

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

Date of Notice: 8/3/2022

Public Notice Number: PN2022-00012

Comment Period: 8/3/2022 to 9/2/2022

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 \$23,989 per day per violation for each day during which the violation continued, up to a maximum penalty of \$299,857. 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: Weaver's Cove Industrial Park, LLC*

Name and Mailing Address of Respondent:

Weaver's Cover Industrial Park, LLC
Attn: Richard A. Nylan, Jr., Esquire
Lynch, DeSimone & Nylan, LLP
10 Post Office Square, Suite 970N
Boston, MA 02109
Email: Rnylen@ldnllp.com

Name and Address of Facility or Site Addressed by Agreement:

Weaver's Cove Industrial Park, LLC
One New Street
Fall River, MA 02720

Description of Business or Activity Conducted by Respondent:

Respondent is the owner of approximately 50 acres of land on the banks of the Taunton River in Fall River, Massachusetts. From the 1920s until the late 1990s the property was used for bulk fuel storage operations. Since the transfer of the facility to the Respondent in 2016, other than ground water remediation activities conducted by Shell Oil and deconstruction of three storage tanks, there have not been active operations at the facility.

Description of Violation(s) Alleged in Agreement:

The penalty action resulted from Respondent's alleged failure to comply with conditions of a permit issued pursuant to Section 402, 33 U.S.C. § 1342 of the Clean Water Act. These violations include failure to sample; late submittal of Discharge Monitoring Reports ("DMRs"); failure to maintain oil/water separator; failure to update its Stormwater Pollution Prevention Plan ("SWPPP"); failure to make its SWPPP available; and failure to conduct inspections.

Proposed Settlement Penalty: \$47,500

Docket Number: CWA-01-2022-0015

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: ORC 04-6
Boston, MA 02109-3912
(617) 918-1113
R1_Hearing_Clerk_Filings@epa.gov or Santiago.Wanda@epa.gov

We strongly encourage you to contact the Regional Hearing Clerk using either email address provided above or by calling her at (617) 918-1113. Please reference Docket No. CWA-01-2022-0015 in any comments submitted.

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).