

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

Date of Notice: May 18, 2018

Public Notice Number: PN2018-0003

Comment Period: May 21, 2018 – June 19, 2018

Action: Notice of Proposed Assessment of Class II Civil Penalty and Notice of Opportunity for a Hearing under Sections 309(g) of the Clean Water Act (CWA)

Under Section 309(g) of the CWA, 33 U.S.C. §§ 1319(g), the United States Environmental Protection Agency (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 CWA may be administratively assessed a civil penalty of up to \$21,393 per day per violation for each day during which the violation continued. Proceedings are conducted in accordance with the “Consolidated Rules of Practice 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 the public notice.

Pursuant to CWA, Sections 309(g), EPA is providing public notice of the following proposed administrative penalty assessment:

Name of Case: In the Matter of Bath Iron Works

Name and Mailing Address of Respondent:

Bath Iron Works
700 Washington St.
Bath, ME 04530

Name and Address of Facility or Site Addressed by Agreement:

Bath Iron Works
700 Washington St.
Bath, ME 04530

Description of Business or Activity Conducted by Respondent:

Respondent owns and operates a shipyard that builds navy ships.

Description of Violation(s) Alleged in Agreement:

EPA alleges that Respondent: (1) failed to comply with specific stormwater pollution prevention requirements in its NPDES permit in violation of Section 301(a) of the CWA and 40 C.F.R. Part 122, (2) discharged industrial process wastewater associated with vehicle pressure washing into the Kennebec River without authorization under its NPDES permit, in violation of Section 301(a) of the CWA; and (3) failed to timely file Toxic Release Inventory forms for 2013, 2014, and 2015 for chromium, copper, manganese, and nickel in violation of Section 313 of EPCRA and 40 C.F.R. § 372.65

Proposed Settlement Penalty: \$355,000 for CWA and EPCRA violations

Docket Number: CWA-01-2018-0033; EPCRA-01-2018-0034

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: ORA 04-6
Boston, Massachusetts 02109-3912
(617) 918-1113

FOR FURTHER INFORMATION: 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. Unless otherwise noted, the public record for the proceeding is located in the EPA Regional Office at 5 Post Office Square, Boston, Massachusetts, and the file will be open for public inspection during normal business hours.

Because this matter involves a CWA, Section 309(g) proceeding that is proposed to be simultaneously commenced and settled under 40 C.F.R. § 22.13(b), this matter will not be resolved or settled until ten (10) days after the close of the public comment period in accordance with 40 C.F.R. § 22.45(b) and (c).