

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1**

**Date of Notice: 2/20/2025**

**Public Notice Number: PN2025-000008**

**Comment Period: 2/21/2025 thru 3/31/2025**

**Action:** Notice of Proposed Assessment of Class II Civil Penalty and Notice of Opportunity for a Hearing under Section 311(b)(6)(B)(ii) of the Clean Water Act (CWA)

Under Section 311(b)(6) of the CWA, 33 U.S.C. §1321(b)(6) 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 311(b)(6)(B)(ii), any person who violates certain provisions of the CWA may be assessed an administrative civil penalty of up to \$23,647 per day per violation for each day during which the violation continued, up to a maximum of \$295,564. 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 Section 311(b)(6), EPA is providing public notice of the following proposed administrative penalty assessment:

**Name of Case:** *In the Matter of: P.S. Marston Associates, LLC*

**Name and Mailing Address of Respondent:**

P.S. Marston Associates, LLC  
38B South Road  
North Hampton, NH 03862

**Name and Address of Facility or Site Addressed by Agreement:**

P.S. Marston Associates, LLC  
38B South Road  
North Hampton, NH 03862

**Description of Business or Activity Conducted by Respondent:**

P.S. Marston Associates, LLC (“P.S. Marston”) is a trucking company headquartered in North Hampton, New Hampshire.

**Description of Violation(s) Alleged in Agreement:**

EPA alleges that Respondent discharged biodiesel from its tanker truck in violation of Section 311(b)(3) of the Clean Water Act, 33 U.S.C. § 1321(b)(3).

**Proposed Settlement Penalty:**

\$49,528

**Docket Number:**

CWA-01-2025-0016

**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: 4-MO  
Boston, Massachusetts 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-01-2025-0016 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. Documents in the public record for the proceeding will be provided electronically upon request.

Because this matter involves a CWA Section 311(b)(6)(B)(ii) 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).