

**PUNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

Date of Notice: April 19, 2019

Public Notice Number: PN2019-0003

Comment Period: April 22, 2019 – May 21, 2019

Action: Notice of Proposed Assessment of Class II Civil Penalty under Section 309(g)(2)(B) of the Clean Water Act and Opportunity to Comment

Under Section 309(g) of the Clean Water Act (“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 \$21,933 per day per violation for each day during which the violation continued, up to a maximum of \$274,159. 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 the public notice.

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

Name of Case: In the Matter of Fafard Real Estate and Development, Corp., et al.

Name and Mailing Address of Respondents:

Fafard Real Estate and Development Corp.
Uxbridge Multi Family Realty, LLC
Bellingham Residential Realty, LLC
Longview Realty Trust
120 Quarry Drive
Milford, MA 17517

Name and Address of Facilities or Sites Addressed by Agreement:

Maplewood Commons Development Site
Old Bridge Lane
Bellingham, MA

Ledgemere Development Site
Crowninshield Road
Uxbridge, MA

Lakeview Estates Development Site
Candlelight Lane
Bellingham, Massachusetts

Description of Business or Activity Conducted by Respondents:

The Respondents perform real estate construction and development work.

Description of Violation(s) Alleged in Agreement:

EPA alleges that at the three development sites, one or more of Respondents failed to comply with the terms and conditions of its 2017 National Pollutant Discharge Elimination System (“NPDES”) General Permit for Storm Water Discharges from Construction Activities (“CGP”). EPA alleges nine violations of the CGP at the three sites collectively.

Proposed Penalty: EPA proposes a cash penalty of up to \$21,933 per day for each violation, up to a maximum penalty of \$274,159.

Docket Number: CWA-01-2019-0017

Date Filed with Regional Hearing Clerk: March 14, 2019

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: ORC 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.