Number:** CWA-01-2017-0009

**Date Filed with Regional Hearing Clerk:** N/A

**Name, Mailing Address, and Telephone Number of Regional Hearing Clerk:** Wanda Santiago, Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 1, 5 Post Office Square, Suite 100, Mail Code ORA18-1, Boston, MA 02109-3912; (617) 918-1113.

FOR FURTHER INFORMATION: Persons wishing to receive a copy of Part 22, review the complaint 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. Unless otherwise noted, the public record for the proceeding is located in the EPA Regional Office at 5 Post Office Square, Suite 100, Boston, Massachusetts, and the file will be open for public inspection during normal business hours.

Because this matter involves CWA Section 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).