

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1**

Date of Notice: December 21, 2018

Public Notice Number: PN2018-0011

Comment Period: December 26, 2018 – January 24, 2019

Action: Notice of Proposed Assessment of Class I Clean Water Act Section 309(g)(2)(A) Administrative Penalty and Opportunity to Comment

Under Section 309(g)(2)(A) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g)(2)(A), EPA is authorized to assess a civil penalty after providing the person subject to the penalty with notice of the proposed penalty and the opportunity for a hearing, and after providing interested persons with public notice of the proposed penalty and a reasonable opportunity to comment on its issuance. Under Section 309(g)(2)(A) of the Act, 33 U.S.C. § 1319(g)(2)(A), EPA has authority to pursue administrative civil penalties for violations of Section 308 of the CWA of up to a maximum of \$25,000. Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 and 40 C.F.R. Part 19, that amount has risen to \$53,484 for violations occurring after November 2, 2015, where penalties are sought after January 15, 2018.

Class I 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,” at 40 C.F.R. Part 22 (“Part 22”).

The procedures by which the public may submit written comments on a proposed Class I penalty order or participate in a Class I penalty proceeding are set forth in Part 22. The deadline for submitting public comment on a proposed Class I penalty order is 30 days after issuance of public notice.

Pursuant to Section 309(g)(2)(A), EPA is providing public notice of the following proposed Class I administrative penalty assessment:

Name and Mailing Address of Respondent: The Middlesex School, 1400 Lowell Road, Concord, Massachusetts.

Name and Address of Facility or Site Addressed by Complaint: The Middlesex School, 1400 Lowell Road, Concord, Massachusetts.

Description of Business or Activity Conducted by the Respondent: Operation of wastewater treatment facility.

Description of Violations alleged in Complaint subject to public comment: The Middlesex School owns and operates a wastewater treatment facility subject to an EPA-issued NPDES permit that includes effluent limits for copper, aluminum, BOD, seasonal phosphorus and ammonia nitrogen. Based on the school's violations of certain limits, EPA issued an administrative order requiring the school to submit an engineering evaluation to identify sources of copper in its wastewater, opportunities for source reduction, possible operational modifications of its treatment plant to reduce the quantity of copper, aluminum and phosphorus discharged, and if necessary additional treatment processes to achieve compliance with its permit limits along with a compliance schedule. The School failed to submit this information which is a violation of Section 308 of the CWA, 33 U.S.C. § 1318.

Proposed penalty: The school has agreed to pay a \$5,000 penalty for its failure to submit the required information. EPA has issued a separate administrative order establishing a new schedule of the required information.

Name of case: In the Matter of Middlesex School, Concord, Massachusetts

Docket number: CWA-01-2019-0002

Name, Mailing Address, and Telephone Number of Regional Hearing Clerk: Wanda Santiago, U.S. EPA, Region 1, 5 Post Office Square, Suite 100 (ORA18-1), Boston, Massachusetts 02109-3912; (617) 918-1113.

FOR FURTHER INFORMATION: Persons wishing to receive a copy of Part 22, review the complaint 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.