

**NOTICE OF INTENT TO FILE CONSENT AGREEMENT AND FINAL ORDER ASSESSING  
ADMINISTRATIVE PENALTY AND OPPORTUNITY FOR PUBLIC COMMENT  
U.S. Environmental Protection Agency - Region III  
Enforcement and Compliance Assurance Division, Oil and Prevention Enforcement Section (3ED12)  
1650 Arch Street, Philadelphia, Pennsylvania 19103**

**Name of Respondent and Docket Number: Midland Asphalt Materials, Inc., CWA-03-2019-0128**

**Title of Notice: Proposed penalty of \$48,803.00 against Midland Asphalt Materials, Inc.**

**Public Comments will be accepted until September 17, 2019**

**NOTICE:** The U.S. Environmental Protection Agency (EPA) Region III today offers for public comment the issuance of a proposed penalty of \$48,803.00 against Midland Asphalt Materials, Inc. (Respondent). The proposed penalty is for violations of Section 311(j) of the Clean Water Act, 33 U.S.C. § 1321(j), and its implementing regulations at 40 C.F.R. Part 112, Oil Pollution Prevention regulations, for Respondent's facility located at 88 Barrett Road, Woodland, Pennsylvania 16830. The public comment period will be open from August 8, 2019 to September 17, 2019.

**DESCRIPTION:** The U.S. Environmental Protection Agency (EPA), Region III, is hereby giving notice that it proposes to enter into a Consent Agreement and Final Order ("CAFO"), which commences and concludes an administrative action against Midland Asphalt Materials, Inc., 640 Young Street, Tonawanda, New York 14151. The CAFO assesses an administrative penalty of forty-eight thousand eight hundred and three dollars (\$48,803.00) under Section 311(b)(6)(B)(ii) of the Clean Water Act, 33 U.S.C. § 1321(b)(6)(B)(ii), for alleged violations of Section 311(j) of the Clean Water Act. EPA alleges that Midland Asphalt Materials, Inc. violated certain provisions of the regulations pertaining to the Spill Prevention, Control and Countermeasures requirements found at 40 C.F.R. Part 112. The \$48,803.00 cash penalty is in accordance with EPA's Civil Penalty Policy for Section 311(b)(3) and Section 311(j) of the Clean Water Act (August 1998).

**OPPORTUNITY FOR COMMENT:** Persons wishing to comment on the amount or basis of the proposed penalty are invited to submit a statement to the EPA Regional Administrator, attention of the Regional Hearing Clerk (address below), within forty (40) days of the date of this public notice. All comments received within this forty-day period will be considered in the formulation of the final order. All comments must include the name, address, and telephone number of the author and concise statement of the basis for any comment and any relevant facts on which it is based. All comments should be addressed to:

Regional Hearing Clerk (3RC00)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103

**AVAILABILITY OF INFORMATION:** Information relevant to the proposed penalty assessment may be requested through the Regional Hearing Clerk identified above.

**FOR ADDITIONAL INFORMATION:** Contact the following EPA representatives to learn more about this action.

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