

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

Date of Notice: January 13, 2021

Public Notice Number: PN2021-0005

Comment Period: 1/13/2021 to 2/12/2021

Action: Notice of Proposed Assessment of Class I Clean Water Act Section 309(g)(2)(A) 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 I proceedings under Section 309(g)(2)(A), any person who violates certain provisions of the Clean Water Act may be administratively assessed a civil penalty of up to \$22,320 per day per violation for each day during which the violation continued, up to a maximum penalty of \$55,800. 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 thirty (30) days after issuance of public notice.

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

Name of Case: *In the Matter of: Dat Tieu Enterprise LLC*

Name and Mailing Address of Respondent:

Dat Tieu Enterprise LLC
c/o Law Offices of Vy H. Truong, P.C.,
985 Dorchester Ave.
Dorchester, MA 02125
lawyertruong@lawyertruong.com

Name and Address of Facility or Site Addressed by Agreement:

Woodland Park Development
Heritage Court
Brockton, MA

Description of Business or Activity Conducted by Respondent:

Respondent is a residential home developer. Woodland Park is a residential development under construction in Brockton, MA.

Description of Violation(s) Alleged in Agreement:

Respondent conducted earth-disturbing activities (residential home development) at the Woodland Park site, without obtaining permit coverage under EPA's General Construction Permit.

Proposed Settlement Penalty: \$3,000

Docket Number: CWA-01-2021-0022

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

FOR FURTHER INFORMATION: Copies of Part 22 can be found at:

<https://ecfr.io/Title-40/Part-22>. 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. Due to COVID-19, documents in the public record for the proceeding will be provided electronically upon request.

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).